



## PROCESSING ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) FREQUENTLY ASKED QUESTIONS (FAQs)

This resource provides generalized guidance on processing applications for Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”) within the City of Laguna Beach.

ADUs and JADUs are independent and semi-independent dwelling units with complete or partial provisions for sleeping, cooking, and sanitation. ADUs and JADUs are allowed on properties with existing or proposed single-family dwellings; in addition, while JADUs are only allowed as part of a single-family dwelling, ADUs are also allowed on lots that are developed with a duplex or multi-family units.

The California Legislature requires local jurisdictions to ministerially approve ADUs and JADUs, with the exception that the processing of ADUs and JADUs must still comply with the California Coastal Act (“Coastal Act”).<sup>1</sup> The California Coastal Commission—which is the State agency created by the Coastal Act as the body responsible for regulating and planning the use of land and water in the Coastal Zone (*i.e.*, the legislatively-defined geographic region subject to the Coastal Act)—has required California’s coastal cities to process ADUs in accordance with a local jurisdiction’s certified local coastal program, including requiring the issuance of Coastal Development Permits (“CDPs”) for certain types of ADUs.<sup>2</sup>

Accordingly, the [City of Laguna Beach ADU Ordinance](#) (Laguna Beach Municipal Code (“LBMC”) Chapter 25.17 (“ADU Ordinance”)) and the City’s certified [Local Coastal Program](#) (“LCP”) provide the development standards for ADUs, such as requirements for setbacks, maximum heights, and parking. This means that most ADU applications in Laguna Beach will also need to satisfy the City’s CDP findings—including compliance with applicable provisions of the certified LCP—which are found in a separate chapter of the LBMC entitled [Coastal Development Permits](#). (LBMC Chapter 25.07.)

The below frequently asked questions (“FAQs”) have been prepared to help both applicants and neighbors understand the processing of ADUs and JADUs in Laguna Beach.

### 1. What is an ADU?

An ADU is defined by State law. (See Cal. Gov. Code § 66313.) Under State law, an “accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit.
- (2) A manufactured home, as defined in § 18007 of the Health and Safety Code.

---

<sup>1</sup> The State ADU law expressly states that, “Nothing in this [ADU law] shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act.” (Cal. Gov. Code § 66329.)

<sup>2</sup> The type of ADU requiring a CDP varies by jurisdiction based on their respective certified local coastal program.

## 2. What is a JADU?

A JADU – i.e., a “junior accessory dwelling unit” – is defined by State law (see Cal. Gov. Code § 66313) to mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

## 3. How may an ADU be created?

Ultimately, you will need a building permit to construct an ADU.

For ADUs **not within the Coastal Zone**, your proposed project need only comply with the State’s statutory requirements, the City’s ADU Ordinance (Chapter 25.17), and with applicable building standards (i.e., Building Code). You do not need a CDP, and your ADU project is approved as a matter of right (i.e., no discretionary approval).

If your property is **within the Coastal Zone**, you need a CDP for an ADU before a building permit can be issued. This is because the City’s certified LCP requires a CDP for all ADUs that create new livable space. The only exception to the CDP requirement is where your application seeks to convert *existing livable* (i.e., habitable) space into an ADU. (See LBMC § 25.07.008(A)(1)(a).) After a CDP is approved for an ADU, a building permit will issue as a matter of right (i.e., no discretionary approval).<sup>3</sup>

## 4. How may a JADU be created?

A JADU is exempt from the requirements of a CDP under the City’s certified LCP. (LBMC § 25.07.008(1)(1)(a).) So if your application proposes a JADU, you only need a building permit to construct a JADU and the proposed JADU must only comply with the State’s statutory requirements, the City’s JADU Ordinance (Chapter 25.17), and with applicable building standards (i.e., Building Code).

## 5. Is an ADU (or JADU) application subject to a “shot clock”?

If you have applied for (a) a JADU or (b) an ADU that is either (1) not within the Coastal Zone or (2) only converting existing livable space (i.e., you do not need a CDP), the State ADU law and the City’s ADU Ordinance provide that City staff has 60 days to act on your completed application. This is often referred to as a “shot clock.”

If your application is missing information or inconsistent with the State ADU law, the City’s ADU Ordinance, and/or the City’s certified LCP, staff will notify you and provide information as to next steps.

For ADUs that require a CDP, the CDP for the ADU is subject to a different set of “shot clock” rules that are governed by the Permit Streamlining Act. The Permit Streamlining Act “shot clock” rules are more complex than the ADU “shot clock” rules because of the public hearing and CEQA components of a project requiring a CDP.

## 6. What is the process for obtaining a CDP for an ADU?

The California Coastal Commission has taken the position that a city within the Coastal Zone must comply with the City’s certified LCP in processing ADUs, which are considered “development.”

---

<sup>3</sup> Sometimes, applicants seek other discretionary approvals alongside their ADU (i.e., grading, elevated decks, etc.). In that event, the ADU is still a by-right approval (sometimes requiring a CDP, as noted above) but the other requested entitlements will proceed through the City’s normal discretionary approval process.

Under the City's certified LCP, all development in the Coastal Zone is (i) exempt from the CDP requirements, (ii) otherwise excluded from the CDP requirements, or (iii) requires a CDP. (LBMC § 25.07.004.) In other words, all development in the City's Coastal Zone must satisfy one of those three categories (i.e., exempt; excluded; or subject to a CDP). For those three categories as applied to ADUs, the following rules apply:

- i. Exempt: As noted above, the only ADUs that are subject to a categorical exemption under the City's certified LCP are those ADUs that seek to convert existing livable space. (LBMC § 25.07.008(A)(1)(a).)
- ii. Excluded: As determined by the Coastal Commission, no ADUs are subject to a categorical exclusion under any Coastal Commission-issued exclusionary order (e.g., Exclusionary Order E-93-1).
- iii. Subject to a CDP: Given the limitations of the above two categories, generally ADUs in the Coastal Zone require a CDP in accordance with the notice and appeal procedures in Chapter 25.07 (Coastal Development Permits). Depending on the proposed project, the ADU may qualify as (a) de minimis development, (b) minor development, or (c) standard development. There are different rules for processing each of these types of development, as set forth in Chapter 25.07 of the LBMC, and they each require noticing (as discussed in FAQ No. 7, below). Below is a brief general summary of each of the three types of development requiring a CDP:
  - a. De Minimis Development: De minimis development allows the Community Development Director to waive the CDP requirements in limited circumstances. This process cannot be used in numerous situations, including but not limited to: (1) in the Coastal Commission appealable area; (2) in the Coastal Commission's original permitting jurisdiction; (3) when there is a potential for the ADU to create any adverse effect (individually or cumulatively) on coastal resources; (4) when there are questions of conformity with the certified LCP; (5) when there is known public opposition or probable public controversy; or (6) when there are alleged or outstanding violations of the LCP on the project site.
  - b. Minor Development: Minor development allows the Community Development Director to waive the public hearing requirement for a CDP in limited circumstances. This process cannot be used in certain situations, including but not limited to when: (1) there is a potential for the ADU to create any adverse effect (individually or cumulatively) on coastal resources; (2) there are questions of conformity with the certified LCP; or (3) the ADU is accompanied by an additional entitlement requiring discretionary approval other than a CDP. The Community Development Director must give notice of the proposed waiver of the public hearing, and in the event of objection, a public hearing will be held.
  - c. Standard Development: A CDP for standard development is required when de minimis and minor development processes cannot be used. This process requires a public hearing before the Community Development Director or designee.

## **7. Will I receive a mailed notice if my neighbor proposes to build an ADU or JADU?**

Maybe. For (a) JADUs and (b) ADUs that either are (1) not within the Coastal Zone or (2) only converting existing livable space, no CDP is needed. As a result, there is no potential process for a public hearing and therefore there is nothing for which to give notice, consistent with State law. Neighbors of these types of projects will not receive notice of the ministerially-approved ADU.

For all other ADUs, yes. But only for the CDP. As noted above, the rules vary for the different types of ADU development requiring a CDP. In short, the rules for notice, the opportunity for comment, and hearings are generally summarized as follows:

- a. De minimis development: Mailed notice will be provided to all property owners within 300 feet and to residents within 100 feet. This notice provides an opportunity for public comment to be provided to the Community Development Director for consideration of whether the CDP waiver is appropriate. In considering whether to rely on a de minimis waiver, the Community Development Director can only consider comments related to conformity with the City's certified LCP; potential adverse impacts on coastal resources; whether there is an outstanding violation of the LCP on the project site; or whether the project is within the appealable or original permitting jurisdiction of the Coastal Commission. Opposition to the ADU itself cannot be considered.

In the event the Community Development Director determines, based on comment received, that the project does not qualify for a de minimis waiver, the project will then be considered standard development for CDP purposes and will proceed through that process. A new notice will be mailed to property owners and residents, consistent with the standard development process.

- b. Minor development: Depending on whether the project is within the appealable area of the Coastal Commission, notice for a minor development CDP will be provided as follows:
- For minor development in the appealable area, mailed notice will be provided to property owners within 100 feet and residents within 100 feet.
  - For minor development in the non-appealable area, mailed notice will be provided to property owners within 300 feet and residents within 100 feet.

This notice provides that the public hearing for the CDP will be waived, unless a member of the public receiving notice timely requests the public hearing to be held. In the event a hearing for the CDP is requested, a new notice will be mailed to property owners, consistent with the minor development noticing rules (set forth above), setting a time, date, and place for the public hearing at which a determination will be made on the CDP by the Community Development Director or designee.

In considering whether to issue a minor development CDP at the public hearing, the Community Development Director or designee can only consider comments related to conformity with the City's certified LCP, potential adverse impacts on coastal resources, or other findings necessary in determining whether to issue the CDP. Opposition to the ADU itself cannot be considered.

- c. Standard development: The noticing requirements provided for minor development (i.e., who receives mailed notice) are the same requirements as provided for standard development. This notice provides a time, date, and place for the public hearing.

As with a minor development CDP, at the public hearing, the Community Development Director or designee can only consider comments related to conformity with the City's certified LCP, potential adverse impacts on coastal resources, or other findings necessary in determining whether to issue the CDP. Opposition to the ADU itself cannot be considered.

## **8. What does "conformity (or consistency) with the certified Local Coastal Program" mean?**

There are provisions in the City's certified LCP that can apply to residential development generally, including ADUs. (See LBMC Chapters 25.10 and 25.50.) For ADUs in the Coastal Zone, the proposed ADU must not cause a violation of applicable provisions in the certified LCP. An ADU requiring a CDP may be approved only after finding, in part, that the ADU project is in conformity (or consistent) with the applicable provisions of the City's certified LCP. (See LBMC § 25.07.012(G).)

## 9. What are impacts to “coastal scenic resources”?

The Coastal Act provides that “scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to *protect views to and along the ocean and scenic coastal areas. . . .*” (Cal. Pub. Res. Code § 30251[italic emphasis added].) Courts construe the protection of views “to and along the ocean and scenic coastal areas” to mean land-based scenic views from *public* parks, trains, roads and vista points, view corridors of beach and ocean from Pacific Coast Highway, view corridors from coastal canyons, and open-space easements. The analysis of impacts to views therefore centers on *public* views (i.e., views from public locations), not on *private* views. **In other words, the City cannot consider the impact on *private* views when evaluating whether to issue a CDP for an ADU and cannot deny a CDP on that basis.**

## 10. How is it determined if an ADU has the potential to impact coastal resources?

City staff reviews the application, researches the vicinity, and visits the project site. Thereafter, the following rules apply for the different types of development requiring a CDP:

- a. For de minimis development, the Community Development Director will not seek to use a de minimis waiver if aware of potential impacts to coastal resources. If the Community Development Director is not aware of such issues and seeks to rely on a de minimis waiver, notice will be provided as discussed in FAQ No. 7. In the event public comments are received in response to such notice, the Community Development Director will determine whether any comments identify facts that prevent the de minimis development process from continuing—including, specifically, impacts to coastal resources.
- b. For minor development, the Community Development Director will not seek to issue a minor development CDP if aware of potential impacts to coastal resources. If the Community Development Director is not aware of such issues and seeks to utilize the minor development CDP process, notice will be provided as discussed in FAQ No. 7. In the event a public hearing is requested pursuant to that notice, the Community Development Director will consider the evidence of any impact to coastal resources at a public hearing.
- c. For standard development, the Community Development Director will consider evidence of any impact to coastal resources at a public hearing.

When a public hearing for a CDP is required, the Community Development Director may require staking of the project in advance of the public hearing to assure the fullest practicable presentation of facts for proper consideration of the matter and for the permanent records.

## 11. What is the current cost for processing a CDP for an ADU?

For de minimis development, the application fee is \$125.

For minor development, the cost is \$952.

For standard development, the cost is \$952.