

Not Ready for Prime Time

The State of California Governor's Office of Planning and Research prepares an important resource for local governments and citizens involved in the formulation or amendment of general plans. This document, *General Plan Guidelines*, provides explicit direction concerning the required content of an acceptable general plan. The most recent edition the *Guidelines* was published in October of 2003. The proposed draft General Plan/Local Coastal Plan is not consistent with the *General Plan Guidelines*, and in several respects, is inconsistent with state law.

1. Absence of Measurable Objectives

The State *General Plan Guidelines* (pages 14-17) suggest that a general plan should include four levels of specificity:

- a. Goals – broad and relatively abstract statements that indicate a community's vision of its ideal future (e.g., "Affordable, decent, and sanitary housing for all members of the community.")
- b. Objectives – Specified ends, conditions, or states that is an intermediate step toward attaining a goal. Objectives should be achievable and, when possible, measurable and time-specific. (e.g., "100 additional housing units for low-income households by 2010.")
- c. Policies – Specific statements which indicate the commitment of the local legislative body to a particular course of action and which guide decision-making (e.g., "When the developer of housing within the high-density residential designation agrees to construct at least 30 percent of the units of a housing development for low-income households, the city shall grant a forty percent density bonus for the housing project.")
- d. Implementation measures – An action, procedure, program, or technique that carries out a general plan policy (e.g., "The city shall amend its zoning ordinance to allow for a forty percent density bonus in the high-density residential zone.")

The importance of establishing concrete and measurable objectives is especially evident in light of Section 65400(b)(1) of the *California Government Code*, which requires that the city planning department provide an annual report to the City Council, the Office of Planning and Research, and the Department of Housing and Community Development detailing the status of the general plan and the progress made in its implementation.

The draft General Plan/Local Coastal Plan contains no Objectives, and the Goals specified are so broad that any determination as to whether progress is being made in achieving them will be virtually impossible.

2. Vagueness of Policies

The lack of Objectives is greatly aggravated by the fact that the stated Policies themselves are extraordinarily vague. The *General Plan Guidelines* require that each policy be "a specific state-

ment that guides decision-making”. The Guidelines go on to state that “When writing policies, be aware of the difference between ‘should’ and ‘shall’. ‘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 a policy with no backbone.” Although this provision is stated verbatim on page 12 of the proposed draft, a review of proposed policies reveals that:

- a. Fourteen of the policies use the word “should” rather than “shall”.
- b. Even many of the policies which employ the word “shall” are phrased so vaguely as to be of no use as guides to decision-making. As an example, Policy LU-9 states that “The City shall work to identify substandard mobile home parks within the community and institute a long-term, reasonable program to either cause their improvement, relocation, or ultimate removal.” This policy requires no concrete course of action, only that the City “work to” establish some unspecified program relating to mobile home parks. If “substandard mobile home parks” exist in the community, they should be identified in the general plan and a specific course of action should be specified for their abatement.

3. Absence of Appropriate Implementing Measures

In accordance with the State *General Plan Guidelines* the proposed draft General Plan/Local Coastal Plan states (page 12) that “each policy must have at least one implementing measure.” A review of the submitted draft, however, reveals that:

- a. Of the 106 policies proposed, 63% (67 policies) have no implementing measure specified, and
- b. Of the 48 goals put forward in the draft, five have neither policies nor implementing measures. Inexplicably, several of the Goals which are not supported by appropriate objectives, policies, or implementing measures deal with maintaining the “small town” character of Morro Bay, preserving surrounding agricultural lands, and preserving the bay and natural environment – areas identified in public workshops as being of the highest priority to the community.

4. Absence of Appropriate Standards for Population Density

California courts have ruled that the land use element of a valid general plan must include standards for population density (*Camp vs. County of Mendocino, 1981*) and that such standards must be defined in terms of “numbers of people in a given area and not the dwelling units per acre, unless the basis or the correlation between the measure of dwelling units per acre and numbers of people is set forth explicitly in the plan” (*Twain Harte Homeowners Association v. Tuolumne County, 1982*).

The proposed draft is deficient in that:

- a. Densities for low, moderate, medium, and high-density residential areas are specified in dwelling units per acre
- b. No standards are specified for other zoning areas in which residential uses are allowed (e.g., mixed use areas).

5. Absence of Appropriate Standards for Building Intensity

The *Camp* and *Twain Harte* cases also established that a general plan must include standards for

building intensity in each of the various land use categories of the plan. The proposed draft contains no standards for building intensity.

6. Inadequacy of Land Use and Circulation Elements

Several courts have held that, in order to be valid, a general plan must reflect both the anticipated level of development (in its land use element) and the road system necessary to serve that level of growth (in its circulation). The circulation element must be “closely, systematically, and reciprocally related to the land use element of the plan. The proposed draft contains no quantified projections of future development and there is no relationship between the circulation and land use elements.

7. Absence of Noise Element

Section 65302(f) of the *California Government Code* establishes that a noise element is a mandatory component of the general plan and that the noise element must:

- a. Analyze and quantify current and projected noise levels for all highways and freeways, primary arterials and major local streets, railways and rapid transit systems, aircraft and helicopter operations, industrial plants, and other stationary noise sources,
- b. Show noise (CNEL or Ldn) contours for all such sources, and
- c. Utilize noise contours as a guide to establish patterns of land use that minimize the exposure of community residents to excessive noise.

The California Court of Appeals has ruled that a general plan is invalid if it lacks a noise element (*Guardians of Turlock's Integrity v. City of Turlock, 1983*) and that the adoption of an Environmental Impact Report relating to any such plan is negated. The current proposed draft contains no noise element or noise-related data.

What Needs to Be Done

1. Proposed goals and policies should be reviewed to ensure that they reflect community values.
2. Appropriate and, wherever possible, measureable and time-oriented Objectives should be formulated to allow for the accomplishment of Goals and for future assessment of the status of the General Plan and progress in its implementation.
3. Policies, Objectives, and Implementation Measures should be formulated to implement those Goals which lack them in the current proposal.
4. Noise provisions, building intensities, population densities, growth projections and the requisite close and systematic relationship between land use and circulation elements should be developed in compliance with state law and judicial decisions.
5. Ongoing community involvement should be actively solicited as the goals are refined and objectives are formulated.