

## CHAPTER 5—NEW DEVELOPMENT

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### A. Introduction

The majority of the City has been developed and less than 1% of lands in the City are little undeveloped or vacant. The majority of the types of “new” development are expected to be residential and commercial remodels and infill development. The existing land use map is presented in Exhibit 5-1.

The City’s LUP encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated and older neighborhoods. An objective of the LUP and City’s General Plan is to ensure that long-term protection of the environment is prioritized in the consideration of development proposals. New developments are subject to visual impact analysis where potential impacts upon sensitive locations and public views are identified. It also requires that new structures and improvements be integrated with the surrounding environment to the greatest possible extent to maintain the character of the community. The LUP is consistent with the General Plan, and may be more restrictive in certain areas relative to the Coastal Act, as allowed by state law.

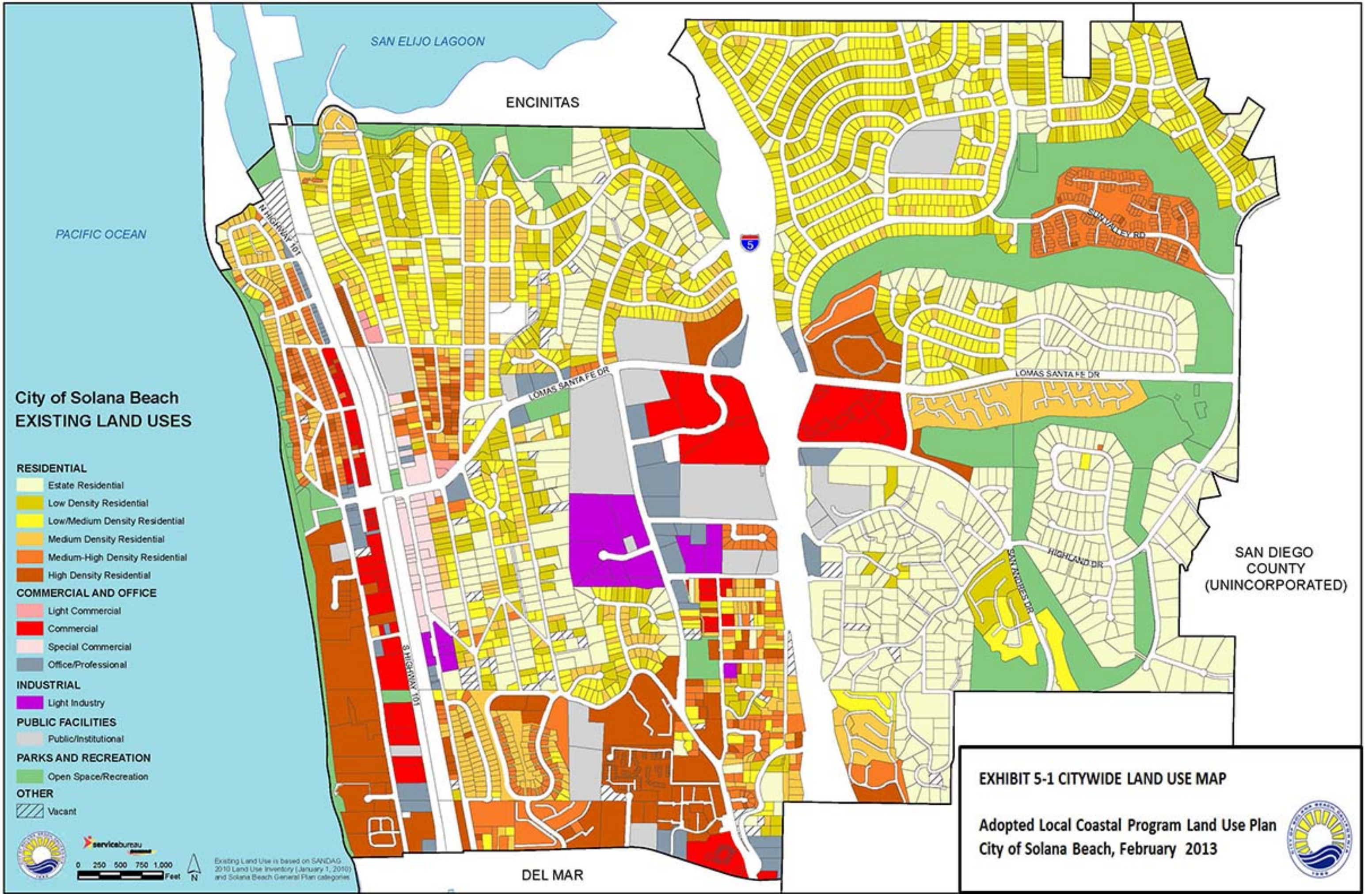
The LUP includes descriptions of land uses within the City. The primary types of land uses in the City include:

- Public and institutional land uses including the residential estate and low-density single-family, medium density multi-family, and high-density multi-family;
- Commercial, retail and office including both local-serving and visitor serving retail and commercial services;
- Light industrial;
- Open space (La Colonia Park, the City’s beaches and shoreline, Holmwood Canyon Ecological Preserve, and the Lomas Santa Fe Golf Course); and,
- Public and institutional land uses including City Hall, Solana Beach Transit station, churches, schools, Solana Beach Marine Safety Center, Fletcher Cove Park and Community Center, public parking lots and all of the public and private coastal access points.

### 1. Coastal Act Provisions

The Coastal Act requires the protection of coastal resources, including public access, land and marine habitat, and scenic and visual quality. Section 30250 of the Coastal Act requires that new development be located near existing developed areas, where it will not have significant cumulative or individual, adverse impacts, on coastal resources.





**City of Solana Beach  
EXISTING LAND USES**

- RESIDENTIAL**
  - Estate Residential
  - Low Density Residential
  - Low/Medium Density Residential
  - Medium Density Residential
  - Medium-High Density Residential
  - High Density Residential
- COMMERCIAL AND OFFICE**
  - Light Commercial
  - Commercial
  - Special Commercial
  - Office/Professional
- INDUSTRIAL**
  - Light Industry
- PUBLIC FACILITIES**
  - Public/Institutional
- PARKS AND RECREATION**
  - Open Space/Recreation
- OTHER**
  - Vacant




Existing Land Use is based on SANDAG 2010 Land Use Inventory (January 1, 2010) and Solana Beach General Plan categories

**EXHIBIT 5-1 CITYWIDE LAND USE MAP**

Adopted Local Coastal Program Land Use Plan  
City of Solana Beach, February 2013





## CHAPTER 5—NEW DEVELOPMENT

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### 2. Land Use Plan Provisions

The LUP provides parameters for new development within the City. Land use types include local commercial, visitor serving commercial, residential, institutional, recreational, and open space. The LUP describes the allowable uses in each category. The commercial development policies provide for pedestrian and bicycle circulation to be provided within new commercial projects in order to minimize vehicular traffic. Visitor serving commercial uses shall be allowed in all commercial zones in the City and are given priority over other non-coastal dependent development. Parking facilities approved for office or other commercial developments shall be permitted to be used for public beach parking on weekends and other times when the parking is not needed for the approved uses.

The LUP policies require that land divisions minimize impacts to coastal resources and public access. Land divisions include subdivisions through parcel or tract map, lot line adjustments, and certificates of compliance. Land divisions are only permitted if they are approved in a CDP. A land division cannot be approved unless every new lot created would contain an identified building site that could be developed consistent with all policies of the LCP. Land divisions must be designed to cluster development, to minimize landform alteration, to minimize site disturbance, and to maximize open space.

The LUP policies provide for the protection of water resources and water conservation. Reclaimed water may be used for approved landscaping, but landscaping or irrigation of natural vegetation for the sole purpose of disposing of reclaimed water is prohibited.

Communication facilities are allowed as a conditional use in all land use designations, however, no facility can be located within an area mapped as ESHA. All facilities and related support structures shall be sited and designed to protect coastal resources, including scenic, and visual resources. Collocation of facilities is required where feasible to avoid the visual impacts of facility proliferation. New transmission lines, distribution lines and support structures will be placed underground where feasible. Existing facilities should be relocated underground when they are replaced.

Land use zones that implement the LUP and the General Plan within the City of Solana Beach include a wide variety of types of uses. The LUP Map shows the land use designation for each property in the City. The land use designation denotes the type, density and intensity of development that may be permitted for each property, consistent with all applicable LCP policies. New development in the City shall be consistent with the LUP map, and all applicable LCP policies. Exhibit 5-1 displays the City's existing Land Use Map.

Land uses in Solana Beach are described below in descending order based on their total percentage within the City:

- Residential - 55%
- Roads & Right of Way - 18%

## CHAPTER 5—NEW DEVELOPMENT

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- Recreation/Open Space - 12%
- Public/Quasi-Public Institutional - 6%
- Commercial - 5%
- Light Industry - 2%
- Office/Professional - 1%
- Vacant/Underdeveloped - 1%

Development is managed through LCP, General Plan policy and implementation, application of zoning ordinance standards including specific plans.

Most land use decisions made by the City relate to redevelopment or reuse of land and infill development projects. The majority of future redevelopment and infill development is expected to occur is primarily west of I-5.

The areas west of I-5 are well served by public transit with a Transit Station and bus stops located along Highway 101 and Lomas Santa Fe Drive. Existing and planned local and visitor serving commercial development is located primarily along the Highway 101 corridor, Lomas Santa Fe Drive, Cedros Avenue, and the shopping centers adjacent to the I-5/Lomas Santa Fe Drive intersection. Residential areas adjacent to these commercial corridors are served by local public roadways, which provide primary coastal access using major arterial roadways. The City's LUP requires adequate parking to be provided for all new development and redevelopment.

Existing parkland and school playgrounds are adequate to meet the needs of local residents. Since most of the City is already developed in accordance with the General Plan and only 1% of land in the City is vacant or undeveloped, substantial increases in residential dwelling units and population are unlikely. This is also supported by recent U.S. 2010 census data which showed a population increase in the City of 804 from 2000 to 2010 Census 2010 population was 13,783 and Census 2000 population was 12,979.

Policies pertaining to new development provide for the protection and preservation of both known (mapped) as well as potential undiscovered cultural resources (archaeological, paleontological and historical) within the City. Measures to avoid and/or minimize impacts to identified cultural resources are required by the City and by the CEQA to be incorporated into new projects. Monitoring must be provided during construction to protect resources.

There are six known archaeological/historical sites within Solana Beach (Solana Beach General Plan, 1988). The precise location and nature of these sites is not public information to avoid disturbance of these resources. To comply with requirements of CEQA, cultural resources database searches and field surveys are typically performed prior to any ground-disturbing activity, such as grading or construction, to determine the presence of any significant cultural resources.

## CHAPTER 5—NEW DEVELOPMENT

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Historic resources are limited in Solana Beach as nearly all of the City's earliest structures have given way to new development. The oldest remaining in-place structure is generally believed to be the Gonzales House which was located in the 700 block of Ida Street which has been relocated to La Colonia Park in the Eden Gardens area. This house was constructed in 1925 and is well maintained.

The geologic formations in Solana Beach consist of sedimentary deposits, which are expected to contain fossils of prehistoric plants and animals classified as paleontological resources. However, no significant fossils have been identified in the City to date. Fossilized oyster beds are visible on the beach and offshore immediately north of Solana Beach (Table Tops Reef) at South Cardiff State Beach and to the south in Del Mar within the northern portion of Dog Beach.

### **B. Coastal Act Policies**

#### **Section 30244:**

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

#### **Section 30250:**

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. New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to existing development areas 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.

#### **Section 30252:**

The location and amount of new development should maintain and enhance public access to the coast by: (1) facilitating the provision of 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 such as high-rise office buildings, and

(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.

## CHAPTER 5—NEW DEVELOPMENT

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### **Section 30253:**

New development shall: (1) minimize risks to life and property in areas of high geologic, flood, and fire hazard; (2) 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; (3) be consistent with requirements imposed by an air pollution control district on the State Air Resources Board as to each particular development; (4) minimize energy consumption and vehicle miles traveled; and (5) where appropriate, protect special communities and neighborhoods, which because of their unique characteristics are popular visitor destination points for recreational uses.

### **C. Land Use Plan Policies**

#### **1. Land Use Plan Map**

Exhibit 5-1 shows the existing land use category for each property within the City of Solana Beach. New development in the City shall be consistent with the LUP map and all applicable LCP policies. Following is a description of the land use designations. Exhibit 5-2 depicts special overlay zones in the City. Exhibit 5-3 depicts the hillside overlay map in the City.

#### **2. Land Use Designations**

*The land use designations below are based on existing definitions as contained in the SBMC. The designations denote the type, density, and intensity of development that may be permitted for each property consistent with all applicable LCP policies. Following is a description of the land use designations:*

**Estate Residential Zone (ER-1), (ER-2)** – (zero to two dwelling units/net acre): These zones are intended for residential development in areas characterized by single-family homes on semirural estate lots of one-half acre or larger. The estate sized parcels help preserve the natural terrain and minimize grading requirements.

**Low Residential Zone (LR)** – (three dwelling units/net acre): This zone is intended for residential development in areas characterized by detached single-family homes on older subdivided lots.

**Low Medium Residential Zone (LMR)** – (four dwelling units/net acre): This zone is intended for residential development in areas characterized primarily by detached single-family homes on both older and newer subdivided lots.

**Medium Residential Zone (MR)** – (five to seven dwelling units/net acre): This zone is intended to provide for residential development in areas characterized primarily by detached single-family dwellings on older subdivided lots and two-family and multiple-family dwellings within newer, large lot planned developments.

## CHAPTER 5—NEW DEVELOPMENT

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**Medium High Residential Zone (MHR)** – (eight to 12 dwelling units/net acre): This zone is intended for a wide range of residential development types including detached single-family and attached duplex units at the low end of the density range and multiple-family attached units at the higher end of the density range.

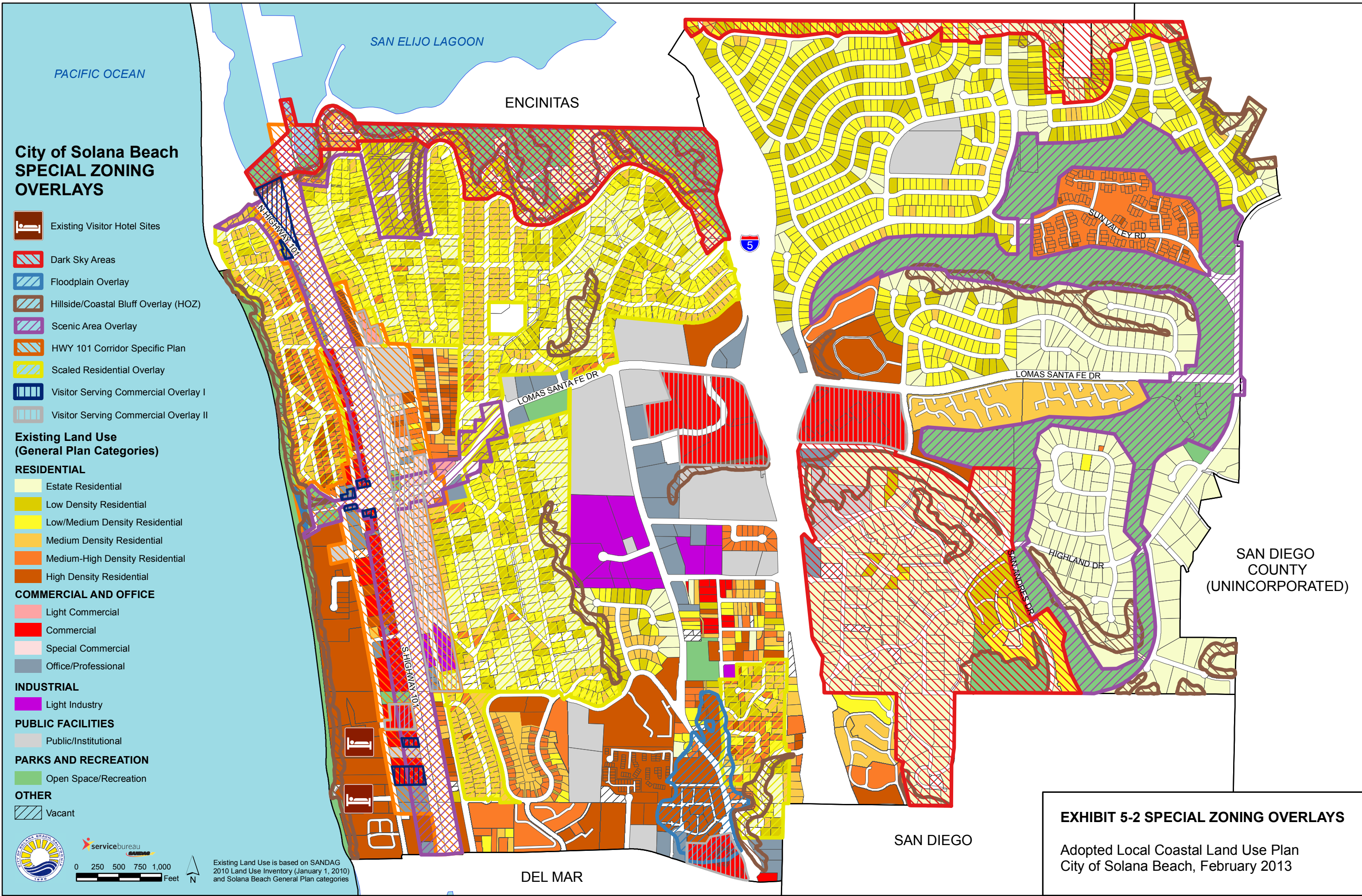
**High Residential Zone (HR)** – (13 to 20 dwelling units/net acre): This zone is intended for multiple-family attached units such as apartments and condominium buildings. Such areas are located in close proximity to major community facilities, commercial centers, and transportation routes. It is intended that development in this zone utilize innovative site planning and provide on-site recreational amenities.

**General Commercial (C)** - This land use category is intended to provide for commercial activities and services of a more intensive nature and includes both visitor serving land uses and land uses likely to be patronized by residents. These uses would be located primarily along major transportation routes and would include major shopping facilities and service centers. In addition, the general commercial uses are intended to accommodate and promote tourist-oriented commercial and pedestrian-oriented uses along Highway 101.

**Light Commercial (LC)** - This land use category is intended to provide for areas of lower intensity commercial activities and services which have minimal impact on nearby residential neighborhoods. Where feasible, such uses should provide for convenience shopping and services for residents of the immediate neighborhood.

**Office Professional (OP)** - This land use category is intended to provide for professional office and service centers and retail accessory uses, which are complementary to office development. Primary uses would include medical and dental centers, financial services, and other office-based business services.







**City of Solana Beach  
SPECIAL ZONING  
OVERLAYS**

-  Existing Visitor Hotel Sites
-  Dark Sky Areas
-  Floodplain Overlay
-  Hillside/Coastal Bluff Overlay (HOZ)
-  Scenic Area Overlay
-  HWY 101 Corridor Specific Plan
-  Scaled Residential Overlay
-  Visitor Serving Commercial Overlay I
-  Visitor Serving Commercial Overlay II

**Existing Land Use  
(General Plan Categories)**

- RESIDENTIAL**
-  Estate Residential
-  Low Density Residential
-  Low/Medium Density Residential
-  Medium Density Residential
-  Medium-High Density Residential
-  High Density Residential
- COMMERCIAL AND OFFICE**
-  Light Commercial
-  Commercial
-  Special Commercial
-  Office/Professional
- INDUSTRIAL**
-  Light Industry
- PUBLIC FACILITIES**
-  Public/Institutional
- PARKS AND RECREATION**
-  Open Space/Recreation
- OTHER**
-  Vacant

0 250 500 750 1,000 Feet

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Existing Land Use is based on SANDAG 2010 Land Use Inventory (January 1, 2010) and Solana Beach General Plan categories

**EXHIBIT 5-2 SPECIAL ZONING OVERLAYS**  
Adopted Local Coastal Land Use Plan  
City of Solana Beach, February 2013



## CHAPTER 5—NEW DEVELOPMENT

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**Light Industrial (LI)** - This land use category is intended to provide for light industrial uses such as manufacturing, assembly, research, and development, warehousing, personal storage, and similar types of industrial uses, which do not involve the use of environmentally hazardous materials, or processes, and would not result in objectionable external effects. The light industrial classification allows limited office and commercial uses which are an integral component of the on-site industrial use. Business services and personal and household services uses are allowed to a limited degree as well as very limited retail components of industrial uses.

**Special Commercial (SC)** - This land use category is intended to implement the special commercial land use designation and to preserve and perpetuate those areas of the community affording unique pedestrian-oriented commercial centers utilized by residents and visitors and characterized by a wide variety of uses including small specialty retail shop, light industrial uses, offices, and residential loft apartments. Please note that the Highway 101 Specific Plan establishes standards that have been incorporated into the LUP. The (SC) classification is intended to preserve and promote mixed uses within the zone and, where appropriate, within individual developments. This special commercial use area consists of three districts. Cedros Avenue north of Lomas Santa Fe Drive shall be the North Cedros Avenue Business District. The special commercial use area south of Lomas Santa Fe Drive shall be the South Cedros Avenue Business District. The Stevens Avenue special commercial area shall be known as the Stevens Avenue Business District. In the North and South Cedros Districts, existing non-visitor serving uses such as light industrial uses, offices, and residential loft apartments may remain, but redevelopment of these sites should be for tourist and visitor-serving uses, consistent with the Visitor Serving Commercial Overlay where feasible.

**Public Institutional (PI)** - This land use classification is intended to provide areas for civic, public safety, or public utility uses. Such uses include schools, fire stations, churches, public parking facilities, and reservoirs.

**Open Space/Recreation (OSR)** - This land use classification is to implement the goals and objectives for open space and recreational uses. More specifically, the (OSR) designation is intended to:

- (1) Provide for a comprehensive network of permanent, multifunctional, public and privately owned open space areas within the city;
- (2) Preserve, protect, and enhance the value of natural resources including topographical and geological features, plant and wildlife habitats, coastal wetlands, beaches, coastal bluffs, watershed areas, resource buffer areas, and scenic areas; and
- (3) Provide sufficient space to meet the community's present and prospective needs for various recreational and cultural activities including developed public parks, recreational facilities, and golf courses.

Visitor Serving Commercial Overlays I and II (VSCO): The purpose of the VSCO is to identify areas that are prime locations for tourist and visitor serving commercial uses,

## CHAPTER 5—NEW DEVELOPMENT

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which must be redeveloped exclusively with visitor serving commercial uses (VSCO I) and primarily visitor-serving commercial uses (VSCO II).

**VSCO I** - This land use overlay is intended to reserve sufficient land in appropriate locations exclusively for high-priority commercial recreation and visitor serving uses. The designation provides land to meet the demand for goods and services required primarily by the tourist population, as well as local residents who visit and recreate at the coast. Allowable uses include hotels, motels, restaurants, music venues, entertainment attractions, retail, and specialty/artisan retail commercial uses. Mixed use development with office or residential above the ground level is also permitted. Existing uses may remain and any future redevelopment shall be consistent with the VSCO I overlay requirements.

The VSCO I designation applies to the following areas: the lots fronting Plaza Street from Highway 101 to Acacia Avenue; 717 South Highway 101; 621 South Highway 101; and at the triangle-shaped lot on the northern border of the City, located north of Ocean Street, on the east side of Highway 101. This triangle-shaped lot is adjacent to the San Elijo Lagoon Ecological Reserve. In addition to the above-listed uses, this site may also be developed with open space or public park use compatible with the adjacent resources.

**VSCO II** - This land use overlay identifies areas that are currently developed with visitor-serving commercial uses that should be encouraged and promoted, but are not specifically restricted to these uses, as in the VSCO I land use designation. The uses include hotels, motels, restaurants, music venues, entertainment attractions, and specialty/artisan retail commercial uses. Mixed use development with residential above the ground level is also permitted. Existing non-visitor serving uses such as light industrial uses, offices, and residential loft apartments may remain, but redevelopment of these sites should be for tourist and visitor-serving uses. The VSCO II designation applies to the following areas: The North and South Cedros Avenue Business Districts,, the timeshare developments located at 535 South Highway 101 and north of Via de la Valle, west of Interstate 5; and the two commercially-zoned shopping plazas located east and west of Interstate 5 and south of Lomas Santa Fe Drive.

**Right-of-Way (ROW)** - This land use classification provides appropriate regulations for the following public rights-of-way as designated in the Solana Beach General Plan: (1) Interstate Freeway 5, (2) Lomas Santa Fe Drive, (3) Highway 101, and (4) the Santa Fe Railroad. These rights-of-way provide essential transportation corridors serving both local and regional needs and have importance as public utility delivery, parking, and recreation, and scenic/open space corridors.

**Highway 101 Specific Plan** – The purpose of this 163 acre Specific Plan is to provide for new development and redevelopment to achieve a physical environment along Highway 101 that is cohesive and representative of the unique character of Solana Beach. The Solana Beach General Plan Land Use Element established the basis of need for specific development standards for the Highway 101 area and the Cedros Design

## CHAPTER 5—NEW DEVELOPMENT

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District. The goal is to strengthen the economic base and offer a range of commercial enterprises to meet the needs of residents and visitors to the City.

The boundaries of the Specific Plan are from San Elijo Lagoon in the north to Via de la Valle in the south and from Rios Avenue in the east to Fletcher Cove Park in the west. The land use designations within the Highway 101 Specific Plan match the land use designations shown in Exhibit 5-1.

### 3. General Policies

**Policy 5.1:** Encourage and provide commercially designated land to support visitor serving commercial land uses and activities, such as hotels/motels, entertainment attractions, restaurants, and shopping within the City of Solana Beach. VSCO areas shall be designated in the vicinity of primary coastal access routes, particularly in proximity to higher intensity beach use areas. Development standards for the VSCO designation shall encourage pedestrian activity through the design and location of building frontages and parking provisions.

**Policy 5.2:** Encourage and provide recreational facilities to support both local resident and visitor needs within the City of Solana Beach.

**Policy 5.3:** Maintain and protect land planned and zoned for intensive commercial retail and services, and visitor serving commercial land uses along major transportation routes, such as I-5, Lomas Santa Fe Drive, Highway 101, and Via de la Valle, including hotels and motels, as well as, unique pedestrian-oriented commercial areas with specialty retail and entertainment, such as the Cedros Design district, which is within easy walking distance of the transit station and Fletcher Cove Beach and Park. These commercial zoning districts provide businesses that serve both visitors and local residents with a diverse selection of goods and services.

**Policy 5.4:** Maximize the visitor serving nature of the commercially zoned land by prohibiting fractional ownership (e.g., condominium hotels and timeshares) within the commercial areas of the City. Fractional ownership limits the number of people who can obtain lodging along the coast on an annual basis. Due to the lack of available land area to locate more fractional ownership (without eliminating hotel/motel uses that will allow greater visitor serving access), the City will continue to prohibit these land uses within the City boundaries.

**Policy 5.5:** Encourage visitor serving retail uses in all commercial zones in the City. Existing visitor serving uses shall be protected and new visitors serving facilities are encouraged. Priority shall be given to the development of visitor serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial development. On land designated for visitor serving commercial and/or recreational facilities, only these uses shall be permitted.



## CHAPTER 5—NEW DEVELOPMENT

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**Policy 5.6:** Encourage visitor and travel-related commercial development around the City's freeway intersections at Via de la Valle and Lomas Santa Fe Drive.

**Policy 5.7:** Protect and encourage lower cost visitor and recreational facilities. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources. Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities; shall be protected, encouraged, and where feasible, provided by both public and private means.

**Policy 5.8:** Encourage new hotel/motel development within the City, where feasible, to provide a range of room types, sizes, and room prices in order to serve a variety of income ranges. Where a new hotel or motel development would consist of entirely high cost overnight accommodations, the development shall be required to provide mitigation as a condition of approval for a coastal development permit, which shall include a mitigation payment to provide funding for the establishment of lower cost overnight visitor accommodations within the City of Solana Beach or North San Diego County coastal area. Priority shall be given to the establishment of lower cost overnight visitor accommodations located within the City of Solana Beach. Such payment shall consist of \$30,000 per unit for 25% of the total number of proposed high cost units. Suites or family-sized accommodations may be exempt from this policy.

The payment (i.e. \$30,000 in 2011) shall be adjusted to account for inflation according to increases in the Consumer Price Index – U.S. City Average. The required monies shall be deposited into an interest-bearing account, to be established and managed by the City of Solana Beach. The purpose of the account shall be to establish lower cost overnight visitor accommodations within the City of Solana Beach as the first priority or elsewhere in North San Diego County coastal area as a second priority. The monies and accrued interest shall be used for the above-stated purpose, in consultation with the CCC Executive Director. Any development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit.

**Policy 5.9:** Manage the location of new development and redevelopment through this LCP, the City's General Plan and the SBMC, which provide both policy and regulations governing the form and location of existing and future development, including:

- Locations of residential, commercial, industrial, public and open space land uses, including visitor serving commercial and recreational development.
- Public works and facilities, such as: (1) roadways, water and sewer systems; and (2) drainage improvements to support existing and planned development, including the Fletcher Cove Master Plan.
- Development standards for each type of land use, such as: (1) density limitations; (2) building setbacks; and (3) height limits.

## CHAPTER 5—NEW DEVELOPMENT

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- Specific regulations associated with coastal zones, such as: (1) coastal and inland bluff setbacks and bluff top development requirements; (2) shoreline and bluff protection measures; (3) hazard area protection; (4) resource protection overlay requirements; and (5) landscaping guidelines.

**Policy 5.9.5:** Ensure the private and public interest in protecting and preserving private property rights under the state and federal Constitutions, the Coastal Act, and local ordinances, such that regulations are not overreaching and no private owner is denied reasonable use of his, her or its property. In accordance with Public Resources Code Section 30010, this Policy is not intended to increase or decrease the rights of any property owner under the Constitution of the State of California or of the United States.

**Policy 5.10:** Assess the potential for environmental effects of new development or redevelopment before receiving City approval in accordance with CEQA and to avoid, reduce and/or mitigate impacts where feasible.

**Policy 5.11:** Support higher density and mixed-use residential development within walking distance of the Transit Station, adjacent to major employment centers; along high-frequency bus routes, and at intersections of major bus routes. Residential density adjacent to commercial development should be sufficient to support neighborhood serving businesses.

**Policy 5.12:** Encourage that new development be designed and oriented with the objective of maximizing the opportunities for solar energy use and energy conservation. The use of alternate energy systems (e.g., solar and architectural and mechanical systems) in both commercial and residential development is encouraged.

**Policy 5.13:** All development that requires a CDP is subject to written findings by the City Council that it is consistent with all LUP policies, LIP, and provisions of the City's certified LCP.

**Policy 5.14:** If there is a conflict between a provision of this LCP and a provision of the General Plan, or any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the LCP shall take precedence and the development shall not be approved unless it complies with the LCP provision.

**Policy 5.15:** A CDP may only be approved for new development on legally created lots. All applications for new development on a vacant parcel shall include evidence of the date and method by which the subject parcel was created. If no such evidence can be found a CDP shall be sought to establish the legality of the parcel.

**Policy 5.16:** Off-street parking shall be provided for all new development in accordance with the policies of the LUP to assure there is adequate public access to coastal resources. A modification in the required parking standards through the variance process shall not be approved unless the City makes findings that the provision of fewer parking spaces will not result in adverse impacts to public access.

## CHAPTER 5—NEW DEVELOPMENT

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**Policy 5.17:** Protection of ESHA and public access shall take priority over other development standards and where there is any conflict between general development standards and ESHA and/or public access protection, the standards that are most protective of ESHA and public access shall have precedence.

**Policy 5.18:** New development shall conform to the HOZ provisions of the LUP, including measures to minimize potential impacts to scenic and visual resources, and to minimize the risk from hazards. The measures include, but are not limited to limiting grading, retaining walls, restricting development on steep slopes, protecting ridgelines, and applying siting, and design restrictions (scenic and visual policies).

### 4. Commercial Development Policies

**Policy 5.19:** Pedestrian and bicycle circulation shall be encouraged as part of all new commercial development in the City.

**Policy 5.20:** New commercial development shall be designed to minimize conflicts with adjacent residential uses, including preserving the character, and integrity of the adjacent residential areas. Commercial development shall be designed to avoid intrusive traffic circulation, light, and glare.

**Policy 5.21:** Provide and maintain safe pedestrian crossings on Highway 101/Pacific Coast Highway 101 adjacent to existing and new visitor serving uses as appropriate to allow the public safe access to the beach.

**Policy 5.22:** Recreational development and commercial visitor serving facilities shall have priority over non-coastal dependent uses. All uses shall be consistent with protection of public access and ESHA.

**Policy 5.23:** Visitor serving commercial uses shall be encouraged and permitted in all commercial zones in the City as prescribed by the SBMC. Visitor serving commercial uses shall fit the character and scale of the surrounding community.

**Policy 5.24:** Where feasible, public use of private parking facilities currently underutilized on weekends and holidays (i.e., serving office buildings) shall be permitted in all commercial zones located within ¼ mile of the beach.

**Policy 5.25:** All new commercial and higher density residential development must be located and designed to facilitate provision or extension of transit service to the development and must provide non-automobile circulation within the development to the extent feasible. Residential, commercial, and recreational uses should be located in relationship to each other so as to encourage walking, bicycling, and transit ridership. Major employment, retail, and entertainment districts and major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists.



## CHAPTER 5—NEW DEVELOPMENT

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### 5. Residential Development Policies

**Policy 5.26:** All residential development, including land divisions and lot line adjustments, shall conform to all applicable LCP policies, including maximum density provisions. Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development.

**Policy 5.27:** The maximum number of structures permitted in a residential development shall be limited to one main residence, one second residential structure, and accessory structures such as a stable, workshop, gym, studio, pool cabana, office, or tennis court provided. All such structures shall be located within the approved development area and structures are clustered to minimize required fuel modification.

**Policy 5.28:** Accessory living units and guesthouses shall be allowed where the lot size and zoning for the property where it meets the requirements of the SBMC. Second residential units (guesthouses, accessory living units, etc.) shall be limited in size to the maximum of stated in the applicable provision of the LIP. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Detached garages, including garages provided as part of a second residential unit, shall not exceed 400 square feet (2-car) maximum.

**Policy 5.29:** A minimum of one on-site or on-street parking space shall be required for the exclusive use of any second residential unit, unless approved by City Council pursuant to the City's Affordable Housing policies. However, in the area west of Highway 101, and North of Plaza Street, a minimum of one on-site parking space shall be required without exception for such uses.

**Policy 5.30:** New development of a second residential unit or other accessory structure that includes plumbing facilities shall demonstrate that adequate private sewage disposal can be provided on the project site consistent with all of the policies of the LCP if the property is currently on a septic system.

**Policy 5.31:** A short-term vacation rental is rental of any portion of a building in a residential district for 7 to 30 consecutive days regardless of building size, including multiple-family buildings, duplexes, and single-family residences. Short-term vacation rentals are permitted in all residential zones.

**Policy 5.32:** To protect the residential character of its neighborhoods, rentals of less than 7 days are prohibited in all residential zones. Short-term vacation rentals of less than 7 days shall be accommodated within the City's existing hotels and motels which are all located within a few minutes' walk to the beach.

### 6. Land Divisions

**Policy 5.33:** Prohibit new subdivisions of land along the coastal bluff and inland bluff areas where minimum lot sizes will preclude the setbacks established in the LCP.

## CHAPTER 5—NEW DEVELOPMENT

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**Policy 5.34:** Land divisions include subdivisions (through parcel map, tract map, grant deed, or any other method), lot line adjustments, redivisions, mergers, and certificates of compliance. Land divisions are only permitted if they are approved by CDP.

**Policy 5.35:** Land divisions shall be designed to minimize impacts to coastal resources and public access. A land division shall not be approved if it creates a parcel that would not contain an identified building site that could be developed consistent with all of the policies of the LCP.

**Policy 5.36:** Land divisions shall be designed to cluster development, including building pads, if any, in order to minimize site disturbance, landform alteration, and removal of native vegetation, to minimize required fuel modification, and to maximize open space.

**Policy 5.37:** The City shall not approve a land division if any parcel being created would not be consistent with the maximum density designated by the LUP map, and the slope density criteria. Land divisions shall not be considered the principal permitted use in any land use category.

**Policy 5.38:** Subsequent development on a parcel created through a land division shall conform to all provisions of the approved land division permit, including, but not limited to, the building site location, access road/driveway design, and grading design, and volumes.

**Policy 5.39:** For issuance of an unconditional certificate of compliance pursuant to Government Code Section 66499.35 for a land division that occurred prior to the effective date of the Coastal Act (or Proposition 20 for parcels within the coastal zone as defined in that proposition), where the parcel(s) was created in compliance with the law in effect at the time of its creation and the parcel(s) has not subsequently been merged, subdivided, subject to a lot line adjustment, lot split or any other division of land or otherwise altered, the City shall not require a CDP. For issuance of a conditional certificate of compliance pursuant to Government Code Section 66499.35 for a land division that occurred prior to the effective date of the Coastal Act, where the parcel(s) was not created in compliance with the law in effect at the time of its creation, the conditional certificate of compliance shall not be issued unless a CDP that authorizes the land division is approved. In such a situation, the City shall only approve a CDP if the land division, as proposed or as conditioned, complies with all policies of the LCP.

**Policy 5.40:** For issuance of either a conditional or an unconditional certificate of compliance pursuant to Government Code Section 66499.35 for a land division that occurred after the effective date of the Coastal Act, the certificate of compliance shall not be issued unless a CDP that authorizes the land division is approved. In such a situation, the City shall only approve a CDP if the land division, as proposed or as conditioned, complies with all policies of the LCP.

## CHAPTER 5—NEW DEVELOPMENT

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### 7. Water Policies

**Policy 5.41:** A water conservation and wastewater recycling program should be developed by the City in coordination with the applicable water purveyors for respective water service areas.

**Policy 5.42:** All new development shall comply with the City's water conservation and wastewater regulations.

**Policy 5.43:** The installation of reclaimed water lines to provide irrigation for approved landscaping or fuel modification areas for approved development may be permitted, if consistent with all policies of the LUP.

**Policy 5.44:** The use of reclaimed water in lieu of fresh water supplies for the maintenance of public lands and other non-consumptive uses shall be encouraged and supported provided such use can be found to be consistent with all applicable policies of the LCP.

### 8. Non-Conforming Uses and Structures

**Policy 5.45:** Existing, lawfully established structures that are not located on property located between the sea and its inland extent and the first public road paralleling the sea (or lagoon) that were built prior to the adopted date of the LUP that do not conform to the provisions of the LCP shall be considered non-conforming structures. Non-conforming uses or structures may not be increased or expanded into additional locations or structures. Such structures may be maintained and repaired as long as the improvements do not increase the size or degree of non-conformity. This section shall not be interpreted to allow the reconstruction of a non-conforming structure unless destroyed by a disaster as defined in Public Resources Code § 30610(g)(2)(A). Additions and improvements to such structures may be permitted provided that such additions or improvements do not increase the size or degree of the non-conformity.

#### 8.5. Repair and Maintenance

**Policy 5.46:** Consistent with the Coastal Act (Public Resources Code §30610(d)), repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities do not require a CDP, although the City may require a permit if the City determines such repairs and maintenance involve a substantial adverse environmental impact that cannot be mitigated.

However, for purposes of compliance with the Public Resources Code Section 30610(d), the following extraordinary methods of repair and maintenance shall require a CDP because they involve a potential risk of substantial adverse environmental impact:

- (a) Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:



## CHAPTER 5—NEW DEVELOPMENT

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- (1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
  - (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, wetlands, estuaries and lakes, or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
  - (3) The replacement of 20 percent or more of the exterior materials of an existing structure with materials of a different kind; or
  - (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.
- (b) Any method of routine maintenance dredging that involves:
- (1) The dredging of 100,000 cubic yards or more within a twelve month period;
  - (2) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams;
  - (3) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.
- (c) Any repair or maintenance to facilities, or structures, or work located in an ESHA, any sand area within 50 feet of the edge of a coastal bluff, or Environmentally Sensitive Habitat Area, or within 20 feet of coastal waters or streams that include:
- (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials, or any other forms of solid materials.
  - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

### 8.6. Replacement of Structures Destroyed by Disaster

**Policy 5.47:** No coastal development permit is required for the replacement of any structure, other than a public works facility, destroyed by a disaster, if the new structure meets the following criteria:

- Conforms to all current zoning requirements

## CHAPTER 5—NEW DEVELOPMENT

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- Is for the same use as the destroyed structure
- Does not exceed the floor area, height, or bulk of the previously existing structure by more than 10 percent; and
- Is sited in the same location on the affected property as the destroyed structure

### 9. Communications Facilities

**Policy 5.48:** Communication processing, storage, and transmission facilities, and lines shall be sited, designed, and operated to avoid, or minimize impacts to ESHA, and scenic resources consistent with all provisions of the LCP. No facility can be located within an area mapped as ESHA. If there is no feasible alternative that can eliminate all impacts, the alternative that would result in the fewest or least impacts shall be selected.

**Policy 5.49:** All facilities and related support structures shall be sited, designed, and operated to avoid the visibility of the facility from public viewing areas, and to preserve the character of surrounding areas by protecting ridgelines by setting facilities below the ridge. Co-location of facilities is required where feasible to avoid the impacts of facility proliferation and inoperable facilities shall be removed.

**Policy 5.50:** All facilities should place support facilities underground, where feasible. New communication transmission lines shall be sited and designed to be located underground, except where it would present or contribute to geologic hazards. Existing communication transmission lines should be relocated underground when they are replaced or when funding for undergrounding is available.

### 10. Archaeology

The following City policies are designed to apply Coastal Act policy to conditions in Solana Beach:

**Policy 5.51:** Identify and mitigate potential impacts of development on archaeological, paleontological and historic resources.

**Policy 5.52:** New development shall protect and preserve archaeological, historical and paleontological resources from destruction, and shall avoid, and minimize impacts to such resources.

**Policy 5.53:** Where development would adversely impact historical, archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

**Policy 5.54:** The City shall coordinate with appropriate agencies to identify archaeologically sensitive areas. Such information should be kept confidential to protect archaeological resources.

**Policy 5.55:** CDPs for new development within archaeologically sensitive areas shall be conditioned upon the implementation of the appropriate mitigation measures.

## CHAPTER 5—NEW DEVELOPMENT

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**Policy 5.56:** New development on sites identified as archaeologically sensitive shall include on-site monitoring of all grading, excavation, and site preparation that involve earth moving operations by a qualified archaeologist(s), and appropriate Native American consultant(s).

**Policy 5.57:** The establishment of a museum/visitor center to display local archaeological and/or paleontological artifacts, and to provide public educational information on the cultural and historic value of these resources shall be encouraged.