



Contra
Costa
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: December 19, 2017

Subject: Proposed Options for County General Plan Update

RECOMMENDATION(S):

1. ACCEPT the report from Department of Conservation and Development (DCD) staff on the proposed approach for updating the Contra Costa County General Plan 2005-2020.
2. ACCEPT public comments.
3. PROVIDE comments and direction on the proposed approach to DCD staff.

FISCAL IMPACT:

The fiscal impact depends on the scope of the General Plan update. In each case, the cost would be spread over a three-year period. Option 1 is estimated to be in the \$1.5 to \$2 million range. The cost of Option 1 may be covered within the DCD operating budget over the next three years. The Land Development Fund could cover a significant portion of the cost, though the more expensive options would require move funding from other sources. Staff would seek grant funding to help fund a portion of the work for, particularly for Options 2 or 3, and the department would also work with the County Administrator to request an allocation of general funds as part of upcoming

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **12/19/2017** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 19, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Will Nelson, (925)
674-7791

cc:

FISCAL IMPACT: (CONT'D)

Budget deliberations, to pay a portion of the costs. An update of the Zoning Ordinance is estimated to cost up to \$1.5 million. No funding source has been identified for this work, but doing it concurrently with the General Plan update would result in savings related to environmental review. These cost estimates are the result of preliminary conversations DCD staff has had with two different general plan/environmental consultants.

BACKGROUND:

Input Requested from Board of Supervisors

The following report provides the Board of Supervisors with information on the process for updating the County General Plan, which is set to expire in December 2020. The scope of work for this project includes numerous variables, described in more detail below, that will significantly affect the cost and timeline for completion. As such, staff hopes to receive the following from this initial report to the Board:

- Guidance to inform recruitment of a consultant. This project will require the services of a consultant who specializes in writing and updating general plans, managing the public outreach and participation aspect of the process, and completing the required environmental analysis pursuant to the California Environmental Quality Act (CEQA). Retaining a consultant will be the first major step in the process. To recruit a qualified consultant, it is necessary for staff to understand the Board's wishes related to the project's scope of work. Staff notes that the consultants' proposals themselves will inform the scope of work.
- Guidance to assist DCD in budget planning for FY 2018/2019 and beyond. As explained herein, staff anticipates the cost for updating the General Plan will range from approximately \$1.5 million to \$7 million depending on the scope of work chosen by the Board.

DCD envisions the General Plan update as a three-year process during which staff will frequently return to the Board to provide progress reports and seek additional direction. DCD anticipates the first progress report will occur in early 2018 to further discuss project cost, timeline, options for public participation, and consultant selection.

Brief History of the County General Plan

State law requires each city and county in California to prepare and maintain a general plan. A jurisdiction's general plan serves as its "constitution" for decisions concerning land use planning and expresses a community's long-term vision for its future development. All decisions on planning matters (rezonings, subdivisions, use permits, etc.) must be consistent with the adopted general plan.

Preparation of the County General Plan involved an extensive process of public participation and outreach. In early 1986, the County Board of Supervisors established a "General Plan

Congress” to advise County staff on revising the County General Plan [\[1\]](#). The 67-member General Plan Congress represented a broad range of interests in the County, including the City Councils from each of the (then) 18 cities in the County, County service districts, environmental groups, landowners, developers, and public interest groups including the League of Women Voters, and Citizens for a Better Contra Costa. With assistance from the General Plan Congress, County staff prepared a draft General Plan in November 1988. After recommending additional changes to that draft, the Congress voted to pass the draft General Plan on to the County Planning Commission and disband.

In March 1989, the County made a draft of the General Plan available for public review. Between March 1989 and August 1990, the County Board of Supervisors held numerous public hearings and received extensive written comments on the March 1989 draft. In response to public comments received, the County then prepared a revised and updated draft of the General Plan, which was made available for additional public comment and review in October 1990. Between October and December 1990, the County Planning Commission and Board of Supervisors held additional public hearings on the October 1990 draft. As a result of those comments and passage in November 1990 of Measure C, the 65/35 Contra Costa County Land Preservation Plan, the County again revised the document. The Board of Supervisors adopted the final document, *Contra Costa County General Plan 1990-2005*, in January 1991.

In 1996 and again in 2005 the Board of Supervisors adopted a “reconsolidated” General Plan (the 2005 reconsolidation also extended the term of the General Plan from 2010 through 2020). Reconsolidating the General Plan included the following:

1. Fully incorporating all previously adopted General Plan Amendments.
2. Updating demographic data and statistics.
3. Deleting descriptive or explanatory text that had become obsolete or outdated.
4. Deleting policies and implementation measures applicable to lands incorporated through 2004.
5. Deleting outdated references to completed projects.
6. Updating the Land Use Element to reflect lands use plans and planning decisions made by the cities.
7. Updating the Land Use Element Map to reflect land acquisitions by public agencies (e.g., regional parklands) and significant land areas that had been deed restricted for open space purposes.
8. Replacing original maps with higher-quality maps prepared using the County's Geographic Information System (GIS) mapping capabilities.
9. Correcting errors and omissions in the document's text.

The 2005 reconsolidation occurred at what will ultimately be the midpoint of the General Plan's 30-year term. Since the reconsolidation, the General Plan has been revised through individual amendments affecting relatively small portions of the document. The only exception to this has been State-mandated updates to the Housing Element, which most recently occurred in 2014.

State of California General Plan Guidelines

To assist local governments in preparing general plans and facilitate public participation in that process, the Governor's Office of Planning and Research (OPR) publishes the *General Plan Guidelines* (GPG). While the GPG document is advisory, it closely adheres to statute and case law. From time to time OPR updates the GPG, with the most recent update released in August 2017. Any substantial update of the General Plan should be generally consistent with the current version of the GPG.

Transportation and Circulation Element Update

The approach to transportation planning has fundamentally shifted over the past 15+/- years and is likely to continue shifting, thus necessitating a substantial effort to revise the General Plan Transportation and Circulation Element (TCE). These fundamental shifts include:

- Context Sensitive Planning (2000): An approach to transportation decision-making that takes the surrounding land uses into consideration.
- Complete Streets (2005/2008): Something of a refinement of Context Sensitive Planning, "complete streets" is an approach to transportation decision-making that requires streets to be planned, designed, constructed, and operated to accommodate all users (pedestrians, drivers, cyclists, public transportation users, wheelchair users, etc). Passage of the 2008 California Complete Streets Act established complete streets practices in statute.
- Greenhouse Gas-Related Initiatives (2006): The Global Warming Solutions Act (Assembly Bill [AB] 32) and subsequent Sustainable Communities Act of 2008 (Senate Bill [SB] 375) resulted in the further emphasis of, among many other things, the importance of active transportation modes.
- SB 743 (2013): This bill has a number of significant impacts, three of which are relevant to the General Plan update and discussed below (final guidance from the State is substantially delayed and has not yet been adopted):

1. Removal of "level of service" (LOS) metrics from CEQA analysis. This change has created a substantial amount of dialog and controversy. LOS is a congestion-based approach to managing traffic that has been in use for decades. In summary, the approach is to prioritize transportation investments that mitigate congestion by expanding roadway capacity. This approach has many flaws that are widely acknowledged. The replacement metric was administratively determined to be Vehicle Miles Traveled (VMT). The impact of this particular change on transportation decision-making cannot be overstated.

Local jurisdictions are free to continue using LOS in their own local policies. If and how the County chooses to continue using LOS will be considered in this general plan update.

2. Removal of parking impacts in certain settings, as a significant impact in CEQA

review: The legislation included the following language, “...*parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.*”

3. Traffic safety: The substantial attention given to the LOS and parking changes listed above may have resulted in the safety language in SB 743 not receiving much attention. Despite this lack of attention, this change could have a significant impact on project review. Historically, traffic safety has not been a part of CEQA review, SB 743 is likely to change that. The preliminary (again, finalization has been delayed) SB 743 guidance includes the following:

“(3) Local Safety. In addition to a project’s effect on vehicle miles traveled, a lead agency may also consider localized effects of project-related transportation on safety. Examples of objective factors that may be relevant may include: (A) Increase exposure of bicyclists and pedestrians in vehicle conflict areas (i.e., remove pedestrian and bicycle facilities, increase roadway crossing times or distances, etc.). (B) Contribute to queuing on freeway off-ramps where queues extend onto the mainline. (C) Contribute to speed differentials of greater than 15 miles per hour between adjacent travel lanes. (D) Increase motor vehicle speeds. (E) Increase distance between pedestrian or bicycle crossings.

Subsequent to the passage of SB 743, OPR released the 2017 General Plan Guidelines. The Guidelines added an entirely new section (*Appendix B: SB 743 Safety Technical Advisory: Analyzing Safety Impacts Related to Transportation*) which reflects the safety language in SB 743 and the draft SB 743 guidance:

In the past, transportation safety has focused on streamlining automobile flow and accommodating driver error, sometimes confounding motor vehicle mobility and speed with transportation system safety. An updated and more holistic approach has developed over the past decade, however. This updated approach focuses on three overlapping strategies:

- *Reduce speed and increase driver attention*
- *Protect Vulnerable road users*
- *Reduce overall VMT and sprawl*

Other Changes

In addition to the issues discussed above, the following will be addressed in the Transportation and Circulation Element update:

- Impacts of sea level rise on transportation investments and existing infrastructure.
- Accommodation of Connected Vehicles & Automated Vehicles (CV/AV): This rapidly evolving field may require specific policy accommodation.
- Transportation Network Companies (TNCs [Lyft, Uber, etc.]): The impacts of these rapidly evolving services are starting to emerge including unintended consequences (increased congestion in some areas) and heightened interest in curb management policies due to inexperienced commercial drivers not adhering to traffic laws when picking up or dropping off passengers.

- **Unsafe speeds:** The evolution of transportation planning described above is likely to continue. The next phase of this evolution may be to address unsafe speeds. The National Transportation Safety Board (NTSB) recently released a study, “Reducing Speeding-Related Crashes” which has received a substantial amount of attention. This study, combined with **1)** the new safety elements in the updated OPR General Plan Guidelines, **2)** safety elements of SB 743, and **3)** ongoing interest in the public health field, may foreshadow the next phase in transportation planning.

The Caltrans California Traffic Control Device Committee received a proposal at their November 2, 2017, meeting to review the Manual of Uniform Traffic Control Devices relative to the Engineering and Traffic Study procedures. This proposal was brought forward, in part, due to the NTSB report which includes the recommendation to “remove the guidance that speed limits in speed zones should be within 5 mph of the 85th percentile speed”. Similar to the LOS discussion above, it is likely that the County will have to consider how to respond to this change in longstanding policy in the near future.

- **Evolution of public transit:** The pressure from TNCs (and eventually CV/AV technology) is likely to result substantial changes in how public transit is administered and operated. While the County has no direct role in the provision of public transit, the service is addressed in the General Plan.
- **SB 1000 (2016):** Land use: general plans: safety and environmental justice: This legislation further expands on the complete streets concept:

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

Growth Management Element Update

Passage of the Measure J transportation sales tax in 2004 extended and revised policies originally established by passage of Measure C-1988. In response, the Contra Costa Transportation Authority (CCTA) revised the *Growth Management Program Implementation Guide* to incorporate the Measure J changes. CCTA member jurisdictions were then requested to update their growth management elements (GMEs) to reflect the new policies in Measure J.

In consultation with CCTA, the County chose not to update its GME in favor of a more efficient approach of using a Measure C-to-Measure J “*correspondence table*” that illustrates how the existing GME is consistent with the requirements of Measure J. This decision was made citing: 1) the existing Measure C-compliant GME was consistent with the new Measure J policies, and 2) considering that existing policies were sufficient, the simpler approach would be a more efficient use of the County’s limited resources. The correspondence table was added to the General Plan in 2016.

However, as the County is undertaking a more comprehensive update to the General Plan that will likely require substantial revisions to the GME, it would now be appropriate to more precisely reflect CCTA's preferred GME language. Furthermore, and possibly most significantly, the GME contains LOS policies and standards no longer required under Measure J or CEQA. As discussed earlier, with this General Plan update, the County will be considering if and how to continue using LOS.

Proposed Options for Updating the County General Plan

By the time the General Plan is set to expire in December 2020, 30 years will have elapsed since its original adoption. For the most part the document's goals and policies reflect the planning philosophy of the late 1980s and early 1990s, which encouraged low-density, sprawl-type development. However, as explained above, the approach to land use and transportation planning in California is changing rapidly, primarily because of the State's focus on reducing greenhouse gas emissions. The emphasis now is on infill, densification (especially in proximity to transit stops), mixed uses, greater reliance on public transportation, and alternatives to single-occupancy vehicles. The objective of this General Plan update should be to produce a document that is accurate and philosophically current. DCD staff proposes following three basic options for updating the General Plan.

Option 1: Comprehensive Clean-up

Option 1 involves a basic work program similar to the 1996 and 2005 reconsolidations described above. This option focuses on bringing the General Plan up to date. Option 1 would include the nine items described in the reconsolidation discussion above, for the period from 2005-2020, along with the following additional suggested tasks:

1. Revising the document as necessary to achieve consistency with the recently updated *General Plan Guidelines*.
2. Rewriting the Transportation and Circulation Element as discussed above.
3. Rewriting the Growth Management Element as discussed above.
4. Addressing environmental justice as required by SB 1000.
5. Incorporating relevant information related to *Plan Bay Area* and other regional initiatives, such as the Bay Conservation and Development Commission's *Adapting to Rising Tides Program*.
6. Incorporating the Delta Protection Commission's updated *Land Use and Resource Management Plan for the Primary Zone of the Delta*.
7. Incorporating the County's *Community Climate Action Plan* adopted in December 2015.
8. Incorporating the County's updated *Local Hazard Mitigation Plan*, on track for adoption in 2018.

Option 1 is best characterized as a comprehensive General Plan clean-up. This option includes items that are either required by statute or local initiative, or simply necessary to bring the document up to date. The narrative text, data, statistics, and maps would be

revised and made current. Policy changes would generally be limited to those necessary for the General Plan to be consistent with adopted statutes, the updated GPG, and updated regional plans. The General Plan's format, appearance, and organization would essentially remain unchanged. Under this option the General Plan would be factually current, but still somewhat stale philosophically. Staff estimates the cost associated with Option 1, including environmental review, to be approximately in the \$1.5 million to \$2 million range.

Option 2: Major Overhaul and Incorporating Additional Topics

Option 2, the staff recommended option, builds on the work program described for Option 1. This option includes all items described under Option 1 plus the following suggested tasks:

1. Addressing additional topic areas such as economic development, community health, sustainability, or other topics as the Board sees fit. These topics could either be addressed in new General Plan elements or integrated into the existing elements. Certain topics may lend themselves to one approach over the other.
2. Adjusting the Urban Limit Line (ULL) to exclude properties acquired by certain public agencies or where development restrictions limit the land to open space or conservation uses. Examples include lands purchased by East Bay Regional Park District and Contra Costa Water District, and private lands under agricultural conservation easements. Such contractions of the ULL are allowed pursuant to Measure L-2006.
3. Updating the Land Use Element to facilitate development of denser, mixed-use neighborhoods and communities where appropriate, and address a number of deficiencies that unnecessarily complicate the development process.
4. In cooperation with Municipal Advisory Councils (MACs) and local community organizations, creating community profiles and vision statements for various unincorporated communities and planning areas. These statements would succinctly describe the character and long-term vision for these areas, providing guidance for project applicants and decision-makers.
5. Revising the document's organization and numbering convention to simplify integration of future amendments and improve overall usability.

The five items listed under Option 2 are staff suggestions and "voluntary" in that they are not statutorily required. This list may be augmented as the Board desires. However, including these items in the final work program would be good planning practice and yield an up-to-date General Plan addressing a broader range of contemporary planning issues. The document would also have a more modern appearance and be more user-friendly. Staff estimates the cost associated with Option 2, including environmental review, to be approximately in the \$2 million to \$4 million range. The main cost variable is which, and how many, additional topic areas would be addressed under this option.

Option 3: New County General Plan

Option 3 entails preparation of an entirely new General Plan; however, staff views this option as potentially unnecessary. Independent of the legislation discussed above, county residents have approved four local initiatives (Measure C-1988, Measure C-1990, Measure J-2004, and Measure L-2006) that form the foundation of land use and transportation planning policy in Contra Costa County. Measure C-1988 established a one-half cent sales tax to fund transportation projects and programs, and instituted the Growth Management Program (GMP), which links planning for growth and development to transportation. Measure C-1990 created the original County ULL and the 65/35 Land Preservation Standard, which limits urban development to no more than 65 percent of the land in the county. Measure J-2004 extended the half-cent transportation sales tax through 2034 and amended the GMP to, among other things, require all 19 cities and towns to adopt either the County's ULL or their own. Measure L-2006 extended the term of the County ULL through 2026. Together these initiatives created a strong countywide planning framework that focuses development pressure toward existing communities, coordinates land use and transportation policy, and preserves almost two-thirds of the land in the county for non-urban uses. The General Plan, despite being outdated in many respects, remains consistent with these voter-approved initiatives. Furthermore, the General Plan cannot deviate from the requirements of these initiatives, meaning a new document would necessarily be similar to the existing document in terms of its foundational principles and policies.

Staff estimates the cost associated with Option 3, including environmental review, to be up to \$7,000,000. In staff's opinion, updating the County Zoning Code would be a more effective use of the County's limited resources.

Updating the County Zoning Code

The County Zoning Code (County Ordinance Code Title 8) is the primary tool for implementing the General Plan, and by law, must be consistent with the General Plan.

The County Zoning Code was originally adopted in 1947, when the county population was slightly under 300,000, heavy industry was still prevalent in West County and along the waterfront, the suburbs of Central County were just beginning to develop, and agriculture was by far the dominant land use in East County. The original version of the Zoning Code reflected these conditions, particularly in its permissiveness of certain heavy industrial and agricultural uses, such as refineries, explosives plants, and stockyards. However, while Contra Costa subsequently transformed into a largely suburban county with over 1,100,000 residents, the Zoning Code never underwent a comprehensive review and update to address this reality. Instead it has been updated piecemeal to comply with State legislation and address local issues as they've arisen. This approach has resulted in a compendium of somewhat outdated regulations that are complicated and difficult to administer, and fail to adequately address many contemporary planning issues. The Zoning Code's cumbersome processes are also a potential hindrance to economic development. In staff's opinion, addressing the Zoning Code's deficiencies would be an effective complement to the effort to update the General Plan.

DCD staff estimates that an adequate update of the Zoning Code would cost up to \$1.5 million. Staff anticipates completing most of the work in-house, though a consultant's assistance may be necessary for certain technical aspects and completion of the CEQA review.

Environmental Review

The General Plan update will be subject to review under CEQA. DCD staff has determined that an environmental impact report (EIR) will be the appropriate level of review, regardless of which option the Board chooses. EIRs are comprehensive documents addressing a broad range of environmental subject areas. Preparation of a complete and legally-adequate EIR requires numerous technical studies assessing potential environmental impacts related to air quality, biology, greenhouse gas emissions, noise, traffic, utilities, and a host of other topics. The EIR process also includes significant opportunity for public involvement, particularly in the form of submitting comments on the adequacy of the draft EIR document. Substantial cost will be incurred responding to these comments, which is a requirement of CEQA. Staff anticipates that completing the CEQA process will account for approximately 50 percent or more of the total cost for updating the General Plan.

Public Outreach and Participation

Updating the General Plan necessarily involves significant public outreach and participation in addition to the public agency consultation that is required by statute. The nature and extent of this public outreach will depend greatly on the work program ultimately chosen by the Board. Public outreach will involve community meetings and workshops, public hearings, utilization of social media, and any other methods as directed by the Board. Staff notes that this work significantly impacts the budget (the cost estimates above assume an ambitious public outreach effort proportional to each proposed option).

Timeline

As noted above, the General Plan is set to expire in December 2020, leaving three years to complete the update. Staff will be able to provide a project timeline once the Board decides on the details of the work program. However, the first step in the process, which DCD hopes to complete by the end of April 2018, will be to select a consultant to assist with updating the General Plan and preparing the EIR.

Conclusion

Staff is requesting direction from the Board on the approach for updating the County General Plan. Given the time constraint, estimated cost, and necessity of also updating the County Zoning Code, it is staff's opinion that the work program described for Option 2 represents the most efficient use of County resources.

[\[1\]](#) At the time the General Plan Congress was convened, the General Plan was not a single document. Instead it consisted of a number of separately bound plans for various areas and communities throughout the county.

CONSEQUENCE OF NEGATIVE ACTION:

There is no immediate consequence. The purpose of this report is to provide an update to the Board of Supervisors and seek direction.

CLERK'S ADDENDUM

ACCEPTED the report from Department of Conservation and Development (DCD) staff on the proposed approach for updating the Contra Costa County General Plan 2005-2020; CHOSE Option 2 as the approach to update the General Plan; and DIRECTED staff to proceed with a Request for Proposals to select a consultant to assist with updating the General Plan and preparing the Environmental Impact Report.