

CALIFORNIA COASTAL COMMISSION

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Appendix A: Drafting a New Implementation Plan

Please see Code of Regulations §13511(c)(2) at <http://government.westlaw.com//inkedslice/default.asp?SP=CCR-1000>, for Coastal Implementation Plan Requirements:

The zoning ordinances and zoning district map shall conform with and be adequate to carry out the policies, objectives, principles, standards and plan proposals set forth in the land use plan. The scope of measures contained in the zoning ordinance and/or district maps shall extend to the authority granted by the planning laws of California, including Government Code Sections 65850-65862 and 65910-65912. Where applicable and necessary to carry out the policies and provisions of an approved land use plan, these measures may include: exclusive use zones, overlay zones, conditionally permitted uses based on certain findings, sign and/or design controls, landscaping and grading regulations, hazard or geologic review requirements, open space and lot coverage standards, minimum lot sizes (including minimum acreages for agricultural and timberland conversion), density and timing of development standards based on public service capacities and recreational use needs, and any other similar ordinances within the scope of zoning measures.

If your city does not have a certified LCP or only a certified Land Use Plan, you may need to develop a new Implementation Plan (IP). This Appendix outlines some considerations that would go into drafting a complete Implementation Plan; it is not intended as a detailed guide for preparing and IP. Coastal Act § 30513 requires that a coastal implementation plan be fully consistent with and adequate to carry out your certified coastal land use plan. Adequacy to carry out the land use plan means in part following the minimum requirements of Code of Regulations §§ 13560 through 13574, “Local Coastal Program Implementation Regulations.”

A coastal implementation plan consists of zoning ordinances and district maps. Essential elements of an implementation plan include:

- land uses and their densities and related standards, consistent with your coastal land use plan provisions, typically in the form of zoning district regulations;
- land use and density locations, typically in the form of zoning maps;
- substantive and procedural standards to implement all coastal land use policies, such as those implementing your required public access component and those governing environmentally sensitive habitats, biology and marine resources, geology and hazards management, view protection, and archaeology among others--sometimes integrated into zoning district regulations or sometimes comprising separate sections of the local zoning code and applying wherever the issue is present;
- other regulations, such as for landscaping, parking, signs, grading, subdivisions, etc., that affect the kind, location, or intensity of new development in the coastal zone;
- procedures for processing coastal permits;
- procedures for processing LCP amendments.

Certified coastal implementation plan formats and contents differ widely. Implementation plan format and content must respond to your specific coastal land use plan; no one size fits all. The Coastal Act and

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implementing Code of Regulations provide for variation Nevertheless, if you are creating a coastal implementation plan from scratch, here are some tips to consider:

The coastal implementation plan consists of zoning ordinances (please see sidebar) and district maps. Many jurisdictions' zoning ordinances consist of a chapter of the municipal or county code, but the coastal content will likely spread to other code chapters as well. If you have a zoning ordinance chapter you may divide it into coastal and inland parts. If your entire city is in the coastal zone, then the entire zoning ordinance chapter might comprise part of the coastal implementation plan. Exactly where in your regulatory framework your coastal implementing ordinances and maps reside is discretionary. What is important is that they be readily identified as comprising the implementation portion of your Local Coastal Program.

Zoning ordinance" means an ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter (Coastal Act 30122).

Some jurisdictions append various relevant guidelines or manuals to their coastal implementing ordinances. For example, your land use plan might mandate that park landscaping be kept healthy and free from invasive plants. Implementation may be through a parks department landscape maintenance manual that you may wish to include in your coastal implementation plan.

To ensure that your coastal implementation plan is complete in terms of subject matter, it may help to prepare a table listing all coastal land use plan policies in one column and their corresponding implementation provisions in the other column. There should be at least one implementation entry for every policy. You could maintain this table as a helpful guide to track any future amendments to the LCP.

Coastal implementation plan provisions that appear to conform to the land use plan may not be sufficient for certification; the provisions must also be adequate to carry out the plan. For example, if your land use plan designates a site for agricultural use and your open space zoning district allows agriculture, along with parks and golf courses, they may appear to conform. But that zoning provision alone would not satisfy the certification criteria of "adequate to carry out the land use plan" because it allows for the possibility of a non-agricultural use, inconsistent with the land use plan. Either using another narrower agricultural zoning district or other qualifying coastal implementation plan provisions would be necessary.

The Coastal Act establishes coastal permit regulation as the paramount way to implement your coastal land use plan. Hence, the coastal permit process is the centerpiece of a coastal implementation plan. Minimum standards for coastal permits are found in Code of Regulations Title 14,

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Division 5.5, Chapter 8, Article 17. You can then fill out the remaining elements of the process from initial application requirements through effective dates, amendments, revocations, and reconsiderations. These are covered in Sections I through III of this Guide. You can also pattern your coastal permit ordinance after the procedures that the Coastal Commission follows for the coastal permits it considers. These procedures are found in the Code of Regulation Title 14, Division 5.5, Chapters 5 and 6.

All regulatory elements to implement the coastal land use plan must be carried out through your coastal permit process. You can have other permits help carry out coastal land use plan policies, for example, a design permit to address scenic protection, but it must be linked and subservient to the coastal permit process.

Most zoning ordinance sections or chapters are prefaced with “Purpose” or “Intent” provisions. These offer the opportunity to relate the operative zoning provisions to your land use plan and possibly even the Coastal Act. They can help properly guide subsequent interpretations of the zoning ordinances. However, they cannot substitute for having operative, binding ordinance provisions.

Where local governments develop form-based or other innovative zoning codes, they must still comply with Coastal Act § 30513 and other requirements of the Act and Code of Regulations.

Some recently certified coastal implementation plans that you can review to obtain ideas about format and content are listed in the [Introduction](#).