

We recommend that the City implement the changes addressed in the Attorney General's June 11th letter, including replacing all words "encouraging," "supporting," "recommending," and "promoting" a greener City with "requirements" that will be implemented through development of City ordinances over a schedule of five, ten, fifteen and twenty years.

Additional Recommendations on the General Plan

Comment 1: The Community Plans need to be amended at the same time or on a parallel track with the General Plan. This is an issue because most of the mandatory detail required by state law in the General Plan is deferred to a later date when the Community Plans are amended. The City leaves all the detail to the Community Plans, which will not be revised for many years to come. The City may not leave the details for a future date when funding is available and comply with State mandated requirements for the General Plan.

Comment 2: Land Use Element: Gov. Code § 65302(a) requires that the land use element "include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan." While the draft plan includes an analysis of building intensity by including information on dwelling units per acre, it does not appear to connect these to population density in any way.

CONCLUSION

The Attorney General's comments, on a substantive level, raise legitimate and significant legal questions about the adequacy of both the present General Plan and the proposed update. In order to fully comply with the law and responsibly address climate change, improvements are needed. The General Plan must include identifiable, specific, mandatory measures that can be implemented on strict time tables. This Office intends to coordinate with other City departments to craft improvements that will insure that the new General Plan is not merely a policy document but is a blueprint for implementing mandatory, enforcement requirements. As the Attorney General has noted, the update as proposed contains many mere policies that "express support for actions... but do not require those actions; because they are not enforceable requirements, they do not constitute mitigation under CEQA." The Attorney General has offered excellent guidance in this regard, but we can and must do even more.

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