



## 2.1 LAND USE & DEVELOPMENT

PHOTO: SANTA BARBARA COASTLINE

### **Coastal Act policies related to Land Use & Development that are relevant to Santa Barbara include the following:**

**Section 30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

**Section 30220.** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**Section 30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

**Section 30222.** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

**Section 30222.5.** Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

**Section 30223.** Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Section 30250.** (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

**Section 30252.** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

**Section 30253.** New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

**Section 30254.** New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

**Section 30255.** Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

## INTRODUCTION

The Coastal Act provides that all new development be located in or near existing developed areas and where adequate public services and facilities exist. The Coastal Act also requires that public access, recreation, aquaculture, coastal-dependent, and coastal-related uses be prioritized on oceanfront lands that are suitable to those purposes. Visitor-serving and recreational uses, particularly lower cost ones, shall also be protected and encouraged.

This chapter outlines how land uses have been designated and development is reviewed to achieve the policies of the Coastal Act. Visitor-serving and recreational resources are further discussed in Chapter 3.2 *Visitor-Serving & Recreation Facilities*, and coastal-dependent developments, the Harbor, and Stearns Wharf are further discussed in Chapter 2.2 *Coastal-Dependent & Related Development*. Public facilities and services are further discussed in Chapter 6.1 *Public Works & Energy Facilities*.

## SETTING

The City of Santa Barbara's Coastal Zone is unique in that the land and beach on the ocean side of Cabrillo Boulevard/Shoreline Drive from East Beach to the west end of Shoreline Park is publicly owned and used for open space, park land, public access, recreation, and public uses associated with the Harbor and Stearns Wharf. Furthermore, all the beach areas at the base of the coastal bluffs are available as a public resource. The Coastal Zone also provides significant additional park land and open space areas on portions of the coastal bluffs or just inland from the shoreline, like Pershing Park, Chase Palm Park, and La Mesa Park. This clearly demonstrates the City's long-term commitment to coastal access, recreation, and preservation of a balanced use of land and resources.

The Harbor is a full working harbor supporting commercial fishing and recreational boating. The uses at the harbor are limited to coastal-dependent, coastal-related, and visitor-serving facilities. Areas adjacent to the Waterfront are designated Coastal-Oriented Commercial and Coastal-Oriented Industrial, where coastal-dependent and related uses are encouraged. While not common in the City, aquaculture is an industry that can occur within City limits, pursuant to a Coastal Development Permit, in the designated Coastal-Oriented Commercial areas. Hotel and Related Commerce designations near the Waterfront also prioritize visitor-serving, commercial, and recreational uses, as well as hotels, motels, and other overnight accommodations.

The Coastal Zone also includes suburban neighborhoods of single- and multiple-unit dwellings as well as other areas with neighborhood shopping centers, commercial buildings, office buildings, hotels and motels, and restaurants. There are also institutional facilities, a small number of industrial and light manufacturing uses, and facilities critical for functioning of the City (e.g., wastewater treatment plant, desalination plant, water control infrastructure, fire station).

## GROWTH MANAGEMENT & RESOURCE ALLOCATION

The Coastal Land Use Plan (LUP) provides a framework within which development may be accommodated, taking into consideration the protection of coastal resources as well as avoidance or mitigation of hazards. Most of the land in the City's Coastal Zone is either dedicated open space or developed, with very little vacant land remaining. Furthermore, development on the few remaining vacant parcels is often constrained by topography, biological resources, or hazards.

The City has a longstanding commitment to affordable housing. Affordable housing is encouraged through infill development in higher density land use designations. In the Coastal Zone, affordable housing that increases density beyond that established by the underlying land use and zoning is encouraged if found consistent with all applicable policies of the Coastal LUP.

In addition, the people of Santa Barbara affirmed in the early 1980s the importance of sustainability with adoption of "Living Within Our Resources" as a central mission statement in the City's Charter. Nonresidential land use development is paced to the availability of resources and located in areas of the Coastal Zone best able to provide sustainable and efficient transportation, services, and recreation. In the pacing of nonresidential growth, priority is provided for nonresidential "Community Benefit Projects" with broad public benefit that meet a present or projected need directly related to public health, safety, or general welfare.

## DEVELOPMENT REVIEW

Development in the Coastal Zone is reviewed for compliance with the Coastal Act and Local Coastal Program through either an exemption, exclusion, or Coastal Development Permit (CDP) process. The type, location, and legal status of the development determines, in part, the process needed and the policies of the Coastal LUP that are directly applicable to the project. Policies of the Coastal LUP in some cases differentiate development standards for new development versus repair and maintenance, alterations, and additions to existing structures. The policies in this chapter define these terms and also include direction for determining when an existing structure is redeveloped to a degree that is considered "substantial redevelopment" or a replacement structure. Substantial redevelopment is treated the same as new development for the purposes of complying with all the policies and provisions of the Coastal LUP. Policies in this chapter of the Coastal LUP also provide direction for legal nonconforming developments, which are existing lawfully established structures or site developments that conformed to the requirements and laws in effect at the time they were originally established, but which do not comply with all the policies of the current Coastal LUP. CDP applications are subject to the City's discretionary application review process that includes staff review of application plans and materials by Planning, Building & Safety, Creeks, Engineering, Fire,

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Transportation, and Water Resources for compliance with applicable plans, policies, ordinances, and codes.

In the initial CDP application review, staff consult screening maps to determine if there are known or suspected potential hazards, scenic resources, biological resources, and/or cultural resources on or near a proposed project site, and conduct site visits as necessary. Proposed projects are evaluated to determine the types of site investigations, technical reports, or project design measures that may be necessary for development. The project is also evaluated to determine approvals and permits needed and the project’s potential compliance with the Local Coastal Program, the California Environmental Quality Act, the City’s General Plan, the Municipal Code, and applicable state and federal regulations.

## LAND USE DESIGNATIONS

Tables 2.1-1 through 2.1-5 describe land use categories, land use designations, and maximum residential density allowed in the City’s Coastal Zone. Allowable residential densities are stated as maximums that may only be increased for specific affordable housing projects as outlined in the policies of this chapter. Compliance with the other policies of the Coastal LUP (biological resources, hazards, etc.) may limit the maximum acceptable density for a specific development project. These land use designations correspond to the land use designations shown on Figure 2.1-1 *Local Coastal Program Land Use Map*.

### Open Space Category

Open spaces in the City have important physical, social, aesthetic, and economic benefits for the enjoyment of the community and visitors. The Coastal Zone Open Space land use designation, which accounts for approximately 27 percent of total land use, includes the Beach and Parks/Open Space.

**Table 2.1-1** Open Space Designations & Uses

Designation	Uses
<b>Beach</b>	Beaches are some of the City’s most significant and defining public open spaces, extending approximately six miles from the Andrée Clark Bird Refuge on the east to the bluffs near Hope Ranch on the west, and are one of the most actively used open spaces in the community. This land use designation protects and preserves publicly owned beach lands for the benefit and enjoyment of present and future generations of residents and visitors.
<b>Parks/Open Space</b>	The Parks/Open Space land use designation is established to protect and preserve park, beach, and open space lands for the benefit and enjoyment of present and future generations of residents and

Designation	Uses
	<p>visitors. All land on the ocean side of Cabrillo Boulevard from East Beach (excluding the Bellosguardo property) to the west end of Shoreline Park is designated Parks/Open Space and is owned by the City in perpetuity.</p> <p>All City parks and recreation facilities within this designation are assigned to one of nine categories of park and recreation facilities: undeveloped parkland, open space, passive park, neighborhood park, beach, community park, sports facilities, community buildings, and regional park<sup>1</sup>.</p> <p>On the inland side of Cabrillo Boulevard, other areas with a Parks/Open Space designation include the privately owned Montecito Country Club and the Santa Barbara Zoo, and the publicly owned Andrée Clark Bird Refuge, many community and neighborhood parks, La Playa Stadium, the Douglas Family Preserve, and Highway 101. Highway 101 is classified as open space because it is open and of such scale to be significant.</p>

### Hillside Category

The hillside areas in the Coastal Zone contain three different single-unit residential designations that range in density from one dwelling unit per acre to three dwelling units per acre. In many cases, parcels in these zones are developed at lower densities than the maximum allowed due to physical slope constraints, high fire risk, and to protect open space and views. Within the Coastal Zone, the Hillside designation includes about 15 percent of the land area and mainly applies in the Arroyo Burro Component Area.

**Table 2.1-2** Hillside Designations & Uses

Designation	Uses
<b>Residential (Max 1 du/acre)</b>	The one dwelling unit per acre maximum density is the most restrictive land use designation in order to preserve the integrity of the hillside environment and protect private property while allowing limited residential use.
<b>Residential (Max 2 du/acre)</b>	The two dwelling units per acre designation permits slightly higher single-unit residential densities than one unit per acre, while still maintaining the hillside open space areas.

<sup>1</sup> See Table 3.2-1 *Publicly Owned Park and Recreation Areas* in Chapter 3.2 *Visitor-Serving & Recreation Facilities* for the City’s park and recreation facilities assigned categories within the Coastal Zone.

Designation	Uses
<b>Residential (Max 3 du/acre)</b>	The three dwelling units per acre designation is the least restrictive hillside single-unit residential designation.

### Suburban Category

The Suburban land use designations reflect areas that provide a transition between lower density Hillside residential and more urban uses near Downtown and along transit corridors. The Suburban designation applies in the Arroyo Burro, Mesa, and Coast Village Component Areas and comprises about 25 percent of the land area.

**Table 2.1-3** Suburban Designations & Uses

Designation	Uses
<b>Residential (Max 3 du/acre)</b>	This designation is primarily designed for single-unit residential units. The three dwelling units per acre designation is the most restrictive suburban residential designation.
<b>Residential (Max 5 du/acre)</b>	The five dwelling units per acre designation is primarily designed for single-unit residential units.
<b>Medium Density Residential</b>	The 12 units per acre designation serves as a transition area between single-unit areas and higher density areas.

### General Urban Category

The General Urban land use designation includes multiple-unit, commercial, and industrial uses located on commercial corridors. The designations that include a residential component (such as Hotel & Residential or Commercial/Medium High Residential) are primarily in areas that have historically provided work, recreation, shopping, and increasingly mixed commercial/residential uses. Except for the Arroyo Burro and Waterfront Beaches/Harbor Component Areas, there is a General Urban designation in all Component Areas. This category represents about 19 percent of the total land area in the Coastal Zone.

**Table 2.1-4** General Urban Designations & Uses

Designation	Uses
<b>Medium High Density Residential</b>	This designation allows one-, two-, and multiple-unit dwellings with a density of 12-27 units per acre. This land use designation applies only to small areas inland of East Beach and adjacent to City College.

Designation	Uses
<b>Hotel &amp; Residential</b>	<p>This designation allows residential uses and hotels and similar establishments (related recreational uses, conference centers, etc.), while protecting the existing housing stock and residential character of those neighborhoods that are still primarily residential<sup>2</sup>.</p> <p>This land use designation applies to areas of the West Beach and East Beach neighborhoods that are currently developed with denser multiple-unit uses and a scattering of hotels. A multiple-unit density of 12-27 units per acre is allowed.</p>
<b>Coastal-Oriented Commercial</b>	<p>This designation allows coastal-dependent and coastal-oriented uses, commercial recreational uses, arts-related uses, restaurants, and residential uses in some areas with a multiple-unit density of 12-27 units per acre allowed, subject to restrictions and limitations requiring a mix of a minimum 30 percent coastal-related commercial and up to 70 percent residential. Projects comprised of entirely affordable housing units are exempt from the mixed-use requirement.</p> <p>This designation, which applies to areas between the Harbor and East Beach, strives to achieve balanced use of the Waterfront and maintain the small scale and local character that is unique to this area. Land uses that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live are encouraged.</p>
<b>Hotel &amp; Related Commerce I</b>	<p>This designation, because of its proximity to the shoreline and its location along Cabrillo Boulevard and State Street, strives to promote, maintain, and protect visitor-serving, commercial, and recreational uses. Allowed uses include hotels, motels, and tourist courts, and related recreational, conference center, and other auxiliary uses primarily for hotel guests and restaurants. This designation does not allow residential uses.</p>
<b>Hotel &amp; Related Commerce II</b>	<p>This designation allows hotels, motels, and auxiliary uses as well as visitor-serving and commercial recreational uses.</p> <p>Based on the historical presence of residential development, limited portions of this designation allow multiple-unit development at a density of 12-27 units per acre.</p>
<b>Coastal-Oriented Commercial / Hotel</b>	<p>This designation is a mixture of two land use designations that allow a range of uses, including visitor-serving, coastal-</p>

<sup>2</sup> A conversion permit is required to convert existing dwelling units to a hotel or similar uses.



Designation	Uses
<b>&amp; Related Commerce II</b>	<p>dependent and coastal-oriented, commercial recreational, arts-related, restaurant, and residential uses in limited areas.</p> <p>Where residential is allowed, there must be a minimum of 30 percent coastal-related commercial and up to 70 percent residential. A multiple-unit density of 12-27 units per acre is allowed.</p>
<b>Office / Medium Density Residential</b>	<p>This designation strives to preserve and protect the surrounding residential land uses and allows office and medical office uses. The Medium Density Residential designation permits 12 dwelling units per acre, consistent with historically allowed densities in the adjacent low or medium density neighborhoods.</p>
<b>Commercial/Medium High Residential</b>	<p>This designation generally applies to commercial neighborhood-serving centers historically located within residential areas. Allowed land uses include residential, office, service shops, grocery stores, restaurants, banks, dry cleaners, childcare centers, pet shops, repair shops, and various other neighborhood/commercial serving businesses. These neighborhood and commercial service centers provide easy access to goods and services and help improve the livability and sustainability in areas with a high concentration of residential uses. The designation permits a multiple-unit density of 12-27 units per acre.</p>
<b>Industrial</b>	<p>This designation allows a wide range of land uses, including general commercial, industrial, and office space. Residential use is prohibited with the exception of a caretaker’s unit. Existing residential units are allowed to re-build but not increase in size.</p> <p>This area includes a variety of manufacturing, commercial, office, and industrial uses, such as warehouse, open yard, storage, auto repair, and construction-related businesses.</p>
<b>Coastal-Oriented Industrial</b>	<p>This designation strives to provide for appropriate coastal-dependent and related industrial uses in close proximity to the Harbor and Stearns Wharf. Allowed uses include, but are not limited to, boat sales, storage, construction, and/or repair; public parking lots; and seafood processing and wholesaling. Residential uses are prohibited. Existing non-coastal-oriented industrial uses are allowed to be maintained, but coastal-dependent and coastal-related industrial uses are encouraged.</p>

### Institutional & Related Category

The Institutional and Related category provides for public facilities and private and/or non-profit uses that offer public services to the community. It comprises about nine percent of the total land area.

**Table 2.1-5** Institutional Designations & Uses

Designation	Uses
<b>Institutional</b>	This designation provides for public facilities and private and/or non-profit uses that offer public services to the community. Uses include, but are not limited to, schools, Santa Barbara City College, government facilities, U.S. Coast Guard Lighthouse, El Estero Wastewater Treatment Plant, and the Charles E. Meyer Desalination Plant.
<b>Harbor- Stearns Wharf</b>	This designation strives to assure that the Harbor will remain primarily a working Harbor with visitor-serving and coastal-related uses secondary to coastal-dependent uses, and that Stearns Wharf will consist of a mixture of visitor-serving, coastal-dependent, and coastal-related uses. Allowed uses in the Harbor include marinas, boat moorings, marine-oriented government facilities, seafood processing, museums related to the ocean, restaurants, and public parking lots. Stearns Wharf uses include the Santa Barbara Museum of Natural History Sea Center, coastal-related equipment rentals, restaurants, and specialty and gift shops.

### Land Use Map

Figure 2.1-1 *Local Coastal Program Land Use Map* depicts the land use designation for each parcel and is intended to provide a graphic representation of policies’ relation to the location, type, density, and intensity of all land uses in the Coastal Zone.



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# LAND USE & DEVELOPMENT POLICIES

## CITY PLANNING EFFORTS & PROGRAMS

**Policy 2.1-1** Increased Densities for Affordable Housing. The City may allow for increased densities beyond that established by underlying land use designations and zoning for the following types of affordable housing developments, so long as such development is found consistent with the policies of the Coastal LUP:

- Density Bonus.
- Inclusionary Housing.
- Lot Area Modification for affordable housing only.

**Policy 2.1-2** Accessory Dwelling Units. The City may allow accessory dwelling units, which tend to be more affordable than standard housing, so long as such development is found consistent with the policies of the Coastal LUP.

**Policy 2.1-3** Average Unit-Size Density Incentive Program. Implement measures that incentivize smaller residential unit sizes; residential units closer to transit, services and recreational opportunities; and housing opportunities by allowing reductions to certain zoning standards in order to encourage development that is consistent with these goals. In the Coastal Zone, any zoning standard reduction shall be found consistent with all applicable policies of the Coastal LUP.

**Policy 2.1-4** Sustainability through Nonresidential Growth Management. Implement nonresidential growth management measures in the Coastal Zone that pace land use development to:

- A. Match the availability of resources such as water, waste water treatment capacity, and other key infrastructure;
- B. Utilize transportation capacity efficiently through a traffic management strategy;
- C. Locate nonresidential development in areas best able to provide sustainable transportation, services, and recreation; and
- D. Encourage Community Benefit Projects including:
  - i. Community priority projects that address a present or projected need directly related to public health, safety, or general welfare, and

- ii. Economic development projects that will enhance the standard of living for City and South Coast residents.

- Policy 2.1-5** Public Facilities. Pursuant to a Local Coastal Program Amendment, review zoning ordinances to include public facilities and infrastructure as permitted uses on publicly owned land where appropriate.
- Policy 2.1-6** Reserve Capacities for Higher-Priority Land Uses. If conditions in the City change in the future and existing or planned public works facilities can accommodate only a limited amount of new development, public works services to coastal-dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by residential, general commercial, light industrial, and other lower-priority uses within the Coastal Zone. New development of lower-priority uses shall not be permitted if their use of the public works capacity would preclude the development of coastal dependent, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses.
- Policy 2.1-7** Priority of Coastal Dependent Developments. As outlined in Coastal Act Section 30255, coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in the Coastal LUP, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.
- Policy 2.1-8** Promote Coastal-Dependent and Related Industrial Uses. Ensure any land use and/or zoning changes do not reduce land available to support coastal-dependent industrial and related facilities or coastal-oriented light manufacturing.
- Policy 2.1-9** Aquaculture. As outlined in Coastal Act Section 30222.5, oceanfront land that is suitable for coastal-dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal-dependent developments or uses.
- Policy 2.1-10** Public Land for Recreation. Public land, including rights of way, easements, and dedications, shall be used for public recreation or access purposes where appropriate and consistent with public safety and the protection of coastal resources.
- Policy 2.1-11** Water-Oriented Recreation. As outlined in Coastal Act Section 30220, coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

- Policy 2.1-12** Protection of Oceanfront Lands for Recreation. As outlined in Coastal Act Section 30221, oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
- Policy 2.1-13** Priority of Recreational Facilities. As outlined in Coastal Act Section 30222, the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
- Policy 2.1-14** Protection of Upland Areas for Recreation. As outlined in Coastal Act Section 30223, upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.
- Policy 2.1-15** Maintenance and Enhancement of Public Access. As outlined in Coastal Act Section 30252, the location and amount of new development or substantial redevelopment should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.
- Policy 2.1-16** Siting of New Development. As outlined in Coastal Act Section 30250(a), new and substantially redeveloped residential, commercial, or industrial development, except as otherwise provided in the Coastal LUP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

## DEVELOPMENT REVIEW POLICIES

- Policy 2.1-17** Land Use Categories and Map Designations. The land use categories and designations in Tables 2.1-1 through 2.1-5 establish the type, density, and intensity of land uses within the City's Coastal Zone. Figure 2.1-1 *Local Coastal Program Land Use Map* depicts the land use designation for each

property and is intended to provide a graphic representation of policies relating to the location, type, density, and intensity of all land uses in the Coastal Zone. Allowable densities are stated as maximums but may be increased pursuant to an approved Coastal Development Permit that includes density bonus, inclusionary housing, or a lot area modification for affordable housing. However, compliance with the other policies of the Coastal LUP may limit the maximum allowable density of development. Accessory dwelling units are considered accessory uses and are not included as “units” when calculating allowable density.

**Policy 2.1-18** Land Divisions. Land divisions, including lot line adjustments and conditional certificates of compliance subject to the provisions of the Coastal LUP, shall be designed to minimize risks to life and property in areas of high geologic, flood, and fire hazard and minimize impacts to coastal resources and public access. A land division shall only be approved if the use of the created parcel(s) is consistent with maximum densities designated by the Coastal LUP and is no smaller than the average size of surrounding parcels (e.g., 20 closest parcels). The development area of the created parcel(s), including access roads/driveways and any fuel modification areas needed for structures (new or substantially redeveloped), must be consistent with all of the policies and provisions of the Coastal LUP. If this is not feasible, lot line adjustments that increase the consistency of the subject parcels with all the policies and provisions of the Coastal LUP from the existing condition may be allowed.

**Policy 2.1-19** Nonconforming Development. The following apply to development that is nonconforming with relation to the policies of the Coastal LUP:

- A. Any lawfully established structure or site development that conforms to the requirements under which it was legally established, but does not comply with any policy of the Coastal LUP, shall be considered legal nonconforming;
- B. Legal nonconforming structures or site developments may be continued, repaired, and maintained as long as these activities do not rise to the level of substantial redevelopment;
- C. The right to continue does not apply to legal nonconforming structures and site development deemed to be a public nuisance because of health or safety conditions, as determined by the Chief Building Official;
- D. Alterations to a legal nonconforming structure or site development within the existing development footprint may be permitted provided that the alteration does not increase any existing nonconformity of the structure or site development and is not considered a substantial redevelopment;
- E. Additions are considered new development. Additions to a legal nonconforming structure may be permitted if the addition conforms



with the policies of the Coastal LUP and provided that any alterations to the legal nonconforming structure or site development needed to develop the addition conform to subsection D. above. Additions to a legal nonconforming structure shall not be permitted concurrently with a substantial redevelopment unless the entire structure or site development conforms with the policies of the Coastal LUP;

- F. Substantial redevelopment is considered new development and must conform to all policies of the Coastal LUP; and
- G. Alterations or additions to a legal nonconforming structure or site development may be permitted as may be reasonably necessary to comply with any lawful order of any public authority, such as seismic safety requirements, the Americans with Disabilities Act, or a Notice and Order of the Building Official, made in the interest of the public health, welfare, or safety.

## DEFINITIONS & PROCEDURES

**Policy 2.1-20** Accessory Structure. An accessory structure is a subordinate structure, used only as incidental to the main or principal structure on the same lot. Examples of residential accessory structures include, but are not limited to, carports, garages, decks, patios, storage sheds, and swimming pools.

**Policy 2.1-21** Addition. An addition is new construction that increases the net floor area of a structure.

**Policy 2.1-22** Alteration. An alteration includes interior or exterior changes and rearrangement of the physical parts of a building, structure, or site development that does not result in an increase of floor area. Also called a remodel.

**Policy 2.1-23** Development. Development is defined as follows: On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting

plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

**Policy 2.1-24** Principal Structure. A principal structure is a structure in which the primary, principal, or dominant use of a lot is conducted.

**Policy 2.1-25** Repair and Maintenance. Repair and maintenance activities are those actions that preserve a development in its permitted configuration and condition. This includes routine actions typically associated with keeping such development in good condition to prevent its deterioration as well as targeted corrective actions to restore the development to a working condition adequate to continue to serve the permitted use after experiencing damage or decay. Repair and maintenance does not include: additions or alterations to any structure; replacement to a level that qualifies as substantial redevelopment as outlined in Policy 2.1-27 *Substantial Redevelopment*; changes in site development; a substitution of or a change to a nonconforming use; or an increase in area occupied by a nonconforming use.

**Policy 2.1-26** Structure. A structure is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Policy 2.1-27** Substantial Redevelopment<sup>3</sup>. A substantial redevelopment is defined as follows:

- A. For Areas Within: Potential Shoreline Hazards Screening Areas 1 (City-Owned Low-Lying Beach and Backshore Areas), 2 (Bluff-Backed Beaches), 3 (Coastal Bluff Faces), 4 (Coastal Bluff-Tops), and 5 (Stearns Wharf and Harbor) on Figure 5.1-1 *Interim Shoreline Hazards Screening Areas*; 35' of the top of bank of Mission Creek; 50' of the top of bank of Arroyo Burro, Sycamore Creek, or Laguna Channel; 100' from the portions of Arroyo Burro, Mission Creek, and Sycamore Creek Estuaries south of Cliff Drive and Cabrillo Boulevard; 100' from Andrée Clark Bird Refuge; and the canyons on both sides of Arroyo Honda, Mesa Creek, or Lighthouse Creek as generally depicted on Figure 4.1-4 *Minimum Habitat Buffers for Mesa Creek, Lighthouse Creek, and Arroyo Honda*.

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<sup>3</sup> The application of the definition of substantial redevelopment contained in subsections A. or B. is dependent upon whether any portion of a structure or site development is within areas subject to potential shoreline hazards relating to erosion (from coastal bluff erosion, slope failure, and beach erosion) or wave impact hazards factoring in the effects of sea level rise, and/or from potential erosion hazards from creeks, as described in subsection A. The definition for substantial redevelopment in these hazards areas is stricter so as to achieve conformance with the hazard related policies of the Coastal LUP as soon as possible.

- i. A substantial redevelopment occurs when either of the two conditions below cumulatively take place following the date of certification of the Coastal LUP:
    - a. More than 50 percent of the structural components of exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure; or
    - b. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.
  - ii. Fences, patios, decks, staircases, or similar structures shall be considered to be substantially redeveloped when more than 50 percent of either the lineal feet or area of the structure is replaced, structurally altered, or removed cumulatively following the date of certification of the Coastal LUP.
- B. All other areas not described in subsection A.
- i. A substantial redevelopment occurs when a structure is either completely demolished or at least two of the three conditions below take place within any five-year period:
    - a. More than 50 percent of the structural elements of the roof or roof framing are replaced, structurally altered, or removed;
    - b. More than 50 percent of the structural components of exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are replaced, structurally altered, removed, or are no longer a necessary and integral structural component of the overall structure; and/or
    - c. More than 50 percent of the foundation system is replaced, structurally altered, removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.

- ii. Fences, patios, decks, staircases, or similar structures, shall be considered to be substantially redeveloped when more than 50 percent of either the lineal feet or area of the structure is replaced, structurally altered, or removed.
- C. The calculation for determining what percentage of a wall has been replaced, structurally altered, or removed will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the structure's ceiling. The calculation for determining what percentage of the roof or foundation system has been replaced, structurally altered, or removed will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element.
- D. When any portion of a structure or site development is located within the areas described in subsection A. the entire structure or site development shall be subject to the definition of substantial redevelopment contained in subsection A.
- E. When, in the determination of the Community Development Director, there exists the potential for a project to result in a substantial redevelopment, the applicant shall submit written verification from a registered structural engineer certifying that the roof, exterior walls, and foundation shown to remain are structurally sound and will not be required to be removed or replaced for the project. Prior to issuance of a building permit, the property owner and contractor shall sign an affidavit to the City that they are aware of the City's definition of a substantial redevelopment and the penalties associated with an unlawful substantial redevelopment.

**Policy 2.1-28** Other Development Standards. In the case of new development or substantial redevelopment on constrained parcels, zoning variances or modifications to general development standards (e.g., setbacks, etc.) shall be considered first where necessary to meet required coastal resource protection policies.