



City of Stockton

Stockton Planning
Commission

Meeting Agenda Planning Commission

Antonio Garcia, Chair (District 3)
Mark Kindleberger, Vice Chair (District 2)
Steve Lopez (District 1)
Chris Eley (District 4)
Christina Fugazi (District 5)
D'Andrea Davie (District 6)
Kevin Hernandez (At-Large)

Thursday, June 26, 2014

6:00 PM

Council Chamber, City Hall, 425 N. El Dorado
Street, Stockton CA

1. CALL TO ORDER/ROLL CALL

2. PLEDGE TO FLAG

3. ADOPTION OF CONSENT CALENDAR

3.1 14-0745 APPROVAL OF PLANNING COMMISSION MINUTES

Recommended Action: RECOMMENDATION

Approve for filing the minutes of the June 12, 2014 Planning Commission meeting.

Attachment A- June 12, 2014 Planning Commission Minutes

Department: Community Development Committee

Attachments: [Attachment A- June 12, 2014 Planning Commission Minutes](#)

4. CITIZENS COMMENTS/ANNOUNCEMENTS*

5. APPEALS/PUBLIC HEARINGS

6. NEW BUSINESS*

6.1 14-0738 GENERAL PLAN AMENDMENT: TRAINING ON GENERAL PLAN BASICS;
DRIVERS AND TOUCHSTONES; SCHEDULING; DOWNTOWN PLAN

Department: Community Development

Attachments: [Attachment A- State of California General Plan Guidelines - Chapter 1, General](#)
[Attachment B- City Council Report - June 10, 2014](#)

7. UNFINISHED BUSINESS

8. REPORTS/WRITTEN COMMUNICATIONS/ INFORMATIONAL ITEMS**9. COMMISSIONERS COMMENTS****10. ADJOURNMENT**

*Agendas, staff reports and minutes can be viewed on the City of Stockton web site
<http://www.stockton.gov/government/Meetings/boardComMeetings.html>*

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

State legislation requires disclosure of campaign contributions of \$250 or more, made to any Planning Commissioner, by any person who actively supports or opposes any application pending before the Planning Commission, and such person has a financial interest in the decision. Active support or opposition includes lobbying a Commissioner and/or testifying for or against such an application. Any person having made a \$250 or larger contribution within the preceding 12 months must disclose that fact during the public hearing or on said application.

The official City Planning Commission policy is that applications pending before this Commission should not be discussed with the Commission members outside of a public hearing. If any representations are made privately, they must be identified and placed in the public record at the time of the hearing.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

NOTE: All proceedings before the City Planning Commission are conducted in English. The City of Stockton does not furnish interpreters and, if one is needed, it shall be the responsibility of the person(s) needing one.

CONSENT ITEMS: Information concerning the consent items have been forwarded to the Planning Commission prior to the meeting. Unless a Planning Commissioner or member of the audience has questions concerning a particular item and asks that it be removed from the Consent Calendar, the items are approved at one time by a roll call vote. Anyone wishing to speak on a consent item or public hearing item, please complete a "Request to Speak Card" and submit it to the Recording Secretary prior to the meeting.

** For any person wishing to address the Planning Commission on any planning matter not on the printed agenda. Chairperson may set time limit for individual speakers/groups.*



City of Stockton

Legislation Details (With Text)

File #: 14-0344 Version: 1
 Type: New Business Status: Agenda Ready
 In control: City Council/Successor Agency to the
 Redevelopment Agency/Public Financing
 AuthorityConcurrent

Attachments: [Attachment A - 2008 Settlement Agreement with Sierra Club and the AG](#)

Date	Ver.	Action By	Action	Result
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FORMALLY INITIATE A COMPREHENSIVE AMENDMENT OF THE 2035 GENERAL PLAN

RECOMMENDATION

It is recommended that the City Council approve a motion to formally initiate a comprehensive amendment to the General Plan and approve the Overall Work Program as described herein.

Summary

Staff is requesting that the City Council approve a motion authorizing a comprehensive General Plan Amendment to provide a new approach to policies affecting land use, growth, sustainability, economic prosperity, and the recovery and revitalization of Downtown Stockton and the City as a whole.

DISCUSSION

Strategic Initiative

Staff's proposal is in response to the City Council's Strategic Initiative, which calls for a comprehensive revision of the 2035 General Plan in recognition of the new era that the City is operating under.

The City of Stockton adopted the 2035 General Plan in December 2007 amid the optimism and economic prosperity of the housing and economic boom of that era. Its policies anticipated a sustained level of economic growth and municipal stability that was never realized. On the contrary, the years following its adoption were marked by the Great Recession and the conditions that led to the City filing bankruptcy. Though the 2035 General Plan is a professional and elegant document, it guides a city that, in large part, no longer exists. It is that magnitude of change that brings into question the applicability and utility of the 2035 General Plan. Absent the insertion of applicable and helpful policies, the City of Stockton has only outmoded guidance to lead the city's recovery and revitalization following the recent economic downturn. As such, staff recommends that the City undertake a comprehensive amendment to the General Plan to introduce current policies that will promote and catalyze the revival of the City's various neighborhoods.

Beyond the general conclusion that the 2035 General Plan does not serve today's Stockton, there are multiple legislative and legal impetus that further warrant a comprehensive update, which are described in greater detail below.

1. Settlement Agreement: Following the adoption of the 2035 General Plan, the Sierra Club filed suit claiming inadequacies in both the environmental review and the document as a whole. The Attorney General joined the conversation and, to avoid litigation, the City of Stockton entered into a Settlement Agreement with both parties in October 2008 (Attachment A). The Settlement Agreement obligated the City to perform a series of actions including: drafting and consideration of a Climate Action Plan, a Green Building Program, a Transit Gap Study, and General Plan Amendments, among other requirements. Due to massive reductions in staffing and other factors, the City has not yet satisfied these obligations under the Settlement Agreement, though it continues to make meaningful progress. Per the Settlement Agreement, the General Plan Amendments are to address periphery growth and infill development, with an overall goal to balance the two by promoting and requiring the development of residential units in the Greater Downtown Stockton Area. These General Plan Amendments have not been fully drafted or presented for consideration. However, a comprehensive General Plan Amendment provides the opportunity to integrate and satisfy this requirement in a more holistic manner. Piecemeal amendment to the General Plan would not necessarily provide the scale of policy change required to bring about the ambitious change envisioned by the Agreement or to actually generate the level of infill and Downtown reinvestment needed for recovery. The problem is much graver and the challenges much more severe and, as a result, the solution must be broader and more determined in order to be successful. Staff fully intends to meet the letter and spirit of this obligation under the Settlement Agreement and believes that the comprehensive General Plan Amendment is the most prudent approach to achieve this goal.
2. Sustainable Communities Strategy: Senate Bill (SB) 375 required the development of Regional Transportation Plans and Sustainable Communities Strategies (SCS) by Local Municipal Organizations, which is, in Stockton's case, the San Joaquin Council of Governments (SJCOG). An SCS provides a regional blueprint that guides transportation improvements, as well as housing and growth policies. The intent of the SCS is to provide a more sustainable path forward that reduces greenhouse gas emissions. SJCOG is currently underway with adoption of its SCS and staff anticipates that the resulting growth projections and boundary policies contained in the SCS will differ greatly from those contained in the 2035 General Plan. In order to conform to the SCS, the City must amend its General Plan and failure to do so would deny the City access to needed transportation funding. The new boundaries set forth by the SCS should be considered as the Sphere of Influence (SOI) for the City of Stockton's General Plan and staff would recommend that this boundary be used as the Planning Area for any forthcoming General Plan Amendments which would allow a realistic implementation of the plan.
3. Floodplain Management: SB 5 requires a regional approach to floodplain management and defers to the California Department of Water Resources (DWR) and other regional and local agencies to establish new guidelines related to the 200-year flood zone. Previously, the 100-year floodplain was used as the basis for adequate flood protection. However, with a higher standard, the City is required by SB5 to update its General Plan to incorporate a comprehensive Central Valley Flood Protection Plan by July 2015. A corresponding update of the City's Development Code is required by July 2016. Thereafter, without a finding of

adequate 200-year flood protection, the City will be prevented from entering into Development Agreements, approving discretionary permits, approving ministerial permits for new residences, and approving subdivision and parcel maps that would result in construction within urban or urbanizing areas. A comprehensive General Plan Amendment would afford the City the opportunity to integrate the implications of this new floodplain standard into broader policies and to program capital improvements accordingly. Bottom-line: a finding of adequate flood protection is possible, should the City comply with the State mandate for modifications to the General Plan and Development Code, in concert with other cooperative work on levee improvements and public education by the City, Reclamation Districts, County Flood Control and the San Joaquin Area Flood Control Agency.

4. Transportation Policy: SB 375 eliminated two cornerstones of past transportation planning that previously drove transportation policies away from infill development and downtown investments. Specifically, SB 375 resolved that level of service (LOS) and parking impacts would no longer be viewed as significant impacts during the environmental review process under the California Environmental Quality Act (CEQA). Previously, cities were obligated to consider the negative impacts of a project or plan on the LOS or parking in the affected region. As a result, parking lots were generally required and roadways had to be widened or expanded to maintain acceptable traffic flow. Although this approach may still hold merit in certain areas of the City where alternative transit options are limited and conversion away from vehicle dependence is unlikely (Hammer Lane, for example), SB 375 now allows for new development in established pedestrian-capable areas without obligatory regard for traffic or parking impacts. This will enable infill projects to move forward without enormous corresponding obligations to widen streets or provide additional off-street parking. The City may still elect to apply this standard occasionally, but it is not obligated under CEQA to apply it universally or face threat of a CEQA challenge. Without this burden, the City can pursue transportation and circulation policies that serve the whole of the community, inspire infill development, and improve the overall quality of life for certain neighborhoods. The Downtown, for example, would certainly benefit from a departure from vehicle traffic towards bicycle or pedestrian options. A comprehensive General Plan Amendment would enable this shift in policy and further promote infill development.
5. Growth Policy: During the housing boom of the early 2000s, the City of Stockton approved through Development Agreements and/or Vested Tract Maps, nearly 26,500 housing units that have yet to be built. Considering that the City currently contains approximately 100,000 housing units, this entitlement surplus represents a 26% growth even without additional housing approvals - a sizeable portion of the development of these 26,500 housing units may occur without further regard to future policies. The expected growth from these entitlements alone over the coming 20 years approximates the development of the 1990s and 2000s in terms of overall number of housing units. This situation suggests that a new approach to the City's baseline should be considered that recognizes the obligation of these prior approvals and determines how they are to be accommodated in light of the City's efforts to improve upon basic services to its existing residents and businesses. Further, the City should develop new policies to address requests above and beyond these 26,500 and how, when, or if they should be accommodated. Staff estimates that an additional 23,000 units will be requested over the coming decade, bringing the overall total to 50,000 units (a 50% increase in residential units above baseline, an estimated population increase of 150,000, and a corresponding increased demand for infrastructure and public services). These units are entirely at the periphery of the City and do not include the substantial increase expected through infill development. This

issue is very critical to the future economic stability of the City and these policies should be vetted and in place early. A comprehensive General Plan Amendment would provide the arena for this discussion and would ultimately house the resulting policies.

6. Redevelopment Agency: In 2012, the State of California eliminated the Redevelopment Agency and, in doing so, removed a critical tool in the public/private partnerships that had, for decades, enabled significant revitalization in downtowns and other Redevelopment Areas statewide. The 2035 General Plan was drafted and adopted with the powers and abilities of the Redevelopment Agency intact and many of the policies presume its participation in the programs, especially those affecting the revitalization of Downtown. Without the Redevelopment Agency, the City of Stockton needs to re-assess its resources, alternative funding and enabling mechanisms, and create a new approach to public/private partnerships. A comprehensive General Plan Amendment creates an opportunity to reshape the City's role in revitalization.

The Envisioned General Plan

In light of the City's current economic situation, Staff is committed to applying a streamlined and lean approach to the General Plan Amendment process. The Planning Commission, by Charter, is charged with the development and maintenance of the General Plan and, besides staff, is the sole advisory body to the City Council on this matter. As such, Staff would use the Planning Commission and the public meeting process for all outreach and deliberation purposes. The content of the General Plan would be drafted by Staff with limited consultant services for limited highly-technical studies, as needed, and the content would be reviewed continually by the Planning Commission. Staff is committed to engaging the entire community and would reach out to all interested and affected parties for inclusion in the process. In sum, staff expects that the process would require 18 months to two years and would expect costs not to exceed \$850,000. This is significantly less than typical efforts of this magnitude and 1/7 of the cost incurred during the last General Plan development. Overall, Staff is committed to returning the development of this document to Stockton's residents, its appointed Planning Commissioners, and to those closest to the communities that it will affect.

The bedrock of the General Plan will be an Economic Development Element. It is staff's contention that the overall prosperity of the City is based on its ability to attract new industry, commerce, and jobs. Without economic development, there is no basis for further investment in underserved communities, a revitalization of Downtown Stockton, municipal recovery, or emergence from the recession that still plagues much of the City. Failing to understand who Stockton is economically will prevent the City from reaching its true potential. Rather, knowing what real economic constraints and opportunities exist will empower the City to pursue industries that will invest in the community and employ residents. This new employment will generate new incomes that will support retail and service uses and will create a market for abandoned or neglected commercial and residential neighborhoods. This Economic Development Element will then inform other policies related to zoning, land use, capital improvement, transit, and other related components.

California Government Code requires seven essential elements in each General Plan, though cities retain the ability to adopt additional content or elements as they see fit. Most of the subject matter described above can, and should, be contained within these seven elements, except for an additional

Economic Development Element. The General Plan, at its core, is a plan for the physical development of the community. Though other cities have used the General Plan to describe policies for all aspects of life in the city, the City of Stockton would be better served by exercising considerable restraint and focusing on those subjects critical to the economic and physical growth of the City. This will also ensure cost-efficiency and timely delivery.

The City of Stockton is composed of a broad collection of individual communities and neighborhoods. Though North Stockton and the Downtown have been the focus of much discussion, there remain numerous neighborhoods throughout the City of Stockton that warrant unique consideration and attention. Staff intends to establish a network of policies that speak to these communities and their unique opportunities and challenges. It is clear that there remain opportunities Citywide for infill development, reinvestment, and invigoration. Staff hopes to identify gaps and to offer policies to bring critical services, retail opportunities, and infrastructure to underserved neighborhoods and to preserve those elements where they exist in other neighborhoods. This approach is consistent with general sustainability principals and would ultimately work towards quality of life improvements Citywide.

The Downtown Plan

Staff also recommends that a Downtown Plan be initiated concurrently with a comprehensive General Plan Amendment. The issues facing Downtown are significant and affect the property value, service delivery, and morale of the entire City. A new Downtown Plan would enable immediate development of new policies that would remove any remaining barriers to Downtown reinvestment and would put forth the surety and confidence that currently discouraged Downtown development. By concurrently undertaking The Downtown Plan, the City would have the opportunity to achieve efficiencies, especially from consultant services - a study could be expanded slightly to focus on the Downtown, for example. In addition, Staff anticipates that many General Plan conversations would default to Downtown discussions and would like to be able capture that energy and comments rather than defer them to a future conversation.

FINANCIAL SUMMARY

The past experience of creating an open-ended, over-inclusive General Plan consumed considerable resources of time and funds. The proposal before the City Council envisions a much leaner, more focused and timely effort. It is by design rooted in technical analyses and driven by the co-priority focus of Economic Development and the Sustainable Communities Strategy.

The following represents an estimated two-fiscal year budget for this effort.

1. Consultant Work ~ \$700,000
 - a. Citywide Traffic and Circulation Study
 - b. Citywide Infrastructure Study
 - c. Citywide Economic Analysis (reduced scope)
 - d. Housing Element production
 - e. Environmental Hazards Inventory
 - f. CEQA Review
2. Public Outreach ~ \$50,000
 - a. 4-6 large public workshops
 - b. Mailing and newspaper notices
 - c. Production and distribution

3. Contingency Expenses - \$100,000

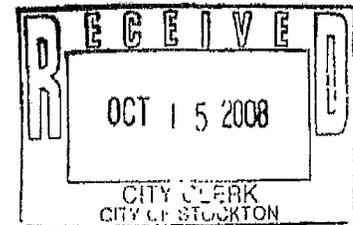
In total, the production of an amended General Plan is estimated to cost \$850,000 over a period of 18 to 24-months. Staff would work immediately with the Planning Commission to generate a detailed work program which will identify needed consultant services and the true costs of these services will be presented as the work program is defined, proposals are submitted, and contracts established for technical and environmental analyses/reporting.

The City Council's approval of the proposed work program is critical to ensuring that this effort is timely and efficient. Funding for the program will be paid as follows: \$250,000 is proposed in the FY2014-15 budget and the remaining \$600,000 is anticipated for inclusion in the FY 2015-16 budget to be paid from Community Development Department Fund No. 048-1825-510.

CONCLUSION

In conclusion, the City of Stockton is at a critical point in its history. The 2035 General Plan that was designed to guide and serve the community no longer relates to its current condition and external factors continue to compel significant change in the City's expressed policies for growth, revitalization, and prosperity. Staff is highly confident that a comprehensive General Plan Amendment will prompt discussion and generate the policies and programs necessary to address the reality and opportunities of today's Stockton. As such, Staff requests that the City Council approve a motion authorizing the undertaking of this comprehensive General Plan Amendment and direct staff accordingly.

Attachment A - 2008 Settlement Agreement with the Sierra Club and the Attorney General



MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("Agreement") is entered into by and between the City of Stockton ("City"), Edmund G. Brown Jr., Attorney General of California, on behalf of the People of the State of California ("Attorney General"), and the Sierra Club, and it is dated and effective as of the date that the last Party signs ("Effective Date"). The City, the Attorney General, and the Sierra Club are referred to as the "Parties."

RECITALS

On December 11, 2007, the City approved the 2035 General Plan, Infrastructure Studies Project, Bicycle Master Plan, Final Environmental Impact Report ("EIR"), and Statement of Overriding Considerations. The General Plan provides direction to the City when making land use and public service decisions. All specific plans, subdivisions, public works projects, and zoning decisions must be consistent with the City's General Plan. As adopted in final form, the General Plan includes Policy HS-4.20, which requires the City to "adopt new policies, in the form of a new ordinance, resolution, or other type of policy document, that will require new development to reduce its greenhouse gas emissions to the extent feasible in a manner consistent with state legislative policy as set forth in Assembly Bill (AB) 32 (Health & Saf. Code, § 38500 et seq.) and with specific mitigation strategies developed by the California Air Resources Board (CARB) pursuant to AB 32[.]" The policy lists the following "potential mitigation strategies," among others, for the City to consider:

- (a) Increased density or intensity of land use, as a means of reducing per capita vehicle miles traveled by increasing pedestrian activities, bicycle usage, and public or private transit usage; and
- (b) Increased energy conservation through means such as those described in Appendix F of the State Guidelines for the California Environmental Quality Act.

The 2035 General Plan also includes other Policies and goals calling for infill development, increased transit, smart growth, affordable housing, and downtown revitalization.

In December 2006, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the City prepared and circulated a Draft EIR. Comments were received on the EIR; the City prepared responses to these comments and certified the EIR in December 2007.

On January 10, 2008, the Sierra Club filed a Petition for Writ of Mandate in San Joaquin County Superior Court (Case No. CV 034405, hereinafter "Sierra Club Action"), alleging that the City had violated CEQA in its approval of the 2035 General Plan. In this case, the Sierra Club asked the Court, among other things, to issue a writ directing the City to vacate its approval of the 2035 General Plan and its certification of the EIR, and to award petitioners' attorney's fees and costs.

The Attorney General also raised concerns about the adequacy of the EIR under CEQA, including but not limited to the EIR's failure to incorporate enforceable measures to mitigate the greenhouse gas ("GHG") emission impacts that would result from the General Plan.

The City contends that the General Plan and EIR adequately address the need for local governments to reduce greenhouse gas ("GHG") emissions in accordance with Assembly Bill 32, and associated issues of climate change.

Because the outcome of the Parties' dispute is uncertain, and to allow the Stockton General Plan to go forward while still addressing the concerns of the Attorney General and the Sierra Club, the Parties have agreed to resolve their dispute by agreement, without the need for judicial resolution.

The parties want to ensure that the General Plan and the City's implementing actions address GHG reduction in a meaningful and constructive manner. The parties recognize that development on the urban fringe of the City must be carefully balanced with accompanying infill development to be consistent with the state mandate of reducing GHG emissions, since unbalanced development will cause increased driving and increased motor vehicle GHG emissions. Therefore, the parties want to promote balanced development, including adequate infill development, downtown vitalization, affordable housing, and public transportation. In addition, the parties want to ensure that development on the urban fringe is as revenue-neutral to the City as to infrastructure development and the provision of services as possible.

In light of all the above considerations, the Parties agree as follows, recognizing that any legislative actions contemplated by the Agreement require public input and, in some instances, environmental review prior to City Council actions, which shall reflect such input and environmental information, pursuant to State law:

AGREEMENT

Climate Action Plan

1. Within 24 months of the signing of this Agreement, and in furtherance of General Plan Policy HS-4.20 and other General Plan policies and goals, the City agrees that its staff shall prepare and submit for City Council adoption, a Climate Action Plan, either as a separate element of the General Plan or as a component of an existing General Plan element. The Climate Action Plan, whose adoption will be subject to normal requirements for compliance with CEQA and other controlling state law, shall include, at least, the measures set forth in paragraphs 3 through 8, below.

2. The City shall establish a volunteer Climate Action Plan advisory committee to assist the staff in its preparation and implementation of the Plan and other policies or documents to be adopted pursuant to this Agreement. This committee shall monitor the City's compliance with this Agreement, help identify funding sources to implement this Agreement, review in a timely manner all draft plans and policy statements developed in accordance with this Agreement (including studies prepared pursuant to Paragraph 9, below), and make recommendations to the Planning Commission and City Council regarding its review. The committee shall be comprised of one representative from each of the following interests: (1) environmental, (2) non-profit community organization, (3) labor, (4) business, and (5) developer. The committee members shall be selected by the City Council within 120 days of the Effective Date, and shall serve a one-year term, with no term limits. Vacancies shall be filled in accordance with applicable City policies. The City shall use its best efforts to facilitate the committee's work using available staff resources.

3. The Climate Action Plan shall include the following measures relating to GHG inventories and GHG reduction strategies:

- a. Inventories from all public and private sources in the City:
 - (1) Inventory of current GHG emissions as of the Effective Date;
 - (2) Estimated inventory of 1990 GHG emissions;
 - (3) Estimated inventory of 2020 GHG emissions.

The parties recognize that techniques for estimating the 1990 and 2020 inventories are imperfect; the City agrees to use its best efforts, consistent with methodologies developed by ICLEI and the California Air Resources

Board, to produce the most accurate and reliable inventories it can without disproportionate or unreasonable staff commitments or expenditures.

- b. Specific targets for reductions of the current and projected 2020 GHG emissions inventory from those sources of emissions reasonably attributable to the City's discretionary land use decisions and the City's internal government operations. Targets shall be set in accordance with reduction targets in AB 32, other state laws, or applicable local or regional enactments addressing GHG emissions, and with Air Resources Board regulations and strategies adopted to carry out AB 32, if any, including any local or regional targets for GHG reductions adopted pursuant to AB 32 or other state laws. The City may establish goals beyond 2020, consistent with the laws referenced in this paragraph and based on current science.
- c. A goal to reduce per capita vehicle miles traveled ("VMT") attributable to activities in Stockton (i.e., not solely due to through trips that neither originate nor end in Stockton) such that the rate of growth of VMT during the General Plan's time frame does not exceed the rate of population growth during that time frame. In addition, the City shall adopt and carry out a method for monitoring VMT growth, and shall report that information to the City Council at least annually. Policies regarding VMT control and monitoring that the City shall consider for adoption in the General Plan are attached to this Agreement in Exhibit A.
- d. Specific and general tools and strategies to reduce the current and projected 2020 GHG inventories and to meet the Plan's targets for GHG reductions by 2020, including but not limited to the measures set out in paragraphs 4 through 8, below.

4. The City agrees to take the following actions with respect to a green building program:

- a. Within 12 months of the Effective Date, the City staff shall submit for City Council adoption ordinance(s) that require:

(1) All new housing units to obtain Build It Green certification, based on then-current Build It Green standards, or to comply with a green building program that the City after consultation with the Attorney General, determines is of comparable effectiveness;

(2) All new non-residential buildings that exceed 5000 square feet and all new municipal buildings that exceed 5000 square feet to be certified to LEED Silver standards at a minimum, based on the then-current LEED standards, or to comply with a green building program that the City, after consultation with the Attorney General, determines is of comparable effectiveness;

(3) If housing units or non-residential buildings certify to standards other than, but of comparable effectiveness to, Build It Green or LEED Silver, respectively, such housing units or buildings shall demonstrate, using an outside inspector or verifier certified under the California Energy Commission Home Energy Rating System (HERS), or a comparably certified verifier, that they comply with the applicable standards.

(4) The ordinances proposed for adoption pursuant to paragraphs (1) through (3) above may include an appropriate implementation schedule, which, among other things, may provide that LEED Silver requirements (or standards of comparable effectiveness) for non-residential buildings will be implemented first for buildings that exceed 20,000 square feet, and later for non-residential buildings that are less than 20,000 and more than 5,000 square feet.

(5) Nothing in this section shall affect the City's obligation to comply with applicable provisions of state law, including the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations), which, at section 101.7, provides, among other things, that "local government entities retain their discretion to exceed the standards established by [the California Green Building Standards Code]."

- b. Within 18 months of the Effective Date, the City staff shall submit for City Council adoption ordinance(s) that will require the reduction of the GHG emissions of existing housing units on any occasion when a permit to make substantial modifications to an existing housing unit is issued by the City.
- c. The City shall explore the possibility of creating a local assessment district or other financing mechanism to fund voluntary actions by owners of

commercial and residential buildings to undertake energy efficiency measures, install solar rooftop panels, install “cool” (highly reflective) roofs, and take other measures to reduce GHG emissions.

- d. The City shall also explore the possibility of requiring GHG-reducing retrofits on existing sources of GHG emissions as potential mitigation measures in CEQA processes.
- e. From time to time, but at least every five years, the City shall review its green building requirements for residential, municipal and commercial buildings, and update them to ensure that they achieve performance objectives consistent with those achieved by the top (best-performing) 25% of city green building measures in the state.

5. Within 12 months of the Effective Date, the City staff shall submit for City Council adoption a transit program, based upon a transit gap study. The transit gap study shall include measures to support transit services and operations, including any ordinances or general plan amendments needed to implement the transit program. These measures shall include, but not be limited to, the measures set forth in paragraphs 5.b. through 5.d. In addition, the City shall consider for adoption as part of the transit program the policy and implementation measures regarding the development of Bus Rapid Transit (“BRT”) that are attached to this Agreement in Exhibit B.

- a. The transit gap study, which may be coordinated with studies conducted by local and regional transportation agencies, shall analyze, among other things, strategies for increasing transit usage in the City, and shall identify funding sources for BRT and other transit, in order to reduce per capita VMT throughout the City. The study shall be commenced within 120 days of the Effective Date.
- b. Any housing or other development projects that are (1) subject to a specific plan or master development plan, as those terms are defined in §§ 16-540 and 16-560 of the Stockton Municipal Code as of the Effective Date (hereafter “SP” or “MDP”), or (2) projects of statewide, regional, or areawide significance, as defined by the CEQA Guidelines (hereafter “projects of significance”), shall be configured, and shall include necessary street design standards, to allow the entire development to be internally accessible by vehicles, transit, bicycles, and pedestrians, and to allow access to adjacent neighborhoods and developments by all such modes of transportation.

- c. Any housing or other development projects that are (1) subject to an SP or MDP, or (2) projects of significance, shall provide financial and/or other support for transit use. The imposition of fees shall be sufficient to cover the development's fair share of the transit system and to fairly contribute to the achievement of the overall VMT goals of the Climate Action Plan, in accordance with the transit gap study and the Mitigation Fee Act (Government Code section 66000, *et seq.*), and taking into account the location and type of development. Additional measures to support transit use may include dedication of land for transit corridors, dedication of land for transit stops, or fees to support commute service to distant employment centers the development is expected to serve, such as the East Bay. Nothing in this Agreement precludes the City and a landowner/applicant from entering in an agreement for additional funding for BRT.
- d. Any housing or other development projects that are (1) subject to an SP or MDP or (2) projects of significance, must be of sufficient density overall to support the feasible operation of transit, such density to be determined by the City in consultation with San Joaquin Regional Transit District officials.

6. To ensure that the City's development does not undermine the policies that support infill and downtown development, within 12 months of the Effective Date, the City staff shall submit for City Council adoption policies or programs in its General Plan that:

- a. Require at least 4400 units of Stockton's new housing growth to be located in Greater Downtown Stockton (defined as land generally bordered by Harding Way, Charter Way (MLK), Pershing Avenue, and Wilson Way), with the goal of approving 3,000 of these units by 2020.
- b. Require at least an additional 14,000 of Stockton's new housing units to be located within the City limits as they exist on the Effective Date ("existing City limits").
- c. Provide incentives to promote infill development in Greater Downtown Stockton, including but not limited to the following for proposed infill developments: reduced impact fees, including any fees referenced in paragraph 7 below; lower permit fees; less restrictive height limits; less restrictive setback requirements; less restrictive parking requirements; subsidies; and a streamlined permitting process.

- d. Provide incentives for infill development within the existing City limits but outside Greater Downtown Stockton and excluding projects of significance. These incentives may be less aggressive than those referenced in paragraph 6.c., above.

7. Within 12 months of the Effective Date, the City staff shall submit for City Council adoption amendments to the General Plan to ensure that development at the City's outskirts, particularly residential, village or mixed use development, does not grow in a manner that is out of balance with development of infill. These proposed amendments shall include, but not be limited to, measures limiting the granting of entitlements for development projects outside the existing City limits and which are (1) subject to an SP or MDP, or (2) projects of significance, until certain criteria are met. These criteria shall include, at a minimum:

- a. Minimum levels of transportation efficiency, transit availability (including BRT) and Level of Service, as defined by the San Joaquin Council of Government regulations, City service capacity, water availability, and other urban services performance measures;
- b. Firm, effective milestones that will assure that specified levels of infill development, jobs-housing balance goals, and GHG and VMT reduction goals, once established, are met before new entitlements can be granted;
- c. Impact fees on new development, or alternative financing mechanisms identified in a project's Fiscal Impact Analysis and/or Public Facilities Financing Plan, that will ensure that the levels and milestones referenced in paragraphs 7.a. and 7.b., above, are met. Any such fees:
 - (1) shall be structured, in accordance with controlling law, to ensure that all development outside the infill areas within existing City limits is revenue-neutral to the City (which may necessitate higher fees for development outside this area, depending upon the costs of extending infrastructure);
 - (2) may be in addition to mitigation measures required under CEQA;
 - (3) shall be based upon a Fiscal Impact Analysis and a Public Facilities Financing Plan.
- d. The City shall explore the feasibility of enhancing the financial viability of infill development in Greater Downtown Stockton, through the use of such mechanisms as an infill mitigation bank.

8. The City shall regularly monitor the above strategies and measures to ensure that they are effectively reducing GHG emissions. In addition to the City staff reporting on VMT annually, as provided in paragraph 3.c., the City staff or the advisory committee shall report annually to the City Council on the City's progress in implementing the strategies and measures of this Agreement. If it appears that the strategies and measures will not result in the City meeting its GHG reduction targets, the City shall, in consultation with the Attorney General and Sierra Club, make appropriate modifications and, if necessary, adopt additional measures to meet its targets.

Early Climate Protection Actions

9. To more fully carry out those provisions of the General Plan, including the policy commitments embodied in those General Plan Policies, such as General Plan Policy HS-4.20, intended to reduce greenhouse gas emissions through reducing commuting distances, supporting transit, increasing the use of alternative vehicle fuels, increasing efficient use of energy, and minimizing air pollution, and to avoid compromising the effectiveness of the measures in Paragraphs 4 through 8, above, until such time as the City formally adopts the Climate Action Plan, before granting approvals for development projects (1) subject to an SP or MDP, or (2) considered projects of significance, and any corresponding development agreements, the City shall take the steps set forth in subsections (a) through (d) below:

(a) City staff shall:

- (1) formulate proposed measures necessary for the project to meet any applicable GHG reduction targets;
- (2) assess the project's VMT and formulate proposed measures that would reduce the project's VMT;
- (3) assess the transit, especially BRT, needs of the project and identify the project's proposed fair share of the cost of meeting such needs;
- (4) assess whether project densities support transit, and, if not, identify proposed increases in project density that would support transit service, including BRT service;

- (5) assess the project's estimated energy consumption, and identify proposed measures to ensure that the project conserves energy and uses energy efficiently;
- (6) formulate proposed measures to ensure that the project is consistent with a balance of growth between land within Greater Downtown Stockton and existing City limits, and land outside the existing City limits;
- (7) formulate proposed measures to ensure that City services and infrastructure are in place or will be in place prior to the issuance of new entitlements for the project or will be available at the time of development; and
- (8) formulate proposed measures to ensure that the project is configured to allow the entire development to be internally accessible by all modes of transportation.
- (b) The City Council shall review and consider the studies and recommendations of City staff required by paragraph 9(a) and conduct at least one public hearing thereon prior to approval of the proposed project (though this hearing may be folded into the hearing on the merits of the project itself).
- (c) The City Council shall consider the feasibility of imposing conditions of approval, including mitigation measures pursuant to CEQA, based on the studies and recommendations of City staff prepared pursuant to paragraph 9(a) for each covered development project.
- (d) The City Council shall consider including in any development approvals, or development agreements, that the City grants or enters into during the time the City is developing the Climate Action Plan, a requirement that all such approvals and development agreements shall be subject to ordinances and enactments adopted after the effective date of any approvals of such projects or corresponding development agreements, where such ordinances and enactments are part of the Climate Action Plan.
- (e) The City shall complete the process described in paragraphs (a) through (d) (hereinafter, "Climate Impact Study Process") prior to the first discretionary approval for a development project. Notwithstanding the foregoing, however, for projects for which a draft environmental impact report has circulated as of the Effective Date, the applicant may request that the City

either (i) conduct the Climate Impact Study Process or (ii) complete its consideration of the Climate Action Plan prior to the adoption of the final discretionary approval leading to the project's first phase of construction. In such cases, the applicant making the request shall agree that nothing in the discretionary approvals issued prior to the final discretionary approval (i) precludes the City from imposing on the project conditions of approvals or other measures that may result from the Climate Impact Study Process, or (ii) insulates the project from a decision, if any, by the City to apply any ordinances and/ or enactments that may comprise the Climate Action Plan ultimately adopted by the City.

Attorney General Commitments

10. The Attorney General enters into this Agreement in his independent capacity and not on behalf of any other state agency, commission, or board. In return for the above commitments made by the City, the Attorney General agrees:

- a. To refrain from initiating, joining, or filing any brief in any legal challenge to the General Plan adopted on December 11, 2007;
- b. To consult with the City and attempt in good faith to reach an agreement as to any future development project whose CEQA compliance the Attorney General considers inadequate. In making this commitment, the Attorney General does not surrender his right and duties under the California Constitution and the Government Code to enforce CEQA as to any proposed development project, nor his duty to represent any state agency as to any project;
- c. To make a good faith effort to assist the City in obtaining funding for the development of the Climate Action Plan.

Sierra Club Commitments

11. The Sierra Club agrees to dismiss the Sierra Club Action with prejudice within ten (10) days of the Effective Date. Notwithstanding the foregoing agreement to dismiss the Sierra Club Action, the City and Sierra Club agree that, in the event the City should use the EIR for the 2035 General Plan in connection with any other project approval, the Sierra Club has not waived its right (a) to comment upon the adequacy of that EIR, or (b)

to file any action challenging the City's approval of any other project based on its use and/or certification of the EIR.

General Terms and Conditions

12. This Agreement represents the entire agreement of the Parties, and supercedes any prior written or oral representations or agreements of the Parties relating to the subject matter of this Agreement.

13. No modification of this Agreement will be effective unless it is set forth in writing and signed by an authorized representative of each Party.

14. Each Party warrants that it has the authority to execute this Agreement. Each Party warrants that it has given all necessary notices and has obtained all necessary consents to permit it to enter into and execute this Agreement.

15. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

16. This Agreement may be executed in counterparts, each of which shall be deemed an original. This Agreement will be binding upon the receipt of original, facsimile, or electronically communicated signatures.

17. This Agreement has been jointly drafted, and the general rule that it be construed against the drafting party is not applicable.

18. If a court should find any term, covenant, or condition of this Agreement to be invalid or unenforceable, the remainder of the Agreement shall remain in full force and effect.

19. The City agrees to indemnify and defend the Sierra Club, its officers and agents (collectively, "Club") from any claim, action or proceeding ("Proceeding") brought against the Club, whether as defendant/respondent, real party in interest, or in any other capacity, to challenge or set aside this Agreement. This indemnification shall include (a) any damages, fees, or costs awarded against the Club, and (b) any costs of suit, attorneys' fees or expenses incurred in connection with the Proceeding, whether incurred by the Club, the City or the parties bringing such Proceeding. If the Proceeding is brought against both the Club and the City, the Club agrees that it may be defended by counsel for the City, provided that the City selects counsel that is acceptable to the Club; the Club may not unreasonably withhold its approval of such mutual defense counsel.

20. The City shall pay Sierra Club's attorney's fees and costs in the amount of \$157,000 to the law firm of Shute, Mihaly & Weinberger LLP as follows: \$50,000 within 15 days of dismissal of the Sierra Club Action, and (b) the balance on or before January 30, 2009.

21. Any notice given under this Agreement shall be in writing and shall be delivered as follows with notice deemed given as indicated: (a) by personal delivery when delivered personally; (b) by overnight courier upon written verification of receipt; or (c) by certified or registered mail, return receipt requested, upon verification of receipt. Notice shall be sent as set forth below, or as either party may specify in writing:

City of Stockton:
Richard E. Nosky, City Attorney
425 N. El Dorado Street, 2nd Floor
Stockton, CA 95202

Attorney General's Office
Lisa Trankley
Susan Durbin
Deputy Attorneys General
1300 I Street, P.O. Box 944255
Sacramento, CA 94255-2550

Sierra Club:
Aaron Isherwood
Environmental Law Program
85 Second Street, 2nd Floor
San Francisco, CA 94105

Rachel Hooper
Amy Bricker
Shute, Mihaly & Weinberger
396 Hayes Street
San Francisco, CA 94102

22. Nothing in this Agreement shall be construed as requiring the City to relinquish or delegate its land use authority or police power.

(SIGNATURES ON FOLLOWING PAGE)

In witness whereof, this Agreement is executed by the following:

PEOPLE OF THE STATE OF CALIFORNIA
BY AND THROUGH ATTORNEY GENERAL
EDMUND G. BROWN JR.

Lisa Frankley

DATED: 10/14/08

ATTEST:

[Signature]
KATHERINE GONG MEISSNER
City Clerk of the City of Stockton



CITY OF STOCKTON,
a municipal corporation

[Signature]
J. GORDON PALMER, JR.
City Manager

APPROVED AS TO FORM:

[Signature]

RICHARD E. NOSKY, JR.
City Attorney

DATED 9/25/08

DATED 9-9-08

THE SIERRA CLUB

BARBARA WILLIAMS, CHAIR
MOTHER LODE CHAPTER

DATED _____

In witness whereof, this Agreement is executed by the following:

PEOPLE OF THE STATE OF CALIFORNIA
BY AND THROUGH ATTORNEY GENERAL
EDMUND G. BROWN JR.

DATED: _____

ATTEST:

CITY OF STOCKTON,
a municipal corporation

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

J. GORDON PALMER, JR.
City Manager

APPROVED AS TO FORM:

DATED _____

RICHARD E. NOSKY, JR.
City Attorney

DATED _____

THE SIERRA CLUB

Barbara Williams
BARBARA WILLIAMS, CHAIR
MOTHER LODE CHAPTER

DATED 10/11/08

EXHIBIT A

Policy Re: VMT Monitoring Program

The City's policy is to monitor key City-maintained roadways to estimate Vehicle Miles Traveled (VMT) by single-occupant automobile per capita on an annual basis, to be submitted as an annual report to the City Council. The estimate of citywide VMT should be developed in cooperation with the San Joaquin Council of Governments ("SJCOG"), by augmenting local City data with VMT estimates from SJCOG and Caltrans for the regional Congestion Management Plan network. The estimated change in annual VMT should be used to measure the effectiveness of jobs/housing balance, greenhouse gas emission reduction, and transit plans and programs.

Implementation Program

In order to develop an annual estimate of citywide VMT, the City should augment local City data with VMT estimates from SJCOG and Caltrans for regional facilities, or adopt other methodologies to estimate citywide VMT that are approved in concept by the two agencies. For purposes of calculating annual changes in VMT, the annual estimate of VMT should subtract out the estimates of regional truck and other through traffic on the major freeways (I-5, SR 4, SR 99).

Policy Re: Reduce Growth in VMT

The City's policy is to achieve the following fundamental goals to regulate vehicle emissions and reduce greenhouse gas emissions, improve jobs/housing balance, and increase transit usage over the duration of this General Plan: Reduce the projected increase in VMT by single-occupant automobile per capita to an annual rate over the planning period that is equal to or less than the population increase (this goal is also required for the City to receive funding through the Measure K/Congestion Management Plan program).

Implementation Program

In order to keep annual increases in VMT to a rate equal to or less than population increases, the following trip reduction programs should be considered by the City: increased transit service (Bus Rapid Transit) funded through new development fees; planning all future housing development to be in the closest possible proximity to existing and planned employment centers; provision of affordable housing; creation of higher density, mixed use and walkable communities and development of bicycle and pedestrian trails; and other proven programs.

Implementation Program

If the City goal of reducing the projected increase in VMT to an amount equal to or less than the population increase, and increase transit usage, is not met for two or more years during each five-year cycle of VMT monitoring, the City should consider adoption of the following programs, among others:

Adopt more vigorous economic development programs with funding for staff; and
Slow the rate of approvals of building permits for housing developments.

EXHIBIT B

Policy Re: Bus Rapid Transit

The City's policy is to vigorously support efforts to develop Bus Rapid Transit (BRT) within and beyond Stockton as a major priority of its General Plan, in order to increase overall transit usage over time. Based on an updated transit study, the City should plan for and provide BRT service running along key north-south routes as a first priority: Pacific Avenue; El Dorado Street; West Lane/Airport Way; Pershing Avenue. BRT service along key east-west corridors should also be provided. Transit use goals should be approved and monitored by the City over the planning period.

Implementation Program

In order to fund the initial capital and operating costs for BRT along major north-south arterials, the City should consider adoption of a comprehensive new development BRT fee program that requires new growth to significantly fund BRT, following a study consistent with the requirements of State law. The new development BRT fee program should ensure that "greenfield" projects approved at the fringe of the City pay a fee that represents the full cost of providing BRT service to the new housing; infill development may be granted a reduced BRT fee based on the reduced distance of service provided to the inner city areas.

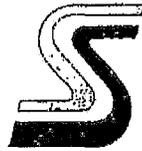
Implementation Program

In order to augment the new development funding of the initial capital and operating costs for BRT, the City should strongly advocate for Measure K funding and should seriously consider placing an initiative on the ballot to receive voter approval for additional funding from existing residents and businesses.

Implementation Program

The City should establish transit use goals that set specific targets (e.g., transit mode split percentage of total trips and bus headways) that represent an increase in public transportation ridership and level of service over current levels by 2012 and then another increase by 2018.

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CITY OF STOCKTON

OFFICE OF THE CITY MANAGER

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997 • 209/937-8212 • Fax 209/937-7149
www.stocktongov.com

October 7, 2008

Alliance for Responsible Planning
6507 Pacific Avenue
Box 339
Stockton, CA 95207

SETTLEMENT AGREEMENT WITH ATTORNEY GENERAL AND SIERRA CLUB

As you are aware, on September 9, 2008, the City of Stockton approved a Memorandum of Agreement with the Sierra Club and the California Attorney General's Office resolving litigation over the City's 2035 General Plan. The Alliance for Responsible Planning and other interested parties have raised questions about the parties' interpretation of the Agreement and the public process that the City plans to follow in carrying out the Agreement. To help answer these questions, below we clarify our interpretation of the Agreement and also elaborate on the public process that the City will follow in implementing the provisions of the Agreement. We understand that the other parties to the Agreement concur in these views. Note that many of the statements below reiterate points that were made in the City's Resolution adopted in connection with its approval of the Agreement and in statements made by the parties during the August 26, 2008, and September 9, 2008, City Council hearings about the Agreement:

1. The parties understand and acknowledge the importance of public involvement in the process of developing the General Plan, and encourage the continued significant involvement of the public in the development of greenhouse gas reduction policies. The City intends to provide for public involvement in the development of the programs, policies, General Plan amendments and ordinances proposed by the Agreement. The City also will provide reasonable notification to the public of all Advisory Committee, Planning Commission and City Council meetings involving consideration of the issues provided for by the Agreement. It is the City's expectation to expand the composition of the Climate Action Advisory Committee to include a total of two representatives from each of the following interests: (1) environmental, (2) non-profit community organization, (3) labor, (4) business, and (5)



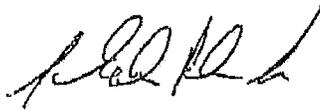
Alliance for Responsible Planning
October 7, 2008
Page 2 of 3

developer. The City will fully comply with CEQA in connection with the development of the programs, policies, General Plan amendments and ordinances proposed by the Agreement.

2. The parties understand and acknowledge that the public review process and compliance with CEQA may require additional time beyond designated time periods to ensure the full involvement of the public in the consideration of the Climate Action Plan, green building program and transit study and to ensure full compliance with CEQA.
3. The parties understand and acknowledge that the adoption of the programs, policies, General Plan amendments and ordinances proposed by the Agreement are discretionary legislative acts and the City is not required by the terms of the Agreement to adopt any particular program, policy, General Plan amendment or ordinance. In addition, nothing in the Agreement shall limit or restrict the right of the City to modify, alter, or rescind any particular program, policy, General Plan amendment or ordinance following the adoption of such program, policy, General Plan amendment or ordinance. Although the Agreement requires City staff to present to the City Council certain programs, policies, General Plan Amendments and ordinances for its consideration, nothing in the Agreement limits or restricts City staff from providing to the City Council additional, alternative recommendations for such programs, policies, General Plan amendments and ordinances based on staff professional judgment, public input and CEQA review.
4. The parties understand and acknowledge that if there is an instance in which the terms of the written Agreement are unclear, the Resolution adopted by the City Council on September 9, 2008, and the statements made by the Attorney General's office, the Sierra Club and our City Attorney and the City's outside counsel at the August 26 and September 9, 2008, City Council hearings provide a legislative history pursuant to which the Agreement should be interpreted.
5. The parties understand and acknowledge that:
 - (i) upon consideration of a Climate Action Plan (CAP) by the Council, the City's obligations under Agreement paragraphs 3 through 7 will be discharged,
 - (ii) upon adoption of a CAP, the City's obligations under Agreement paragraph 9 will be discharged, and
 - (iii) upon inclusion of a program in the CAP to regularly monitor and, if appropriate, modify the City's strategies and measures to meet the Greenhouse Gas reduction targets that may be adopted in the

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October 7, 2008
Page 3 of 3

CAP, the City's obligations under paragraph 8 will be discharged. Nothing in this paragraph 5 is intended to contradict our clarification in paragraph 3, above, that the City retains full legislative discretion with respect to any policies, programs and ordinance it may adopt as part of a CAP.



J. GORDON PALMER, JR.
CITY MANAGER

JGP:REN:cn

cc: Edward J. Chavez
Richard E. Nosky, Jr.
George Muhlsten (Via e-mail)
Cliff Rechtschaffen (Via e-mail)
Rachel Hooper (Via e-mail)

CHAPTER I

General Plan Basics

All statutory references are to the California Government Code unless otherwise noted.

California state law requires each city and county to adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning” (§65300). The California Supreme Court has called the general plan the “constitution for future development.” The general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private.

As will be discussed in Chapter 9, the policies of the general plan are intended to underlie most land use decisions. Pursuant to state law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted general plan. In counties and general law cities, zoning and specific plans are also required to conform to the general plan.

In addition, preparing, adopting, implementing, and maintaining the general plan serves to:

- ◆ Identify the community’s land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development.
- ◆ Provide a basis for local government decision-making, including decisions on development approvals and exactions.
- ◆ Provide citizens with opportunities to participate in the planning and decision-making processes of their communities.
- ◆ Inform citizens, developers, decision-makers, and other cities and counties of the ground rules that guide development within a particular community.

COMPREHENSIVENESS

Every city and county must adopt “a comprehensive, long term general plan” (§65300). The general plan must cover a local jurisdiction’s entire planning area and address the broad range of issues associated with a city’s or county’s development.

Geographic Comprehensiveness

The plan must cover the territory within the boundaries of the adopting city or county as well as “any

land outside its boundaries which in the planning agency’s judgment bears relation to its planning” (§65300). For cities, this means all territory within the city limits, both public and private. Counties must address all unincorporated areas.

When establishing its planning area, each city should consider using its sphere of influence as a starting point. The Local Agency Formation Commission (LAFCO) in every county adopts a sphere of influence for each city to represent “the probable physical boundaries and service area” of that city (§56076). Although there is no direct requirement that the sphere and the planning area match, the former provides a convenient measure of the city’s region of interest.

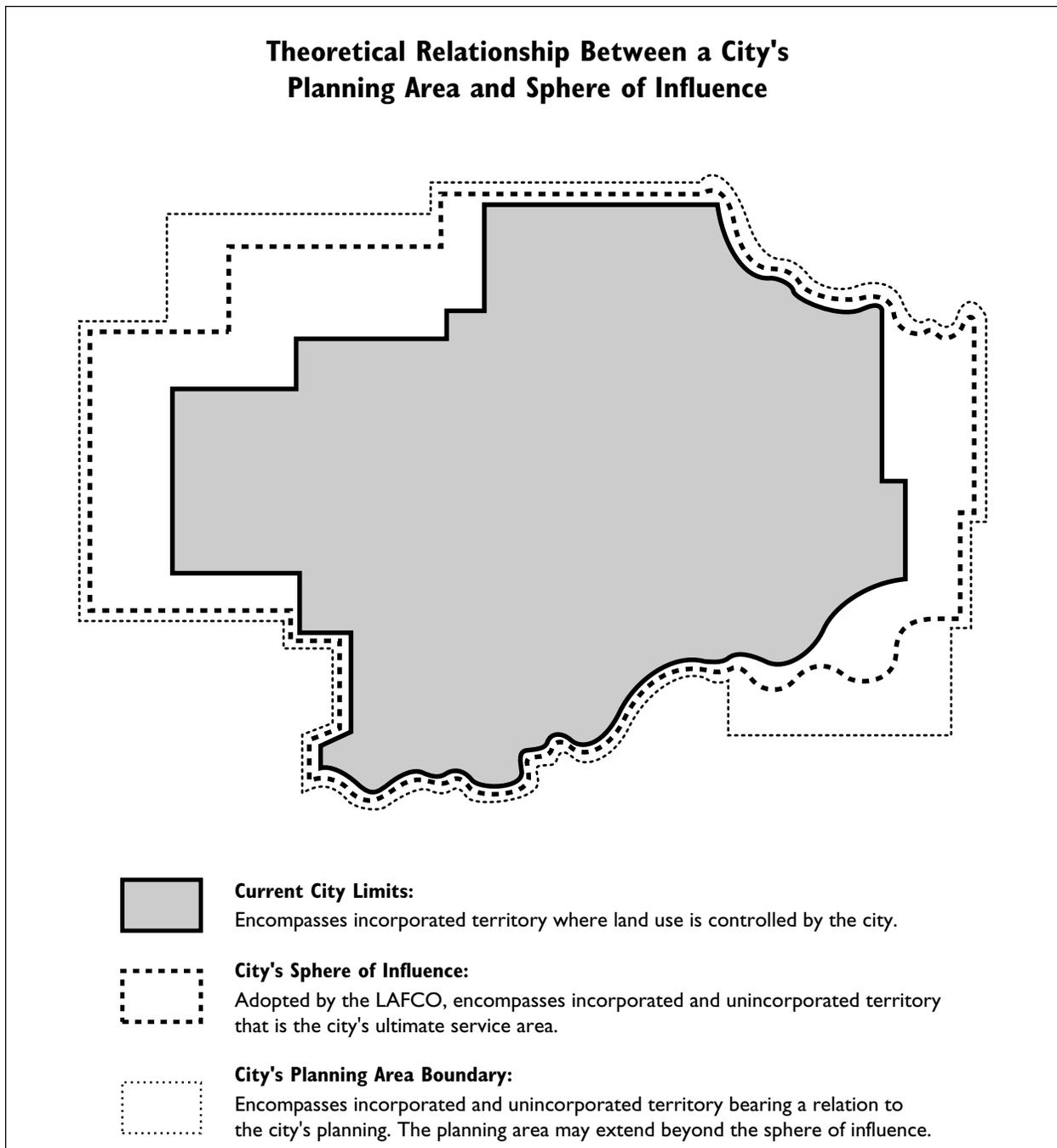
A county should consider the general plans of every city within the county in its own plans. City planning policies may be reflected in the county plan in various ways. The county plan may discuss city policies in the broad context of countywide policy. It may summarize city policies while laying out the county policies for the surrounding unincorporated area. It may examine city policies in the context of community plans that it has adopted for the surrounding unincorporated areas.

In addition, since issues are not confined to political boundaries, the law provides for planning outside of the jurisdiction’s territory. Cooperative extraterritorial planning can be used to guide the orderly and efficient extension of services and utilities; ensure the preservation of open space, agricultural, and resource conservation lands; and establish consistent standards for development in the plans of adjoining jurisdictions.

Cities and counties should work together to delineate planning areas and may establish formal agreements for processing development proposals. For example, Yolo County delegates a portion of its land use authority to the City of Davis within areas surrounding the city. As urbanization occurs and adjoining cities expand, the potential for conflict between cities competing for the same lands increases. Intercity cooperation in establishing planning areas can proactively help to avoid such disputes.

Regionalism

Viewing the local general plan in its regional con-



text is important. Traditionally, the concept of “community” encompassed only a local entity—the city or county. With increasing urbanization, the growing interdependence of local governments, and important issues that transcend local boundaries, such as transportation, air quality, and floodplain management, the regional perspective should be considered. Cities and counties should identify risks from natural hazards that extend across jurisdictional boundaries, then use any available data from watershed-based floodplain

management, mapped earthquake faults, or high fire-hazard areas as planning tools to address any significant issues. Each local planning agency carries a responsibility to coordinate its general plan with regional planning efforts as much as possible.

Regional planning efforts typically address single issues or have indirect links to the local planning process. Plans prepared by councils of government and other designated regional agencies provide the basis for allocating federal and state funds used for specific items,

such as transportation facilities. Other regional plans, such as those for air or water quality, spell out measures that local governments must institute in order to meet federal or state standards for the region. Still others, such as regional housing allocation plans, measure each local government's responsibility for satisfying a specific share of regional needs. Some regional agencies have put together useful information on seismic safety and other issues that can be helpful in the planning process.

The Legislature has mandated consideration of certain regional impacts in the general plan. For example, if a city or county adopts or amends a mandatory general plan element limiting the number of residential units that may be constructed on an annual basis, it must explain that action. The city or county must make specific findings concerning the efforts it has made to implement its housing element and the public health, safety, and welfare considerations that justify reducing housing opportunities in the region (§65302.8). Further, cities and counties must balance the housing needs of the region against the needs of their residents for public services and the available fiscal and environmental resources (§65863.6, §66412.3). In addition, the housing element of the general plan must include action programs to accommodate the locality's regional fair share of housing (§65583, §65584).

Local general plans should recognize the city's or county's regional role if regional needs are to be satisfied, federal and state standards met, and coordination achieved in the location of public facilities. Accordingly, general plans should include a discussion of the extent to which the general plan's policies, standards, and proposals correspond to regional plans and the plans of adjoining communities. A city or county may need to reexamine its own general plan when its neighbors make important changes to their plans.

Issue Comprehensiveness

A general plan must address a broad range of issues. Under the "shoe fits" doctrine discussed in Chapter 4, the plan should focus on those issues that are relevant to the planning area (§65301(c)). The plan must address the jurisdiction's physical development, such as general locations, appropriate mix, timing, and extent of land uses and supporting infrastructure. The broad scope of physical development issues may range from appropriate areas for building factories to open space for preserving endangered species (see Chapter 4 for examples). This may include not only those issues described in the planning statutes, but regional issues as well.

In the 1960s, planners began to assert that land use decisions have not only immediate and future physical and environmental impacts, but also social and economic impacts. Because a general plan represents the most comprehensive local expression of the general welfare as it relates to land use regulation, recognizing social and economic concerns in the general plan may be quite appropriate. Social and economic issues may be discussed within the context of the mandatory elements, such as housing and land use. Some jurisdictions have adopted an optional economic development element as part of their general plans (see Chapter 6). Environmental justice, which recognizes that land use decisions have consequences for social equity, may also be addressed within the context of the mandatory elements. This is discussed in Chapter 2.

INTERNAL CONSISTENCY

The concept of internal consistency holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate general plan. Different policies must be balanced and reconciled within the plan. The internal consistency requirement has five dimensions, described below.

"In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." (§65300.5)

Equal Status Among Elements

All elements of the general plan have equal legal status. For example, the land use element policies are not superior to the policies of the open-space element.

A case in point: in *Sierra Club v. Board of Supervisors of Kern County (1981) 126 Cal.App.3d 698*, two of Kern County's general plan elements, land use and open space, designated conflicting land uses for the same property. A provision in the general plan text reconciled this and other map inconsistencies by stating that "if in any instance there is a conflict between the land use element and the open-space element, the land use element controls." The court of appeal struck down this clause because it violated the internal consistency requirement under §65300.5. No element is legally subordinate to another; the gen-

eral plan must resolve potential conflicts among the elements through clear language and policy consistency.

Consistency Between Elements

All elements of a general plan, whether mandatory or optional, must be consistent with one another. The court decision in *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90 illustrates this point. In that case, the county land use element contained proposals expected to result in increased population. The circulation element, however, failed to provide feasible remedies for the predicted traffic congestion that would follow. The county simply stated that it would lobby for funds to solve the future traffic problems. The court held that this vague response was insufficient to reconcile the conflicts.

Also, housing element law requires local agencies to adopt housing element programs that achieve the goals and implement the policies of the housing element. Such programs must identify the means by which consistency will be achieved with other general plan elements (§65583(c)).

A city or county may incorporate by reference into its general plan all or a portion of another jurisdiction's plan. When doing so, the city or county should make sure that any materials incorporated by reference are consistent with the rest of its general plan.

Consistency Within Elements

Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another. Established goals, data, and analysis form the foundation for any ensuing policies. For example, if one portion of a circulation element indicates that county roads are sufficient to accommodate the projected level of traffic while another section of the same element describes a worsening traffic situation aggravated by continued subdivision activity, the element is not internally consistent (*Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90).

Area Plan Consistency

All principles, goals, objectives, policies, and plan proposals set forth in an area or community plan must be consistent with the overall general plan.

The general plan should explicitly discuss the role of area plans if they are to be used. Similarly, each area plan should discuss its specific relationship to the general plan. In 1986, the Court of Appeal ruled on an area plan that was alleged to be inconsistent with the larger

general plan. The court upheld both the area plan and the general plan when it found that the general plan's "nonurban/rural" designation, by the plan's own description, was not intended to be interpreted literally or precisely, especially with regard to small areas. The court noted that the area plan's more specific "urban residential" designation was pertinent and that there was no inconsistency between the countywide general plan and the area plan (*Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300). However, the court also noted that in this particular case the geographic area of alleged inconsistency was quite small.

Text and Diagram Consistency

The general plan's text and its accompanying diagrams are integral parts of the plan. They must be in agreement. For example, if a general plan's land use element diagram designates low-density residential development in an area where the text describes the presence of prime agricultural land and further contains written policies to preserve agricultural land or open space, a conflict exists. The plan's text and diagrams must be reconciled, because "internal consistency requires that general plan diagrams of land use, circulation systems, open-space and natural resources areas reflect written policies and programs in the text for each element." (*Curtin's California Land-Use and Planning Law*, 1998 edition, p. 18)

Without consistency in all five of these areas, the general plan cannot effectively serve as a clear guide to future development. Decision-makers will face conflicting directives; citizens will be confused about the policies and standards the community has selected; findings of consistency of subordinate land use decisions such as rezonings and subdivisions will be difficult to make; and land owners, business, and industry will be unable to rely on the general plan's stated priorities and standards for their own individual decision-making. Beyond this, inconsistencies in the general plan can expose the jurisdiction to expensive and lengthy litigation.

LONG-TERM PERSPECTIVE

Since the general plan affects the welfare of current and future generations, state law requires that the plan take a long-term perspective (§65300). The general plan projects conditions and needs into the future as a basis for determining objectives. It also establishes long-term policy for day-to-day decision-making based upon those objectives.

The time frames for effective planning vary among issues. The housing element, for example, specifically

involves time increments of five years. Geologic hazards, on the other hand, persist for hundreds or thousands of years. Sewer, water, and road systems are generally designed with a 30- to 50-year lifespan. Capital improvement planning is typically based upon a five- or seven-year term. Economic trends may change rapidly in response to outside forces.

Differences in time frame also affect the formulation of general plan goals, objectives, policies, and implementation measures. Goals and objectives are longer term, slowly evolving to suit changing community values or to reflect the success of action programs. Specific policies tend to be shorter term, shifting with the political climate or self-imposed time limits. Implementation programs tend to have the shortest span because they must quickly respond to the demands of new funding sources, the results of their own activities, and the jurisdiction's immediate needs and problems.

Most jurisdictions select 15 to 20 years as the long-term horizon for the general plan. The horizon does not mark an end point, but rather provides a general context in which to make shorter-term decisions. The local jurisdiction may choose a time horizon that serves its particular needs. Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change. For instance, new population projections that indicate that housing will be needed at a greater clip than anticipated, an unexpected major development in a neighboring jurisdiction that greatly increases traffic congestion, or a ballot initiative that establishes an urban growth boundary may all trigger the need to revise the general plan. A general plan based upon outdated information and projections is not a sound basis for day-to-day decision-making and may be legally inadequate. As such, it will be susceptible to successful legal challenge.

DEFINING THE PARTS OF A GENERAL PLAN

A general plan is made up of text describing goals and objectives, principles, standards, and plan proposals, as well as a set of maps and diagrams. Together, these constituent parts paint a picture of the community's future development. The following discussions help to clarify the meanings of these and other important terms.

Development Policy

A development policy is a general plan statement that guides action. In a broad sense, development poli-

cies include goals and objectives, principles, policies, standards, and plan proposals.

Diagram

A diagram is a graphic expression of a general plan's development policies, particularly its plan proposals. Many types of development policies lend themselves well to graphic treatment, such as the distribution of land uses, urban design, infrastructure, and geologic and other natural hazards.

A diagram must be consistent with the general plan text (§65300.5) and should have the same long-term planning perspective as the rest of the general plan. The Attorney General has observed that "...when the Legislature has used the term 'map,' it has required preciseness, exact location, and detailed boundaries..." as in the case of the Subdivision Map Act. No such precision is required of a general plan diagram (67 Cal. Ops. Atty. Gen. 75, 77).

As a general rule, a diagram or diagrams, along with the general plan's text, should be detailed enough so that the users of the plan, whether staff, elected and appointed officials, or the public, can reach the same general conclusion on the appropriate use of any parcel of land at a particular phase of a city's or county's physical development. Decision-makers should also be able to use a general plan, including its diagram or diagrams, in coordinating day-to-day land use and infrastructure decisions with the city's or county's future physical development scheme.

At the same time, given the long-term nature of a general plan, its diagram or diagrams and text should be general enough to allow a degree of flexibility in decision-making as times change. For example, a general plan may recognize the need for and desirability of a community park in a proposed residential area, but the precise location of the park may not be known when the plan is adopted. The plan would not need to pinpoint the location, but it should have a generalized diagram along with policies saying that the park site will be selected and appropriate zoning applied at the time the area is subdivided. In this sense, while zoning must be consistent with the general plan, the plan's diagram or diagrams and the zoning map are not required to be identical.

Goal

A goal is a general direction-setter. It is an ideal future end related to the public health, safety, or general welfare.

"The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals." (§65302)

A goal is a general expression of community values and, therefore, may be abstract in nature. Consequently, a goal is generally not quantifiable or time-dependent.

Although goals are not mentioned in the description of general plan contents in §65302, they are included here for several reasons. First, defining goals is often the initial step of a comprehensive planning process, with more specific objectives defined later, as discussed in Chapter 3. Second, goals are specifically mentioned in the statutes governing housing element contents (§65583). Third, while the terms “goal” and “objective” are used interchangeably in some general plans, many plans differentiate between broad, unquantifiable goals and specific objectives. Either approach is allowable, as flexibility is a characteristic of the general plan.

Examples of goals:

- ◆ Quiet residential streets
- ◆ A diversified economic base for the city
- ◆ An aesthetically pleasing community
- ◆ A safe community

Goals should be expressed as ends, not actions. For instance, the first example above expresses an end, namely, “quiet residential streets.” It does not say, “Establish quiet residential streets” or “To establish quiet residential streets.”

Objective

An objective is a specified end, condition, or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable and time-specific. An objective may pertain to one particular aspect of a goal or it may be one of several successive steps toward goal achievement. Consequently, there may be more than one objective for each goal.

Examples of objectives:

- ◆ The addition of 100 affordable housing units over the next five years.
- ◆ A 25 percent increase in downtown office space by 2008.
- ◆ A 50 percent reduction in the rate of farmland conversion over the next ten years.
- ◆ A reduction in stormwater runoff from streets and parking lots.

Principle

A principle is an assumption, fundamental rule, or

doctrine guiding general plan policies, proposals, standards, and implementation measures. Principles are based on community values, generally accepted planning doctrine, current technology, and the general plan’s objectives. In practice, principles underlie the process of developing the plan but seldom need to be explicitly stated in the plan itself.

Examples of principles:

- ◆ Mixed use encourages urban vitality.
- ◆ The residential neighborhoods within a city should be within a convenient and safe walking distance of an elementary school.
- ◆ Parks provide recreational and aesthetic benefits.
- ◆ Risks from natural hazards should be identified and avoided to the extent practicable.

Policy

A policy is a specific statement that guides decision-making. It indicates a commitment of the local legislative body to a particular course of action. A policy is based on and helps implement a general plan’s objectives.

A policy is carried out by implementation measures. For a policy to be useful as a guide to action it must be clear and unambiguous. Adopting broadly drawn and vague policies is poor practice. Clear policies are particularly important when it comes to judging whether or not zoning decisions, subdivisions, public works projects, etc., are consistent with the general plan.

When writing policies, be aware of the difference between “shall” and “should.” “Shall” indicates an unequivocal directive. “Should” signifies a less rigid directive, to be honored in the absence of compelling or contravening considerations. Use of the word “should” to give the impression of more commitment than actually intended is a common but unacceptable practice. It is better to adopt no policy than to adopt a policy with no backbone.

Solid policy is based on solid information. The analysis of data collected during the planning process provides local officials with the knowledge about trends, existing conditions, and projections that they need to formulate policy. If projected community conditions are not in line with a general plan’s objectives, local legislative bodies may adopt policies that will help bring about a more desirable future.

Examples of policies:

- ◆ The city shall not approve a parking ordinance vari-

ance unless the variance pertains to the rebuilding of an unintentionally destroyed non-conforming use.

- ◆ The city shall not approve plans for the downtown shopping center until an independently conducted market study indicates that the center would be economically feasible.
- ◆ The city shall give favorable consideration to conditional use permit proposals involving adaptive reuse of buildings that are designated as “architecturally significant” by the cultural resources element.

Standards

A standard is a rule or measure establishing a level of quality or quantity that must be complied with or satisfied. Standards define the abstract terms of objectives and policies with concrete specifications.

The Government Code makes various references to general plan standards. For example, §65302(a) states in part that the land use element must “...include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.” Other examples of statutory references to general plan standards include those found in §66477 (the Quimby Act) and §66479 (reservations of land within subdivisions). Of course, a local legislature may adopt any other general plan standards it deems desirable.

Examples of standards:

- ◆ A minimally acceptable peak hour level of service for an arterial street is level of service C.
- ◆ The minimum acreage required for a regional shopping center is from 40 to 50 acres.
- ◆ High-density residential means 15 to 30 dwelling units per acre and up to 42 dwelling units per acre with a density bonus.
- ◆ The first floor of all new construction shall be at least two feet above the base flood elevation.

Plan Proposal

A plan proposal describes the development intended to take place in an area. Plan proposals are often expressed on the general plan diagram.

Examples of plan proposals:

- ◆ First Street and Harbor Avenue are designated as arterials.
- ◆ The proposed downtown shopping center will be

located within the area bound by D and G Avenues and Third and Fourth Streets.

- ◆ A new parking structure shall be located in the vicinities of each of the following downtown intersections: First Street and A Avenue, and Fifth Street and D Avenue.

Implementation Measure

An implementation measure is an action, procedure, program, or technique that carries out general plan policy. Each policy must have at least one corresponding implementation measure.

Examples of implementation measures:

- ◆ The city shall use tax-increment financing to pay the costs of replacing old sidewalks in the redevelopment area.
- ◆ The city shall adopt a specific plan for the industrial park.
- ◆ Areas designated by the land use element for agriculture shall be placed in the agricultural zone.

Linking Objectives to Implementation

The following examples show the relationships among objectives, policies, and implementation measures. The examples are arranged according to a hierarchy from the general to the specific—from goals to implementation measures. In an actual general plan, there might be more than one policy under each objective, more than one implementation measure under each policy, etc.

Goal:

- ◆ A thriving downtown that is the center of the city’s retail and service commercial activities.

Objective:

- ◆ Development of a new regional shopping center in the downtown.

Policy:

- ◆ The city shall not approve discretionary projects or building permits that could impede development of the downtown regional shopping center.

Implementation measures:

- ◆ The city shall adopt an interim zoning ordinance restricting further development in the general vicinity of the proposed downtown shopping center

until a study has been completed determining its exact configuration.

- ◆ During the interim zoning period, the city shall adopt a special regional shopping center zoning classification that permits the development of the proposed downtown mall.
- ◆ Upon completion of the study, the city council shall select a site for the downtown mall and shall apply the shopping center zone to the property.

Goal:

- ◆ Affordable, decent, and sanitary housing for all members of the community.

Objective:

- ◆ 500 additional dwelling units for low-income households by 2010.

Policy:

- ◆ When a developer of housing within the high-density residential designation agrees to construct at least 30 percent of the total units of a housing development for low-income households, the city shall grant a 40 percent density bonus for the housing project.

Implementation measure:

- ◆ The city shall amend its zoning ordinance to allow for a 40 percent density bonus in the high-density residential zone.

COMMUNITY PLANS, AREA PLANS, AND SPECIFIC PLANS

Area and community plans are part of the general plan. A specific plan, on the other hand, is a tool for implementing the general plan but is not part of the general plan. The following paragraphs look briefly at each of these types of plans.

“Area plan” and “community plan” are terms for plans that focus on a particular region or community within the overall general plan area. An area or community plan is adopted by resolution as an amendment to the general plan, in the manner set out in §65350, et seq. It refines the policies of the general plan as they apply to a smaller geographic area and is implemented by ordinances and other discretionary actions, such as zoning. The area or community plan process also provides a forum for resolving local conflicts. These plans are commonly used in large cities and counties where there are a variety of distinct communities or regions.

As discussed earlier, an area or community plan must be internally consistent with the general plan of which it is a part. To facilitate such consistency, the general plan should provide a policy framework for the detailed treatment of specific issues in the various area or community plans. Ideally, to simplify implementation, the area or community plans and the general plan should share a uniform format for land use categories, terminology, and diagrams.

Each area or community plan need not address all of the issues required by §65302 when the overall general plan satisfies these requirements. For example, an area or community plan need not discuss fire safety if the jurisdiction-wide plan adequately addresses the subject and the area or community plan is consistent with those policies and standards. Keep in mind that while an area or community plan may provide greater detail to policies affecting development in a defined area, adopting one or a series of such plans does not substitute for regular updates to the general plan. Many of the mandatory general plan issues are most effectively addressed on a jurisdiction-wide basis that ties together the policies of the individual area or community plans.

A specific plan is a hybrid that can combine policy statements with development regulations (§65450, et seq.). It is often used to address the development requirements for a single project such as urban infill or a planned community. As a result, its emphasis is on concrete standards and development criteria. Its text and diagrams will address the planning of necessary infrastructure and facilities, as well as land uses and open space. In addition, it will specify those programs and regulations necessary to finance infrastructure and public works projects. A specific plan may be adopted either by resolution, like a general plan, or by ordinance, like zoning.

Specific plans must be consistent with all facets of the general plan, including the policy statements. In turn, zoning, subdivisions, and public works projects must be consistent with the specific plan (§65455). See Chapter 9 for more about specific plans. The publication *A Planner’s Guide to Specific Plans*, by the Governor’s Office of Planning and Research (OPR), is another good source of information.

ELEMENTS, ISSUES, AND FLEXIBILITY

In statute, the general plan is presented as a collection of seven “elements,” or subject categories (see §65302). These elements and the issues embodied by each are briefly summarized below. They are discussed in detail in Chapter 4.

The land use element designates the type, intensity, and general distribution of uses of land for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses.

The circulation element is correlated with the land use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.

The housing element is a comprehensive assessment of current and projected housing needs for all economic segments of the community. In addition, it embodies policies for providing adequate housing and includes action programs for that purpose. By statute, the housing element must be updated every five years.

The conservation element addresses the conservation, development, and use of natural resources, including water, forests, soils, rivers, and mineral deposits.

The open-space element details plans and measures for the long-range preservation and conservation of open-space lands, including open space for the preservation of natural resources, the managed production of resources (including agricultural lands), outdoor recreation, and public health and safety.

The noise element identifies and appraises noise problems within the community and forms the basis for land use distribution.

The safety element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

The level of discussion given to each issue in the general plan depends upon local conditions and the relative local importance of that issue. When a city or county determines that an issue specified in the law is not locally relevant, the general plan may briefly discuss the reason for that decision but does not otherwise have to address that issue (§65301).

A local general plan may also include other topics of local interest. For instance, a city or county may choose to incorporate into its land use element a detailed program for financing infrastructure and timing capital improvements. The safety element of a city or county that suffers from wildfire hazards may contain strategic fire protection planning policies to mitigate such hazards.

In the statutory descriptions of the elements, a number of issues appear in more than one element. In order to minimize redundancies or internal conflicts in the general plan, combining elements or organizing the plan by issue often makes practical sense. This idea is explored further in Chapter 5.

There are a number of state and federal laws, such as the Surface Mining and Reclamation Act, the Seismic Hazards Mapping Act, the Endangered Species Act, and others, that can affect the content of the general plan. These are discussed in detail in Chapter 9.

In addition to the mandatory elements, a city or county may adopt any other elements that relate to its physical development (§65303). Once adopted, these optional elements become an integral part of the general plan with the same force and effect as the mandatory elements. Accordingly, zoning, subdivisions, public works, specific plans, and other actions that must be consistent with the general plan must be consistent with any optional elements.

Common themes for optional elements include air quality, capital improvements, community design, economic development, energy, parks and recreation, and water. Suggestions for preparing a number of optional elements are provided in Chapter 6.

An optional element may clarify how a local government exercises its police powers, and in some instances, can expand a local government's authority. For example, the California Energy Commission may delegate geothermal power plant licensing authority to counties with certified geothermal elements (see Chapter 6 for guidelines). In the more typical situation, an optional element will indicate how a local government will apply its existing police power or other authority. For example, a historic preservation element may lay the foundation for historic district regulations or participation in the California Main Street Program. A strategic fire prevention planning element could identify wildfire hazard areas, control new development within those areas, and provide the basis for zoning, subdivision, and brush clearance ordinances intended to minimize fire hazards.

ADOPTION OF ANOTHER JURISDICTION'S GENERAL PLAN AND JOINT ADOPTION

A city or county may adopt all or a portion of the general plan of another public agency (§65301(a)). Additionally, §65302(g) specifically provides that a city may adopt the county's safety element if the county's element "is sufficiently detailed containing appropriate policies and programs for adoption by a city." One of the benefits of this approach is that it eliminates duplication of effort in collecting data for the more technical elements.

A city and county may jointly prepare and separately adopt a general plan or individual elements. A city or county may adopt a functional plan such as a regional transportation plan prepared by a special district, regional planning agency, or some other public agency.

Although joint adoption of another jurisdiction's

plan or elements may be advantageous, a city or county remains solely responsible for the legal adequacy of its general plan. The other jurisdiction's plan and/or elements or the jointly prepared plan and/or elements must be sufficiently detailed to address the concerns of the adopting agency and to provide adequate coverage of the issues required in the Government Code. A plan or element that is jointly prepared or adopted from another jurisdiction's general plan has the same legal standing as the rest of the adopting agency's general plan and internal consistency requirements continue to apply. Similarly, discretionary zoning, subdivision, and capitol improvement project decisions must be consistent with the joint plan or element.

Despite options such as adopting another jurisdiction's general plan or joint adoption between

multiple agencies, each adopting agency must retain its sole and independent authority to make amendments to its general plan unless a joint powers agreement has been approved. In *Alameda County Land Use Association v. City of Hayward* (1995) 38 Cal.App.4th 1716, the appellate court overturned a memorandum of understanding (MOU) adopted by Alameda County and the cities of Hayward and Pleasanton to specify general plan goals and policies regarding the "Ridgeland Area." The MOU provided that any amendment to the applicable sections by one jurisdiction would not be effective unless "parallel amendments" were approved by the other two. The court held this arrangement to be an impermissible divestment of the police power, restricting the individual agencies' legislative authority to amend their general plans.



City of Stockton

Legislation Text

File #: 14-0738, Version: 1

GENERAL PLAN AMENDMENT: TRAINING ON GENERAL PLAN BASICS; DRIVERS AND TOUCHSTONES; SCHEDULING; DOWNTOWN PLAN

The Planning Commission will be asked to accomplish the following:

1. Attend a training session on General Plan Basics;
2. Develop drivers and touchstones to lead the General Plan Amendment Process;
3. Establish a proposed schedule for the General Plan Amendment Process; and
4. Create a Downtown Plan.

General Plan Basics

The Governor's Office of Planning and Research for the State of California, published a set of General Plan Guidelines which is a "how to" resource for drafting a General Plan. Chapter 1 of the guidelines addresses the basics of General Plan composition and offers recommendations (not requirements) for the development of General Plan. (Attachment A- State of California General Plan Guidelines - Chapter 1, General Plan Basics) As part of the City's General Plan Amendment process, staff will focus on the composition of policies, including the differences between goals, objectives, policies, and implementation measures.

1. Goals: The most basic expression of the desired outcome, a goal is an end, not a means and is expressed as a noun. Examples include "a safe walkable downtown" or "an accessible waterfront". Goals are not action statements, do not usually have numerical measures, set the direction, or represent an ideal future.
2. Objectives: Like goals, objectives express a desired outcome. However, an objective refines the goal by providing a numerical or chronological measure. Examples include "a downtown that has a crime rate less than the statewide average" or "a 50% increase in waterfront attendance by 2020". Objectives should be measurable and should be used to determine success.
3. Policies: In order to achieve the desired outcome expressed in the goal and the objective, the City needs to commit to certain decisions in the future. These are expressed as policies and speak to future decision-making. Examples include "The City shall support crime reduction efforts by limiting crime-increasing land uses near sensitive areas downtown" or "The City shall encourage creative temporary uses of the waterfront to increase visibility and attendance". Policies do not need to provide a financial or personnel mechanism and should not commit resources. Instead, they should convey the City's resolved position on the subject matter.
4. Implementation Measures: An Implementation Measure is where the City's structural and financial resources are used to create the outcome envisioned by the goal, refined by the objective, and

supported by the stated policy. Examples include “The City shall work with community groups to enhance security and Police presence downtown” or “The City shall distribute an RFP for underutilized City-owned properties to gauge interest and feasibility of redevelopment.” The Implementation Measure usually requires City staff or financial resources and has implications on future budgeting. As such, Staff recommends that the Planning Commission defer heavily to Staff to develop these Implementation Measures for the Commission’s future consideration. A major weakness of past plans has been the disconnect between the adopted Implementation Measures and the reality of staffing and limited financial resources.

Staff will not address other chapters of the General Plan Guidelines at this time but recommends that the Planning Commission familiarize itself with both the guidelines and the 2010 update. These guidelines are available online at http://www.opr.ca.gov/s_generalplanguidelines.php.

Drivers and Touchstones

The forthcoming General Plan Amendment process will require a significant dedication of time and attention from the Planning Commission, staff, and those engaged in the process. In order to make the most of our working time together and to best achieve our common goals, staff recommends that the Planning Commission adopt a series of drivers and touchstones that will be used as reminders during the amendment process. These are common tools used in the organizational management and development field and are most appropriate for application during major undertakings or cultural shifts.

A driver is a motivation for change, a force behind the effort, the cause for the undertaking. It is usually expressed in a clear and concise statement that describes the most basic premise for the action. Should the Commission find itself stuck, off-course, or frustrated, it can look to the driver to remind itself of the reason for its efforts. In the case of the General Plan Amendment process, a driver should recognize the change of circumstance that the City finds itself in relative to the current General Plan and the recent economy of the City. It should acknowledge the real constraints and true opportunities that the City possesses and should express a determined optimism to better the City. Staff will look to the individual Planning Commissioners to convey what they hope to see from the process and will merge the ideas into a series of three or four distinct drivers. The following are examples of drivers:

1. The City of Stockton is abundant in opportunity arising from its strategic location, diverse economy, rich heritage, and robust
2. The City of Stockton must move beyond past actions, habits, and decisions and look creatively and open-mindedly to the future for renewed and enhanced prosperity.

Touchstones, like drivers, are common beliefs and commitments made up front that can be referred to during the process to maintain direction, stay on-course, and remain true to the purpose initially set forth. The touchstones should be brief statements that describe what the Plan should be - honest, fair, open, accessible, etc. There will be occasions when policy discussion or subject matter will be introduced that depart from these touchstones. During those times, the Planning Commission will be able to look to the touchstones to ensure that they are staying true to their initial course. The following are examples of touchstones.

1. The General Plan will be fair, addressing all sectors of the City and its economy.
2. The General Plan will consider future generations and look beyond immediate return and reaction.

3. The General Plan Amendment process will be open for dialogue by all, but leadership will be demanded of the Planning Commission.

Staff will work directly with the Commission on this exercise to create appropriate drivers and touchstones for use in the process.

Scheduling

At the June 12, 2014 meeting, the Planning Commission elected to use the second meeting of each month exclusively for the General Plan Amendment process. Therefore, staff proposes the following schedule for General Plan Amendment meetings through the end of this year:

- July 24, 2014
- August 28, 2014
- September 25, 2014
- October 23, 2014
- November (tbd)
- December - Joint with City Council (tbd)

In addition, staff anticipates using available agenda time on the first meetings of each month for General Plan content as available and necessary.

Staff will present the Planning Commission with a complete draft schedule at its July 24th meeting that describes the subject matter for each meeting. This subject matter will be topic or issue-based and will not necessarily correlate to one specific General Plan element. This approach is suggested because so many topics or issues are woven through multiple elements.

Staff will make every effort to distribute General Plan Amendment information at least ten days before the meeting, but recognizes that comments and new information may come in closer to the meeting. Staff will do its best to give the Planning Commission ample opportunity

Downtown Plan

The City Council also directed City staff to initiate the development of a new Downtown Plan concurrently with the General Plan amendment. This effort will be driven largely by the stakeholders, working with Staff and the Planning Commissioners. A comprehensive update on this Plan will be provided at the July 24th meeting.

Attachment A- State of California General Plan Guidelines - Chapter 1, General Plan Basics

Attachment B- City Council Report - June 10, 2014

**MINUTES
PLANNING COMMISSION
MEETING OF JUNE 12, 2014**

CITY COUNCIL CHAMBER, CITY HALL, STOCKTON, CALIFORNIA

1. REGULAR SESSION CALL TO ORDER/ROLL CALL 06:02 PM

Roll Call 06:03 PM

Present:

Christopher Eley
Christina Fugazi
Antonio Garcia
Kevin Hernandez
Steve Lopez

EXCUSED:

Mark Kindleberger, D'Andrea Davie

2. CITIZENS COMMENTS/ANNOUNCEMENTS* 06:03 PM

None.

3. ADOPTION OF CONSENT CALENDAR 06:03 PM

3.1 14-0589 APPROVAL OF PLANNING COMMISSION MINUTES 06:03 PM

Legislation Text

January 9, 2014 Planning Commission Minutes

March 13, 2014 Planning Commission Minutes

Approved the filing of the minutes of the January 9, 2014 and March 13, 2014 Planning Commission meetings.

Moved by: Christina Fugazi, seconded by Kevin Hernandez.

Vote: Motion carried 5-0

Yes: Christopher Eley, Christina Fugazi, Antonio Garcia, Kevin Hernandez, and Steve Lopez.

Absent: D'Andrea Davie, and Mark Kindleberger.

4. UNFINISHED BUSINESS 06:05 PM

None.

5. REQUEST FOR APPEALS/PUBLIC HEARINGS 06:05 PM

None.

6. APPEALS/PUBLIC HEARINGS 06:05 PM

6.1 14-0487 BI-ANNUAL STAFF-INITIATED AMENDMENT TO THE DEVELOPMENT CODE 06:05 PM

Legislation Text

Attachment A - Proposed Municipal code Text Amendment

Attachment B - Table of Proposed Development Code Amendments

After discussion, the Planning Commission approved to forward a recommendation to the City Council to approve various Development Code Amendments with the findings contained herein.

Moved by: Christina Fugazi, seconded by Steve Lopez.

Vote: Motion carried 5-0

Yes: Christopher Eley, Christina Fugazi, Antonio Garcia, Kevin Hernandez, and Steve Lopez.

Absent: D'Andrea Davie, and Mark Kindleberger.

7. NEW BUSINESS* 06:24 PM

7.1 14-0490 2013 ANNUAL REPORT OF THE PLANNING COMMISSION 06:24 PM

Legislation Text

Attachment A- 2013 Annual Report of the Planning Commission

Deputy Director Forrest Ebbs - requested the Planning Commission to table this item to September meeting

After a brief discussion, the Planning Commission approved tabling Agenda Item 7.1 to the September Planning Commission meeting as requested by staff.

Moved by: Christopher Eley, seconded by Christina Fugazi.

Vote: Motion carried 5-0

Yes: Christopher Eley, Christina Fugazi, Antonio Garcia, Kevin Hernandez, and Steve Lopez.

Absent: D'Andrea Davie, and Mark Kindleberger.

7.2 14-0648 2013 Annual Progress Report on the Implementation of the 2035 General

Plan 06:27 PM

Legislation Text

Attachment A - 2013 GP report

After a discussion, the Planning Commission approved to forward to the City Council the 2013 Annual Progress Report on the Implementation of the 2035 General Plan.

Moved by: Steve Lopez, seconded by Christina Fugazi.

Vote: Motion carried 5-0

Yes: Christopher Eley, Christina Fugazi, Antonio Garcia, Kevin Hernandez, and Steve Lopez.

Absent: D'Andrea Davie, and Mark Kindleberger.

8. REPORTS/WRITTEN COMMUNICATIONS/ INFORMATIONAL ITEMS 06:55 PM

8.1 14-0475 SIX-MONTH REVIEW FOR USE PERMIT P10-365 TO ALLOW THE EXPANSION OF AN EXISTING RECYCLING FACILITY AND TRANSFER STATION AT 2435 EAST WEBER AVENUE 06:55 PM

Legislation Text

Use Permit No. P10-365

February 5, 2014 Memo to PC regarding 3 month review

Operator Report 4 24 14

CalRecycle Inspection Reports Jan-March

Deputy Director Ebbs - deferred to the written staff report; he stated there was no cause for revocation

INFORMATION ONLY; NO ACTION

Deputy Director Ebbs - provided a brief report of the City Council's action on the General Plan Amendment; he explained that he would like to use the second meeting date of the month dedicated to the General Plan; he suggested holding the next meeting in 2 weeks to discuss the details of these General Plan meetings

After a brief discussion, the Planning Commission approved to reinstate the two meetings a month

Moved by: Christina Fugazi, seconded by Steve Lopez.

Vote: Motion carried 5-0

Yes: Christopher Eley, Christina Fugazi, Antonio Garcia, Kevin Hernandez, and Steve Lopez.

Absent: D'Andrea Davie, and Mark Kindleberger.

9. COMMISSION COMMUNICATIONS AND COMMENTS 07:11 PM

Commissioner Eley - announced he would not be available for the September meetings

Commissioner Fugazi:

1. She stated there was no fuel station at the marina, she asked if it were any restrictions to putting a fueling station somewhere on the waterfront; Deputy Director Ebbs - stated there were no restrictions
2. She reported a flagpole in the median on Yosemite Avenue between West Willow Street and Vine Street; the flag is flown 24-hours a day and there was no light on the top of the flagpole
3. How do you alleviate delivery trucks parking right on the corner of convenience stores situated on a corner that borders a residential area?; Deputy Director Ebbs - unless posted, you can park a truck in a public street, corner curbs are painted red to prevent traffic site hazards, traffic engineers can evaluate the area lengthen the red zone
4. She requested an update on the Earl Hotel; Deputy Director Ebbs - a demolition and historic permit were issued, it was an eminent safety hazard; the Fire Department has not determined the cause at this time

10. ADJOURNMENT 07:15 PM

STEVE CHASE
DIRECTOR COMMUNITY DEVELOPMENT



City of Stockton

Legislation Text

File #: 14-0745, **Version:** 1

APPROVAL OF PLANNING COMMISSION MINUTES

RECOMMENDATION

Approve for filing the minutes of the June 12, 2014 Planning Commission meeting.

Attachment A- June 12, 2014 Planning Commission Minutes