

CALIFORNIA COASTAL COMMISSION

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LCP Update Guide

Section 2: Recreation & Visitor-Serving Facilities

Review the principal Coastal Act policies concerning recreation and visitor serving uses - Sections 30212.5, 30213, 30220 through 30224, 30250, 30252, 30253(5) and 30254, at: <http://www.coastal.ca.gov/coastact.pdf>.

The Coastal Act places high priority on protecting and maximizing recreation and visitor serving land uses, including lower cost facilities.

LCPs certified decades ago will have outdated information on visitor use and demand. As a result, your LCP may not reserve adequate areas and infrastructure capacity to meet current and projected recreation and visitor facility needs.

What should an updated Recreation and Visitor-Serving Facilities component include?

- ❑ Inventory and map of existing shoreline and near-shore recreational areas and facilities and support facilities (e.g., beaches, harbors, parking lots/spaces, visitor-serving commercial);
- ❑ Inventory and map of existing visitor-serving accommodations (e.g., campground, RV parks, motels, inns) by type, capacity, ownership and price range;
- ❑ Occupancy rates or other usage statistics for day use and overnight visitor-serving facilities and recreation areas;
- ❑ Demand projections for future recreational and visitor-serving facilities;
- ❑ Designations and zoning of suitable oceanfront lands for recreational uses;
- ❑ Land use map designations and corresponding zoning for adequate recreation and visitor-serving facilities suitably located and sufficient to meet projected demand;
- ❑ Designations and zoning for upland facilities needed to support expanded recreational water use and suitably located;
- ❑ Measures to impart priority to visitor-serving commercial uses in mixed-use zones (see Section 6. Planning and Locating New Development);
- ❑ Requirements for deed restrictions and other measures to ensure that visitor-serving uses retain their primary function of serving visitors over time;

- Identification of potential public agency acquisitions, development or redevelopment, and management of public recreation and visitor-serving facilities.
- Measures to provide parking for and alternative transportation to recreation and visitor-serving facilities (see Section 1. Public Access).

Each of the above should address the provision of lower cost amenities pursuant to Coastal Act Section 30213.

Additional guidance on some of these topics is discussed later in this section.

What are some issues to address in an LCP update of recreation and visitor-serving facilities policies?

◆ **Condominium Hotels/Timeshares**

In the past several years the Commission has reviewed proposals for new development of overnight facilities that are owned as private residential units but managed as part of a hotel rental pool. However, there has not yet been much assessment of the long term success of this type of overnight accommodation in ensuring protection of public visitor-serving facilities as a priority use. The Commission has addressed this trend for “condo hotels” (or other types of fractional ownership of overnight units) in several permits and LCP amendments and at a special workshop:

- **Hotel Condominium Workshop** (July 2006), at: <http://documents.coastal.ca.gov/reports/2006/8/W3-8-2006.pdf>

The Executive Director has also issued interim guidance to local governments for addressing this trend:

- **Condominium-Hotel Development in the Coastal Zone** (December 2006), at: <http://www.coastal.ca.gov/legal/condo-hotels.pdf>

Some jurisdictions have decided against permitting this type of use. For example, the City of Solana Beach has proposed this policy:

- **City of Solana Beach Local Coastal Program Land Use Plan**, at: <http://solana-beach.hdso.net/LCPLUP/LCPLUP-Chapter5-Redline.pdf>

Policy 5.4: Maximize the visitor serving nature of the commercially zoned land by prohibiting fractional ownership (e.g., condominium hotels and timeshares) with 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.

If condo hotel or other fractional ownership arrangements are to be considered in an LUP update, it is critical to assess whether the LUP includes adequate protections for visitor serving overnight uses in such developments, as well as if policies provide for mitigation of impacts to these priorities uses and whether prohibitions against converting existing hotel units to such residential uses would be appropriate.

Recent LCP amendments that have included detailed criteria for permitting condo hotels are:

- ❑ **City of Huntington Beach LCP Amendment No. HNB-MAJ-2-06**, at:
http://intranet/planning/Recreation_and_Visitor_Serving/CondoHotel/HuntingtonBeachAmend_CondoHotel.pdf;
- ❑ **City Of Redondo Beach RDB-MAJ-2-08 (Area 2 Certification)**, at:
<http://documents.coastal.ca.gov/reports/2009/7/Th11a-7-2009.pdf>.

The adopted documents incorporating the Commission's modifications are, respectively:

- ❑ **City of Huntington Beach Coastal Element, Recreational and Visitor-Serving Facilities**, at:
http://www.huntingtonbeachca.gov/files/users/planning/CE_110_171.pdf
- ❑ **City Of Redondo Beach Municipal Code**, Title 10, Chapter 5, Article 2, Division 3, Section 10-5.811, at:
<http://qcode.us/codes/redondobeach/>

◆ **New Overnight Facilities, Upgrades, and Conversions**

Another trend observed in the coastal zone is for property owners to propose upgrades or conversions of their overnight facilities. Such changes can result in narrower ranges in price and type of overnight accommodations, including the loss of lower-cost visitor-serving facilities in the coastal zone. This problem is compounded by the fact that new development proposals are often for high-end hotels. As you update your LCP, rather than just designating appropriate areas for overnight accommodations, consider including policies and standards that ensure an appropriate mix of accommodations over time. Mitigations for allowing luxury or higher priced accommodations may be appropriate and could include construction or retention of lower cost facilities such as cabins, campgrounds, hostels, or budget hotels/motels. If these cannot be

incorporated into the subject site, then off-site mitigation could be required. In addition to the LCP amendments for Huntington Beach and Redondo Beach, cited above, a recent LCP amendment that incorporated such mitigation requirements is:

- **City of Newport Beach LCP Amendment NPB-MAJ-1-07**, at: <http://documents.coastal.ca.gov/reports/2009/2/Th18d-2-2009.pdf>.

If you are including mitigation in lieu fee requirements when lower cost accommodations will not be constructed as part of a project, then it is also important to consider whether your updated LCP contains a program for spending the collected funds, including identifying possible sites where the funds could be spent and which department has responsibility for collecting and allocating the money.

◆ **Short-term (or Vacation) Rentals**

In response to residents' concerns, some communities have been motivated to consider ordinances to regulate or prohibit the rental of private homes on a short-term basis. Such rentals can help meet Coastal Act Section 30222 requirements to protect the priority for visitor-serving uses over residential uses and help to maximize public access as required by the Coastal Act. Thus, complete prohibitions on such rentals can be problematic. However, past Commission actions have recognized the potential effects of short-term rentals on residential communities and considered standards to regulate the length of time and conditions for them in a manner that protects residential communities while maximizing public access and priority visitor use. Proposals for policies or ordinances to address short term rentals will be based on the unique conditions in each jurisdiction. An update should include a revised assessment of existing overnight accommodations and other visitor-serving facilities in your jurisdiction and whether the supply is adequate to meet future demand. Depending on such assessment, any proposed restrictions on short term rentals must be consistent with the priority land use and public access policies of the Coastal Act.

Examples of LCP amendments addressing vacation rentals include:

- **Santa Cruz County LCP Amendment No. 1-11 Part 3 (Vacation Rentals)**, at: <http://documents.coastal.ca.gov/reports/2011/7/W6b-7-2011.pdf>

◆ **Renovation of Harbors and Marinas**

Harbors and marinas as recreational facilities are encouraged by the Coastal Act and such upland facilities should be shown as allowed uses in appropriate shoreline locations. Many existing facilities are older, and in recent years the Commission has reviewed more proposals for renovation

and redesign/reconstruction of these facilities. An LUP update should provide new information on boating demands and on public access needs.

The LCP update should acknowledge that jurisdiction is generally shared for such facilities, with water areas remaining in the Commission's continuing permit authority and land based facilities often within local permit jurisdiction, but usually within appeal areas. However, because many projects have both land and water components, the LUP can address overall issues. (The Coastal Act policies are the standard of review for reviewing proposed development within the Commission's continuing jurisdiction. For review of appeals from local coastal permit decisions, the standard of review is the certified LCP).

Major renovations and reconstructions of harbor and marina facilities can raise many Coastal Act issues that should be addressed. Although they are a priority use under the Coastal Act, siting harbor and marina facilities must address all Coastal Act policies, including protecting environmentally sensitive habitat areas and water quality.

An LUP update can ensure that policies governing renovations, upgrades and expansions (or contractions) maximize public access for a broad range of recreation users. This can include policies that ensure availability of a range of boat slip sizes commensurate with the regional distribution of vessel type and size, or land use designations that broaden access to affordable boating opportunities. Non-motorized boating in harbors and marinas is an expanding recreational activity and includes stand-up paddle boarding, rowing and kayaking. Parking and launch facilities for these users should be provided in any LCP update. Also, in considering revisions to the LUP, the needs of commercial fishing activities should be accommodated (Coastal Act Section 30234).

An LUP update can also assess changes in demand for land-based support areas and adjust designations for such uses, with priority for coastal-dependent, coastal-related and visitor-serving facilities. An LUP update can assess a full range of needed facilities, including pathways, benches, overlooks, picnic tables, waterfront parks, restrooms and showers, boat launches or hoists, dry storage, fuel depots, parking, pump-outs or waste oil collection centers, boat rentals, administration buildings, maintenance yards, and boat repair yards. Again, LUP policies must ensure that such development is sited and designed consistent with policies of Chapter 3 of the Coastal Act.

Plans and standards for expansion or redevelopment of marina and harbor areas can often be developed through a special detailed area plan that can be incorporated into LCPs. Some recent examples of Commission action on harbor plans are:

- **Channel Islands Harbor Public Works Plan Amendment No. 1-07**, at: <http://documents.coastal.ca.gov/reports/2008/10/Th30c-10-2008.pdf>

Topics addressed included: marina and boating improvements, comprehensive planning, low-cost boating, recreational boating and commercial fishing in conjunction with resource protection.

- **Dana Point Harbor LCP Amendment No. 1-08**, at: <http://documents.coastal.ca.gov/reports/2009/10/Th22a-10-2009.pdf>.

Topics addressed included: reduction of boating slips, development of dry stacked storage, intensified land uses, parking ratios, and private yacht clubs.

- **Coastal Development Permit No. 5-10-263 (City of Long Beach Alamos Bay Marina Rehabilitation Project)**, at: <http://documents.coastal.ca.gov/reports/2011/1/Th18b-1-2011.pdf>

Topics addressed included: reduction in number of boating slips, development of more dry boat storage, water quality and habitat protection.