

# 2 LCP Structure



## 2.1 INTRODUCTION

The City of Eureka is embarking on a comprehensive update of its General Plan and Local Coastal Program (LCP). The Land Use Plan component of the City’s LCP is currently integrated with the General Plan. The Implementation Plan component of the City’s LCP consists of zoning regulations specific to the coastal zone portion of the city and presented in a separate chapter within the City’s Zoning Ordinance.<sup>1</sup> These zoning regulations incorporate, by reference, various sections of the non-coastal regulations. As part of the comprehensive update process, the City is considering whether to make changes to the present LCP configuration.

In contemplating revisions to its LCP structure, City staff has identified a few key objectives. The City’s first and foremost objective is to structure its LCP in a way that preserves the City’s ability to plan for and regulate development in accordance with community preferences, while minimizing the potential for disagreement between California Coastal Commission (CCC) and City staff as to which policies and regulations are subject to CCC review. Another important objective for the City is to craft an LCP that is easy to update. Equally important is ensuring the LCP is easily accessible and useable for staff, the development community, and the general public. Through this update, the City is intent on maintaining community cohesion. Finally, to the extent possible, the City seeks to minimize the cost of preparing, implementing, and maintaining the LCP.

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<sup>1</sup> In 1997, the City recodified its “Zoning Regulations of the City for the Coastal Zone” from their California Coastal Commission- (CCC) certified 1963-vintage numeration as Eureka Municipal Code Title 10, Chapter 5, Sections 10-5.2901 through 10-5.29319, inclusive, into the re-enumerated Title 15, Chapter 156, Sections 156.001 through 156.116, inclusive. This revision submitted to the Coastal Commission for certification review.



This policy paper describes options available to the City for structuring its LCP, along with the potential benefits and shortcomings of each approach. This paper also summarizes Eureka staff's experience implementing the LCP in its present configuration, and case studies featuring approaches taken by other communities. As little has been published on the topic of LCP structure, the information presented in this paper draws heavily upon the experience of ESA staff who has worked for the California Coastal Commission (CCC) and coastal local government planning departments. This paper also incorporates the perspectives of current coastal local government planning department staff with experience implementing LCPs. These perspectives were collected through semi-structured interviews conducted during May and June 2014, with representatives of the cities of Eureka, Fort Bragg, Santa Cruz, and Ventura, as well as the counties of Marin, San Mateo, and Los Angeles. Among those interviewed were two local government planners who previously worked for the CCC. This paper concludes with suggestions for configuring the LCP in a manner that is mostly likely to achieve the City's stated objectives.

## 2.2 BACKGROUND/REGULATORY CONTEXT

The California Coastal Act requires that each local government lying, in whole or in part, within the coastal zone, as defined under Section 30103, shall prepare an LCP for that portion of the coastal zone within its jurisdiction [Section 30500(a)]. An LCP is generally comprised of a land use plan (LUP) and implementation plan (IP) which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act at the local level. The LCP is subject to CCC review and approval, also known as certification. Once certified, the LCP's policies and regulations become effective and the local government is delegated development review and permitting authority within the certified portions of its coastal zone. The primary contents of the LUP and IP are described in the following Coastal Act definitions.

The term Land Use Plan is defined in the Coastal Act (Section 30108.5) as follows:

"Land use plan" means the relevant portions of a local government's general plan, or **local coastal element** which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of **implementing actions**. [emphasis added]

As indicated in the definition, the LUP may be comprised of policies distributed throughout the general plan or consolidated within a separate coastal element. The Coastal Act defines local coastal element (Section 30108.55) as follows:

"Local coastal element" is that portion of a general plan applicable to the coastal zone which may be prepared by local government pursuant to this division, or any additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the local government deems appropriate.

In addition to the LUP's policy statements, the Coastal Act requires LCPs to include specific provisions for LUP policy implementation. The Coastal Act (Section 30108.4) defines these "implementing actions," also referred to as the Implementation Plan, as follows:

"Implementing actions" means the ordinances, regulations, or programs which implement either the provisions of the certified local coastal program or the policies of this division and which are submitted pursuant to Section 30502.

As evidenced by the above definitions, the Coastal Act provides local governments with considerable discretion in determining how to structure the LCP. Similarly, the statute respects local preference concerning the relationship or integration between the LCP and other planning documents, such as the general plan and zoning regulations. In determining whether to certify the LCP, the Coastal Commission's review is limited to (1) whether the LUP conforms to the Coastal Act's Chapter 3 policies (Section 30512.2); and (2) whether the IP conforms with and is adequate to carry out the LUP (Section 30513).

## 2.3 LOCAL COASTAL PROGRAM CONFIGURATIONS

As described above, the LCP is generally comprised of a land use plan (LUP) and an implementation plan (IP). While the CCC does not mandate any particular LCP configuration, the approaches employed by local governments in structuring their LUPs generally fall into three categories, and those of IPs into two categories. Recognizing that slight variations exist among the approaches employed by different local governments, the following is a general summary of standard approaches.

### General Plan and LUP Integration

#### *LUP Approach #1: Integrated General Plan/LUP for Coastal Zone and Inland Areas*

Under this approach, the general plan and LUP are an integrated document. The general plan policies apply throughout the entire local jurisdiction, while the LUP policies typically apply only within the coastal zone.<sup>2</sup> The general plan is normally organized around the seven mandated general plan elements listed in California Government Code Section 65302. LUP policies are distributed among and appear under the headings of the elements most closely related to the coastal policy issue. Policies that apply within the coastal zone and/or were adopted for purposes of Coastal Act conformity are typically denoted with a wave symbol or some other distinguishing characteristic. The document is clear that where conflicts arise between general plan and LUP policies, the more specific LUP policies shall take precedence.

#### *LUP Approach #2: Integrated General Plan/LUP Exclusive to the Coastal Zone*

Under this approach, the general plan and LUP are an integrated document. The general plan policies and LUP policies apply exclusively within the coastal zone, and a separate general plan applies to areas outside the coastal zone. The general plan/LUP is typically organized around the seven mandated general plan elements listed in Government Code Section 65302. All policies apply within the coastal zone and there may or may not be distinction regarding which policies were adopted for purposes of Coastal Act conformity.

<sup>2</sup> However, in the case of Eureka's existing General Plan/LUP, some LUP policies also apply outside of the coastal zone.



### *LUP Approach #3: Separate General Plan/LUP (Coastal Element or Community Plan)*

Under this approach, the LUP is prepared as a separate element of the general plan or as a community plan (as provided under Government Code Section 65303). The general plan policies apply within the entire local jurisdiction (i.e., both inland and coastal zone), while the LUP policies apply only within the coastal zone. The general plan is typically organized around the seven mandated general plan elements listed in Government Code Section 65302. To minimize general plan and LUP policy redundancy or duplication, many coastal communities have organized their coastal elements around major Coastal Act policy areas and limited its contents to only those policies necessary to carry out the Coastal Act. Under this approach, the role of the LUP policies in carrying out the Coastal Act is explicit. The document is clear that where conflicts arise between general plan and LUP policies, the more specific LUP policies shall take precedence.

## Zoning Code and Implementation Plan Integration

### *IP Approach #1: Zoning/IP for Coastal Zone and Inland Areas*

Under this approach, a single set of land use and development ordinances, regulations, and programs is established for inland and coastal zone areas. The code also sets forth requirements and procedures for obtaining a coastal development permit. While the code may identify distinct zoning districts for the coastal zone (e.g., Coastal-Dependent Industrial), certain zoning standards and requirements may apply both inside and outside of the coastal zone. One or more overlay or combining districts are established for the coastal zone and include those regulations and standards necessary to implement the LUP. In some cases, the combining district may incorporate by reference the standards set forth in the LUP.

### *IP Approach #2: Zoning/IP Exclusive to the Coastal Zone*

Under this approach, a separate land use and development ordinance, or set of regulations and programs, is established for inland and coastal zone areas. The coastal zoning code sets forth requirements and procedures for obtaining a coastal development permit. The coastal zoning code generally establishes districts for the coastal zone areas that are separate and distinct from those identified in the inland zoning code. The coastal zoning code replicates and/or refines general (e.g., non-district-specific) sections of the inland zoning code, or it may incorporate by reference provisions within the inland zoning code that were not adopted for the purposes of LUP implementation.

## Eureka's Local Coastal Program

The City's LCP was originally prepared by CCC staff. In 1981, the draft LCP was submitted to the City for review and comment. The City Council provided revisions in 1982, but they were ultimately rejected by the CCC at a public hearing in 1983. The following year, the City submitted a revised LCP which the CCC certified in 1984. The City assumed permit-issuing authority in 1985. In 1997, the City submitted its first and only comprehensive LUP update. The CCC approved the amendment in 1998, and the amendments took effect in 1999 (CCC, 2012). Since initial certification, the City has obtained CCC approval for 19 of 24 LCP amendment requests that were submitted for certification (two are pending, one was denied, and two expired). With the exception of a few subsequent project-specific amendments, the 1999 LCP remains the standard of review for coastal development permit issuance within the City's coastal zone.

The City's LCP is comprised of an integrated General Plan/LUP for its coastal zone and inland areas (similar to LUP Approach #1), and a chapter within its Municipal Code that applies exclusively within the coastal zone, but references the inland zoning regulations in Chapter 155 (similar to IP Approach #2). More specifically, the City's LUP policies, programs, standards, and plan proposals designed to meet Coastal Act requirements are distributed across the various General Plan elements and noted with a wave symbol. Such provisions also apply outside of the coastal zone, unless their application is explicitly limited to the coastal zone by language contained therein (e.g. "Within the coastal zone, the City shall . . ."). The portions of the City's General Plan identified as meeting Coastal Act requirements (i.e., those components with a wave notation) are also consolidated within the General Plan's Appendix B.

The City's Land Usage Ordinance (Title 15), Chapter 156, Coastal Zoning Regulations, sets forth regulations specific to development within the coastal zone. However, Chapter 156 in its current numeration has not been certified by the CCC. In 1997, the City recodified its "Zoning Regulations of the City for the Coastal Zone" from their CCC-certified 1963-vintage numeration as Eureka Municipal Code Title 10, Chapter 5, Sections 10-5.2901 through 10-5.29319, inclusive, into the re-numbered Title 15, Chapter 156, Sections 156.001 through 156.116, inclusive. The regulations set forth in Chapters 156 and 10-5 are largely the same. However, subsequent to CCC-certification of Sections 10-5.2901 et seq., the City has made additional revisions to the Chapter 156 regulations that have yet to be submitted to the Coastal Commission for certification review. As a result, City staff continues to rely upon the Chapter 10-5 regulations when implementing the LCP.

Chapters 156 and 10-5 contain development standards and regulations governing coastal resource protection, zoning districts, and procedures for coastal development permit issuance. Many of the Chapter 156 and 10-5 (coastal zoning) regulations incorporate by reference standards set forth in other chapters of the Municipal Code that were not adopted specifically for the purpose of implementing the LUP and regulating development within the coastal zone (i.e., Chapter 156 references standards set forth in the inland zoning code, Chapter 155 and 10-5). Outside of the Chapters 155 and 156 (Chapter 10-5) regulations, the City has adopted other development standards that govern land use (i.e., type, location, intensity) decisions within the coastal zone, such as those governing historic preservation (Chapter 157), the cultivation, processing, and distribution of medical cannabis (Chapter 158) and the siting of wireless telecommunications facilities (Chapter 159). Questions remain among City staff as to whether such regulations could affect resources subject to Coastal Act regulation, and therefore require CCC certification prior to taking effect within the coastal zone.

With a few exceptions, the current General Plan/LUP structure is working for the City. The integrated General Plan/LUP provides all relevant planning policies under one cover. The components (i.e., policies, programs, standards) identified as satisfying CCC requirements appear in the topical section, or element, of the General Plan most closely related to the subject of that component. From a community planning standpoint, the integrated approach generally treats the City as a single unit, thereby minimizing the potential for policy conflicts between coastal and inland areas. The public has not expressed any major concerns over the existing structure and staff generally finds the document accessible and user-friendly. At the same time, the current integrated structure limits the City's ability to expeditiously amend certain portions of the General Plan. For example, amending the manner in which a "wave symbol" policy applies within inland areas may trigger an LCP amendment, because the policy applies both within and outside the coastal zone. Similarly, at the time of amendment, the City has found that the current structure lends itself to broader review by the CCC.





City staff has found the present Coastal Zoning Regulations/IP configuration could be improved. As noted previously, the City has yet to obtain CCC certification of changes to its coastal zoning regulations (Chapter 10-5 and Chapter 156), including recodification to be consistent with the rest of the Municipal Code. However, such revisions appear without distinction in the City’s current published coastal zoning regulations (Chapter 156), although Chapter 10-5 is available online in the Community Development Department library on the City’s website.

Reviewing applications for development permits within the coastal zone requires City staff initially consulting both Chapters 156 (current, uncertified coastal zoning regulations) and 10-5 (outdated, certified coastal zoning regulations). The City’s coastal zoning regulations heavily incorporate by reference standards and regulations outside of Chapters 156 and 10-5 which were not adopted specifically for the purpose of implementing the LUP and whose application is not limited to the coastal zone (i.e., Chapter 155 and inland 10-5). Effective LCP implementation thus also requires consulting these “inland” zoning regulations that are the subject of such cross references. To the extent that their implementation may affect coastal resources, inland zoning regulations that are incorporated by reference in the City’s coastal zoning regulations (i.e., Chapter 156 when certified and Chapter 10-5 as presently certified) are, by extension, part of the City’s LCP. Accordingly, amendments to such inland regulations may require approval from the CCC before they become effective in the coastal zone. Given these circumstances, applying coastal zoning regulations that reference inland regulations requires determining whether amendments to the subject inland regulations have occurred since LCP certification and, if so, whether such amendments may require CCC certification prior to taking effect within the coastal zone. The complexity and staff resources required to track this amount of information effectively precludes efficient and comprehensive IP implementation.

Furthermore, evaluating applications for development permits within the coastal zone also requires consideration of regulations governing land use decisions contained within other chapters of the zoning ordinance that do not distinguish between inland and coastal areas (e.g., regulations for medical cannabis, wireless telecommunications facilities, and historic preservation). Before such regulations can be applied within the coastal zone, City staff must first consider whether such regulations could be construed by the CCC as beyond the scope of or inconsistent with the LCP. As with implementation of coastal zoning regulations that cross reference uncertified inland regulations, the City’s application within the coastal zone of uncertified regulations concerning medical cannabis, wireless telecommunications facilities, and historic preservation could render such actions vulnerable to CCC appeal. As such, City staff is evaluating whether an LCP amendment would be required before such regulations may take effect within the coastal zone.

## 2.4 APPROACHES TAKEN BY OTHER COASTAL COMMUNITIES

In order to better represent local coastal planning departments’ LCP implementation and amendment experiences, and to substantiate ESA staff’s perspectives on these issues, ESA conducted semi-structured interviews with senior planning staff from six coastal communities. The interviews were conducted between May and June of 2014, and each lasted approximately 45 to 60 minutes. In selecting these communities for interviews, we considered how recent the community’s decision was to amend the LCP (or not), representativeness of LCP configuration (i.e., integrated vs. separated), geographic location, and community size and character. As noted previously, two of the people interviewed are presently senior coastal local

government planning staff who previously worked for the Commission. Also noteworthy is the relative lack of recently-updated LCPs statewide – especially those comprised of an integrated general plan/LUP (for coastal and inland areas) and integrated zoning/IP (exclusive to the coastal zone). An overview of the present state of the LCPs in these communities is provided below, followed in the next section by a discussion of the benefits and draw-backs of the various approaches to LCP configuration that are relevant to Eureka’s decision.

### City of Fort Bragg

The City’s 2008 LCP update created a General Plan/LUP and Zoning Code/IP for the coastal zone, separate and distinct from its inland General Plan and Zoning Code (similar to LUP Approach #2 and IP Approach #2). A revised inland General Plan was adopted in 2012 and a revised inland Zoning Code was adopted in 2014. The City has not revised its LCP since 2008.

### City of Santa Cruz

The City’s 1992 LUP is integrated into a General Plan that applies citywide. In 2012, the City adopted an updated, stand-alone General Plan; the LUP policies are not included in the 2012 General Plan. The City is presently working on an LCP update which will involve a stand-alone LUP, while keeping the IP integrated within a single zoning code for inland and coastal areas (similar to LUP Approach #3 and IP Approach #1). The City’s Zoning Code/IP presently uses coastal zone-specific overlay districts, zoning districts, and other code subsections to carry out LUP policies and achieve Coastal Act consistency.

### City of Ventura

The City’s 1989 LUP was integrated into a General Plan that applied citywide. In 2005, the City adopted an updated, integrated General Plan/LUP that was also designed to apply citywide (similar to LUP Approach #1). Upon local adoption, the City published the integrated 2005 General Plan/LUP whose coastal policies are denoted by wave symbols. However, due to extensive CCC revisions, the City never obtained CCC certification of the 2005 LUP policies. The 2005 General Plan was never revised to address the uncertified status of the 2005 LUP policies, and the publicly available document presently reads as though its LUP policies apply within the coastal zone. In practice, however, the City continues to rely upon its 1989 LUP policies when evaluating development proposals within the coastal zone. The City’s IP is integrated within a single zoning code for inland and coastal areas. The City presently uses coastal zone-specific overlay zones, zoning districts, and other code subsections to carry out LUP policies and achieve Coastal Act consistency (similar to IP Approach #1).

### Marin County

The Countywide Plan (the name for their general plan) and LUP are separate documents (similar to LUP Approach #3). The County obtained CCC certification of a comprehensive LUP update in 2014. The LUP mirrors the structure of the Countywide Plan, but nearly all policies have been modified to ensure Coastal Act consistency. The 2014 LUP is a community plan-type document. Similar to the LUP, the County’s IP is comprised of a stand-alone set of zoning regulations that mirror those of the inland areas, but are specific (with a few exceptions) to the coastal zone (similar to IP Approach #2). The County is presently updating its IP to be consistent with the 2014 LUP policies.



## San Mateo County

The County's General Plan and LUP are separate documents (similar to LUP Approach #3). A comprehensive LCP amendment was certified by the CCC in 2013, bringing an end to a 9-year update process. The 2013 LUP is a community plan-type document and is organized by major Coastal Act policy area, as opposed to general plan elements. The County's IP is integrated within a single set of zoning regulations for inland and coastal areas (similar to IP Approach #1). The County uses a coastal zone-specific overlay district, zoning districts, and other code subsections to carry out LUP policies and achieve Coastal Act consistency.

## Los Angeles County

The Countywide General Plan includes general policies that apply throughout the County. In addition, the County has developed a number of community, neighborhood, and area plans that further refine the vision and goals set forth in the Countywide General Plan. The County's coastal zone is divided into four such community planning areas: Marina del Rey, Santa Catalina Island, Malibu, and Santa Monica Mountains. Within the County's coastal zone, the LCP land use plan serves as the community plan for the respective coastal community. The Santa Monica Mountains planning area is the fourth and final segment of the County's coastal zone to obtain LCP certification. As noted, the Countywide General Plan and Santa Monica Mountains LUP are separate documents (similar to LUP Approach #3). A comprehensive update of the Santa Monica Mountains LUP was certified by the CCC in 2014. The LUP mirrors the structure of the General Plan, but contains more specific policies and applies only within the Santa Monica Mountains segment of the County's coastal zone. In 2014, the County also completed and the CCC certified the first Santa Monica Mountains IP. Similar to the LUP, the County's IP is comprised of a stand-alone set of zoning regulations that mirror those of the inland areas, but are specific to the Santa Monica Mountains segment of the County's coastal zone (similar to IP Approach #2).

## 2.5 EVALUATING OPTIONS FOR STRUCTURING THE LCP

The following subsections include discussions of the potential benefits and draw-backs of the various standard LCP configurations. General Plan/LUP and Zoning/IP considerations are addressed separately, with emphasis on City priorities for LCP configuration. As applicable, these discussions incorporate lessons and/or examples from the local governments identified above. A summary of considerations for LCP configuration, organized by potential LUP/IP configuration approach and based upon City priorities, is presented in **Table 1**.

Planning officials interviewed for this policy paper generally agreed that LCP configuration does not have substantial implications for staff usability, public accessibility, or implementation cost. There was general agreement that there would be an initial staff learning curve associated with implementation of any LCP, regardless of configuration. Once the implementation process is understood by staff, there is not likely to be a significant difference in implementation time or difficulty. Similarly, given that planning staff typically works closely with applicants to help them understand how planning documents apply within the planning area, LCP configuration is not likely to be a major factor in the public's ability to access and understand the document.



<b>Table 1. Summary of Local Coastal Program Land Use Plan and Implementation Plan Considerations by City of Eureka Priority</b>					
<b>Approach</b>	<b>Preserve City's Ability to Plan &amp; Regulate in accordance with Community Perspective</b>	<b>Ease of Update &amp; Amendment</b>	<b>Ease of Staff Use</b>	<b>Ease of Public Use</b>	<b>Cost of Preparation and Maintaining</b>
<b>LUP Approach #1: Integrated General Plan/LUP for Coastal Zone and Inland Areas</b>	Greater the integration, the greater the potential for disagreement between City and CCC staffs regarding which components (e.g., policies, maps, standards) of the general plan/LUP are subject to CCC review. Potential for disagreement can be minimized through clear delineation of LUP components and limiting application of LUP components to the coastal zone only.	Greater the integration, the greater the potential for delays in LCP update certification to delay publication of the updated general plan/LUP. Increased potential for inland-driven amendments to inadvertently trigger need for LCP amendment (e.g., where coastal policies or maps apply within the coastal zone and inland areas).	Integrated approach more closely resembles traditional general plan structure. With LUP policies presented alongside citywide policies, reduced potential for LUP policies to be overlooked. With LUP policies distributed, staff required to review entire document for LUP policies. If LUP policies also consolidated in an appendix, staff required to update and ensure consistency of policies distributed about the general plan and consolidated within the appendix.	With LUP policies distributed alongside citywide policies, increased potential for public confusion. Can be minimized through clear delineation of LUP components and limiting LUP components to the coastal zone only.	Cost of initial preparation likely to be somewhat less than separate documents. Inadvertent triggers of LCP amendments and/or bifurcating policies to avoid inadvertent LCP amendment triggers may increase long-term implementation cost.
<b>LUP Approach #2: Integrated General Plan/LUP Exclusive to the Coastal Zone</b>	Structure precludes potential for disagreement between City and CCC staffs regarding policies affecting inland areas (assuming coastal general plan/LUP does not incorporate by reference policies of the inland general plan).  Regarding coastal general plan/LUP, the greater the integration, the greater potential for disagreement between City and CCC staffs regarding which elements (e.g., policies, maps, standards) of the coastal general plan/LUP are subject to CCC review. Potential for disagreement can be minimized through clear delineation of LUP components and limiting application of LUP components to the coastal zone only.	Structure precludes potential for CCC certification-related delays in update of inland general plan, or for revisions to inland general plan to trigger need for LCP amendment (assuming coastal general plan/LUP does not incorporate by reference policies of the inland general plan).  Within the coastal general plan/LUP, increased potential for amendments to general policies not adopted for the express purpose of Coastal Act implementation to trigger an LCP amendment. Potential for inadvertent trigger of LCP amendment can be minimized through clear delineation of LUP components. Citywide land use policy changes would require updating two documents and may require CCC certification prior to taking effect within the coastal general plan/LUP.	Similar to LUP Approach #1. Implementation would first require consideration for location of development to determine which general plan applies. Implementation would be more challenging for development that traverses the coastal zone/inland boundary as two general plans would apply.	Multiple general plans may increase confusion among the public as to which document applies to which portion of the city. If citywide policies are not kept consistent among the two documents, public may become frustrated over different standards applying on either side of coastal zone boundary.  With respect to the coastal general plan/LUP, the integrated approach may be attractive to those used to existing configuration or familiar with traditional general plan structure.  With LUP policies distributed alongside non-LUP policies, increased potential for public confusion. Can be minimized through clear delineation of LUP components.	Cost of initial preparation expected to be greatest among the three approaches. Would require preparation and update of two separate general plan documents. If coastal general plan/LUP highly integrated, inadvertent LCP trigger costs similar to those of LUP Approach #1 would be expected. Implementation cost expected to be slightly greater than that of LUP Approach #1.
<b>LUP Approach #3: Separate General Plan/LUP (Coastal Element or Community Plan)</b>	Structure limits potential for disagreement between City and CCC staffs regarding which components (e.g., policies, maps, standards) of the general plan/LUP are subject to CCC review because LUP components are confined to a single, separate element	Structure limits potential for delays in publishing components of the general plan that were not adopted for the purpose of Coastal Act conformity. Revisions to non-coastal and inland policies less likely to inadvertently trigger LCP amendment because LUP policies confined to single, separate element or	Implementation would require consideration for one additional element or community plan (e.g., coastal element) beyond those traditionally found in the general plan. With	With LUP policies confined to a separate coastal element or community plan, increased potential for public to overlook these requirements. Can be minimized through clear discussion of policy applicability in the introductions to the document and coastal element/community plan.	Cost of initial preparation expected to be slightly greater than LUP Approach #1, as would require preparation of an additional element/community

	or community plan.	community plan.	consolidation, comprehensive consideration for coastal zone-specific policies would be easier (i.e., would not require searching entire general plan). With isolation, increased potential (albeit negligible) for LUP policies to be overlooked.		plan. Cost to implement and maintain would be expected to be similar to LUP Approach #1. However, to the extent structure limits inadvertent LCP amendment triggers, nominal long-term saving would be expected.
<b>IP Approach #1: Zoning/IP for Coastal Zone and Inland Areas</b>	Structure limits potential for disagreement between City and CCC staffs regarding which components are subject to CCC review because IP components are confined to coastal zone-specific overlay zones, zoning districts, or other code subsections. Reduces, but does not preclude potential for disagreement regarding CCC jurisdiction over regulations that were not adopted specifically for the purpose of implementing the LUP.	Structure limits potential for delays in amendment to and implementation of general citywide regulations outside of the coastal zone-specific provisions (i.e., not adopted for the purpose of implementing the LUP or that would not affect coastal resources). Reduces, but does not preclude the possibility that a revision to a regulation outside of the coastal zone-specific regulations would trigger an LCP amendment or further clarification so as to avoid the need for and LCP amendment.	Implementation would require consideration for only one set of general zoning regulations for the entire City. Staff would still need to consider coastal zone-specific provisions, which could be inadvertently overlooked if not clearly delineated.	Public would need to consider only one zoning document. However, with coastal zone-specific regulations confined to specific code subsections, possibility that public could overlook these requirements. Can be minimized through clear labeling, titling, and presentation of IP provisions throughout the zoning ordinance, and depiction of coastal overlay zone on zoning map.	Would involve merging two existing zoning codes, requiring moderate investment of time and resources for initial preparation. Reduced staff time to maintain and update one document. To the extent the IP can be confined to coastal zone-specific subsections and limit inadvertent LCP triggers, nominal cost savings associated with implementation and maintenance.
<b>IP Approach #2: Zoning/IP Exclusive to the Coastal Zone</b>	Structure precludes potential for disagreement between City and CCC staffs regarding regulations affecting inland areas (assuming coastal zoning ordinance does not incorporate by reference regulations or standards of the inland zoning ordinance).  Regarding coastal zoning ordinance, the greater the integration of IP and non-IP regulations, the greater potential for disagreement between City and CCC staffs regarding which regulations are subject to CCC review. Potential for disagreement can be minimized through clear delineation of IP components within the coastal zoning ordinance.	Structure precludes potential for CCC involvement to delay the update and implementation of inland regulations, and for such updates to trigger an LCP amendment (assuming coastal zoning ordinance does not incorporate by reference regulations or standards of the inland zoning ordinance).  Regarding coastal zoning ordinance, increased potential for amendments to non-IP regulations to inadvertently trigger an LCP amendment. Potential for such requirement can be minimized through clear delineation of IP components.  Implementing new citywide regulations would require amending both sets (i.e., inland and coastal) of zoning regulations and may require CCC certification prior to taking effect within the coastal zoning ordinance.	Implementation would first require consideration for location of development to determine which set of zoning regulations apply. Redundancy of regulation could confuse implementation of citywide regulations that apply to inland and coastal areas if not kept consistent. Reviewing development proposals that traverse the coastal zone/inland boundary would require consideration for two sets (i.e., coastal zone and inland) of zoning regulations.	Public would need to consider two zoning documents. Multiple sets of zoning regulations may increase confusion among the public as to which regulations apply to which portion of the city. If citywide regulations are not kept consistent among the two ordinances, public may become frustrated over different standards applying on either side of coastal zone boundary.	Would involve moderate revision to coastal zoning ordinance to remove cross-reference to inland zoning ordinance. Greater staff time required to maintain and update two separate documents. To the extent the IP can be clearly described within the coastal zoning ordinance and limit inadvertent LCP triggers, nominal cost savings associated with implementation and maintenance.

Document style and presentation may be more important than document structure (i.e., separation or integration) from a public accessibility standpoint. Separate documents tend to be slightly more costly than integrated documents; this is due to the initial investment required to prepare separate documents, and to a lesser extent to maintain them. However, these additional costs are relatively small and none of the local government representatives interviewed for this policy paper identified cost as a determining factor in their community's decision regarding LCP configuration. With respect to community cohesion, given the time and resources required for an LCP amendment, policies and regulations that apply to areas within the coastal zone tend to be older and be updated less frequently than their inland counterparts. This may result in the inadvertent establishment of regulations and standards that differ for properties on either side of the coastal zone boundary.

## General Plan and LUP Integration

### *LUP Approach #1: Integrated General Plan/LUP for Coastal Zone and Inland Areas*

The integrated general plan/LUP approach provides a single point of reference for all land use policies within the planning area. However, as Eureka, Santa Cruz, and Ventura planning staff have each experienced, the more integrated the document, the greater the likelihood of inadvertently triggering an LCP amendment. This often happens when a community modifies a portion of the general plan/LUP that is seemingly limited to inland areas, but has direct or indirect effects on the LUP or coastal zone.

In the case of Eureka, policies denoted with a wave symbol also apply outside of the coastal zone. An amendment to such a policy with the intent of clarifying the extent of its application outside the coastal zone may trigger an LCP amendment. Other Eureka General Plan/LUP policies include language that could be interpreted as applying within the coastal zone, but are not denoted with a wave symbol. This also gives staff pause for concern when contemplating a modification to such policies.

Prior to its 2012 update, the City of Santa Cruz General Plan/LUP (1992) included maps that depicted resources inside and outside the coastal zone. The City found that modifications to such resource maps, even for areas of the city outside the coastal zone, triggered an LCP amendment. Changes to LUP policy numbering in order to ensure consistency with or accommodate revisions to general plan policies can also trigger an LCP amendment. According to Ventura planning staff, the more integrated the document, the more likely CCC staff will be to review policies beyond those explicitly identified as having been adopted for the purpose of Coastal Act conformity. As evidenced by Ventura staff's experience with its 2005 General Plan update, delays in CCC certification of LUP policies can delay preparation of a consolidated revised General Plan/LUP, and can create widespread confusion as to LUP policy application.

### *LUP Approach #2: Integrated General Plan/LUP Exclusive to the Coastal Zone*

The integrated general plan/LUP approach exclusive to the coastal zone provides a single point of reference for all land use policies within the coastal zone. Furthermore, it eliminates any confusion as to whether policies subject to CCC review apply inside or outside of the coastal zone. However, this approach is rare among coastal communities, as it requires the preparation of two general plans within a single jurisdiction – one for the coastal zone and one for the community's inland areas.



In the case of Fort Bragg, the Coastal General Plan does not distinguish between policies adopted for the purpose of complying with State general plan law (Government Code Sec. 65300 et seq.) and those adopted for the purpose of Coastal Act conformity. As a result, the entire Coastal General Plan is considered the LUP, and any modification to that document requires an LCP amendment. Given the resources and time commitment required to process an LCP amendment, City staff has not revised the document since its comprehensive update in 2008. According to City staff interviewed for this policy paper, this has resulted in the Coastal General Plan lagging behind the Inland General Plan in areas of low-impact development (LID), flood protection, affordable housing, and parking policies and standards of high importance for the City.

### *LUP Approach #3: Separate General Plan/LUP (Coastal Element or Community Plan)*

The separate general plan/LUP approach provides the clearest distinction between policies that were adopted for the purpose of Coastal Act conformity and those adopted for other reasons. This approach provides the community with greater control over and flexibility in updating other general plan policies, and reduces the likelihood that such revisions will inadvertently trigger an LCP amendment.

The separate general plan/LUP approach appears to be the preferred configuration among most coastal local governments, and is the approach employed by the City of Santa Cruz and counties of Los Angeles, San Mateo, and Marin. LA County staff explained that two primary factors contributed to its decision to create an LUP separate from its General Plan. The first was the level of specificity required of LUP policies, compared to other general plan policies. The second was the level of scrutiny coastal planning documents receive from CCC staff. Creating a stand-alone LUP allowed the County to meet the level of specificity required by the Coastal Act, while preserving the broader policy language of the General Plan. According to L.A. County staff, this configuration also minimizes the potential for CCC staff to request policy revisions that could affect the County's broader General Plan area. However, without the LUP policies integrated into the general plan, there is greater potential for the requirements of the LUP to be disregarded when processing a permit application. Marin County staff explained that having two separate documents creates an additional step that can sometimes get overlooked in the midst of heavy staff workloads. County staff also explained this is as much a staff training issue as one of document structure.

## Zoning Code and Implementation Plan Integration

### *IP Approach #1: Zoning Code/IP for Coastal Zone and Inland Areas*

The zoning code/IP for coastal and inland areas streamlines the zoning code by providing one set of regulations for the entire planning area. Under this approach, the ordinances, regulations, and programs that implement the LUP are typically contained within overlay zones, zoning districts, and or code subsections that apply only within the coastal zone. This is the approach employed by the cities of Santa Cruz and Ventura, and the County of San Mateo. In the case of San Mateo County, the "Coastal Development" overlay district incorporates by reference the criteria set forth in the LUP for locating and planning new development within the coastal zone. Like the separate general plan/LUP approach described above, the coastal zone-specific overlay zones, districts, and code subsections help to isolate and distinguish the IP requirements from those of the broader zoning code. This reduces the likelihood that an IP amendment will result in changes to zoning provisions that apply outside the coastal zone. The document is clear that where conflicts arise between citywide zoning regulations and regulations specific to the IP, the latter regulations shall take precedence.

With the coastal zone-specific overlay zones or other subsections containing additional regulations that apply only within the coastal zone, there is potential for planning staff to inadvertently overlook or misapply this additional set of overlay zone standards when reviewing development proposals for property within the coastal zone. At the same time, if underlying zoning district regulations apply within both coastal and inland areas, there remains the potential for CCC staff to take the position that modification of such a regulation or district triggers an LCP amendment. To reduce the likelihood of this occurring, San Mateo County has also established several zoning districts that are unique to the coastal zone. Other planning staff interviewed for this policy paper said they rely on language within the zoning code clarifying that, in the event of a conflict between the IP regulations and another provision of the zoning code, those of the IP shall prevail. San Mateo County staff also noted that in the event of a stalemate between the CCC and local planning staff over such a revision, the County may break the policy into two components, one for the inland areas and one for the coastal zone, rather than pursuing an LCP amendment for each such revision. Therefore, while the zoning code/IP approach minimizes duplication of regulations for inland and coastal areas, it does not preclude the possibility that such regulations will need to be refined to address the unique circumstances within the respective planning areas.

### *IP Approach #2: Zoning Code/IP Exclusive to the Coastal Zone*

The zoning code/IP exclusive to the coastal zone eliminates any potential confusion as to the geographic extent of the zoning code's application – the entire code applies within and is limited to the coastal zone. At the same time, this approach limits the community's flexibility in updating its zoning regulations and standards. This is because the provisions of the IP that carry out the LUP tend to be integrated throughout the zoning ordinance, with less distinction between provisions adopted for the purpose of implementing the LUP and those adopted for other reasons. As a result, when a community attempts to modify the provisions of its zoning code that were adopted for purposes of Coastal Act conformity/LUP implementation (i.e., the IP), there remains the potential for CCC staff to request modifications to provisions the community perceives to be beyond the CCC's jurisdiction. As with the zoning code/IP for coastal and inland areas (IP Approach #1), planning staff interviewed for this policy paper said they also rely on language noting that in the event of conflicts between coastal and non-coastal regulations, those that were adopted for the purpose of implementing the LUP shall take precedence.

Citing unique conditions within their coastal zones and a desire to preclude the potential for CCC staff to affect zoning regulations outside the coastal zone, planning staff for the counties of Los Angeles and Marin have adopted the zoning code/IP approach exclusive to the coastal zone. Creating a stand-alone set of ordinances for the coastal zone dramatically increases the bulk of the zoning code. In one extreme example, Los Angeles County's IP for the Santa Monica Mountains LCP area totals 606 pages. In order to reduce bulk and duplication among its coastal and inland zoning codes, Eureka's coastal zoning regulations heavily incorporate by reference provisions of the inland zoning regulations. While this may effectively reduce bulk, it limits the City's ability to modify the inland zoning regulations that are the subject of cross reference within the coastal zoning regulations, thereby increasing the potential for such modification to inadvertently trigger an LCP amendment. At the same time, as experienced by Fort Bragg and Eureka planning staffs, updating and implementing two separate sets of zoning regulations requires substantial staff time and effort. Given the time and effort associated with such revisions, Fort Bragg planning staff has yet to undertake revisions to its Coastal Land Use and Development Code (IP) since its certification in 2008.



## 2.6 CONCLUSION

In contemplating its comprehensive General Plan/LUP update, Eureka is evaluating how best to structure its LCP with respect to its other planning documents. This memo outlines key elements of the LCP, issues the City faces with its present configuration, options available to the City, approaches taken by and lessons learned from other coastal communities, and the benefits and drawbacks associated with prevailing standard approaches. A key priority for City staff in selecting an LCP configuration is preserving its ability to plan for and regulate development in accordance with community preferences, while minimizing the potential for disagreement between CCC and City staffs as to which policies and regulations are subject to CCC review. Other important considerations for the City are ease of LCP update, staff usability, public accessibility, maintenance of community cohesion, and cost of preparing and maintaining the document. A summary of LCP configuration considerations by City priority is presented in Table 1. Key considerations and recommendations for structuring Eureka's LCP are provided below.

**With respect to the general plan – land use plan relationship, the configuration most likely to advance the City's priorities would be LUP Approach #3, the separate general plan/LUP (Coastal Element or Community Plan).** Under LUP Approach #3, the policies required to carry out the Coastal Act would be contained within a separate general plan element or community plan. General plan policies would apply citywide (i.e., coastal and inland areas), with the exception of the LUP policies which would apply only within the coastal zone. Policy duplication and redundancy would be minimized to the extent practical. As described above and summarized in Table 1, this approach provides the clearest distinction between policies adopted for the purpose of Coastal Act conformity and those adopted for other purposes. This distinction is forged through (1) City and CCC staff agreement regarding LUP policy limits; (2) confining the LUP policies to a separate element or community plan; and (3) applying LUP policies only within the coastal zone. This structure would be expected to reduce future disagreement between CCC and City staffs regarding which general plan components are subject to CCC review, provide the community with greater flexibility in revising non-coastal General Plan policies, and reduce the likelihood that such revisions will inadvertently trigger an LCP amendment. Preparing the LUP as a separate general plan element or community plan would require a marginal increase in the City's resources and staff time associated with consulting, maintaining, and printing the respective documents, relative to that required for the City's present integrated General Plan/LUP. No substantial difference would be expected for public accessibility or community cohesion.

**With respect to the zoning code – implementation plan relationship, the configuration most likely to advance the City's priorities would be IP Approach #1, the zoning code/IP for coastal zone and inland areas.** This recommendation is predicated upon the assumption that the City can demonstrate and reach an understanding with CCC staff (as would be reflected in the CCC's IP amendment staff report and codified in the updated IP) that the majority of the City's general zoning regulations would not affect coastal resources protected under the Coastal Act and therefore should not be subject to CCC review. *Additional evaluation of the City's zoning regulations and consultation with CCC staff will be required in order to confirm this assumption.* Should further analysis of City regulations or discussion with CCC staff suggest otherwise, IP Approach #2 may prove the more desirable alternative. It should also be noted that IP Approach #2 is more consistent with the structure of the City's existing Municipal Code. As such, even if the City can secure such



agreement with the CCC as to the limits of the IP, implementing the IP Approach #1 would involve substantial reconfiguration of the existing code structure.

As discussed in the previous subsections and summarized in Table 1, provided that the City and CCC staff can agree as to the limitations of IP regulations, IP Approach #1 would provide greater flexibility in updating general zoning regulations and standards that apply within coastal and inland areas. Under this approach, regulations and standards adopted for Coastal Act conformity and LUP implementation are generally contained within coastal zone-specific overlay zones, zoning districts, and/or code subsections that apply on top of or in addition to (and in the case of conflicts, supersede) those general provisions of the zoning code. This approach would require moderate initial investment in reconfiguring the current zoning code. The zoning code/IP for coastal zone and inland areas would reduce redundancy and eliminate cross-referencing within the City's zoning regulations. Over the long term, this would be expected to reduce staff time and resources required to navigate, maintain, and print separate sets of zoning regulations. At the same time, implementation of this approach would still require staff's consideration of overlay or coastal zone-specific regulations in reviewing applications for development proposed inside the coastal zone. As with the General Plan/LUP, no substantial difference would be expected for public accessibility or community cohesion.

This policy paper presents general approaches to configuring the LCP with respect to the general plan and zoning code. It is important to note that each community is unique, and the structure of the document is likely to evolve throughout the update process and even after adoption and certification. As evidenced by San Mateo County's approach to its IP (use of overlay zones and zoning districts unique to the coastal zone), many communities find some combination of the above approaches are necessary to fully achieve their desired objectives.

## 2.7 REFERENCES

California Coastal Commission (CCC), 2012. Local Coastal Planning Program Detailed LCP Status and History through June 30, 2012. December 20, 2012.