



## Legislation Text

File #: 2024-0280, Version: 1

### Report to Mayor and City Council

Tuesday, April 16, 2024

Consent

#### **SUBJECT:**

**CONSIDER APPROVAL OF AMENDMENT NO. 5 TO THE AGREEMENT WITH DYETT & BHATIA, URBAN AND REGIONAL PLANNERS TO COMPLETE THE COMPREHENSIVE GENERAL PLAN AND ZONING CODE UPDATES (CITY COUNCIL)**

#### **I. SUMMARY**

In June 2017, the City entered into an agreement with Dyett & Bhatia, Urban & Regional Planners to provide planning services to perform a comprehensive update to the City's General Plan and Zoning Code, (Exhibit 1). Staff is recommending City Council approve Amendment No. 5 increasing the contract by \$80,800.00 from \$1,907,664.00 to \$1,988,464.00, (Exhibit 2).

The proposal is to add services to the Agreement related to: (i) authorize additional services related to Housing Element revisions as necessary to gain HCD certification of the Housing Element; and (ii) authorize additional services related to the comprehensive Zoning Code update, including additional services necessitated by (a) City's decision to divide said update into two phases, (b) changes to State law occurring throughout the update process, (c) City's decision to have Consultant to prepare parking and loading regulations as part of the Zoning Code update and not as part of the development of the Carson Neighborhood Mobility Plan as originally contemplated in Task 8.B of the Scope of Services, and (d) City's request for Consultant to make the new Zoning Code interactive via use of hyperlinks to related provisions and to terms and definitions. City and Consultant also desire to extend the term of the Agreement until December 31, 2025 and authorize time and compensation for Consultant to perform these additional services.

#### **II. RECOMMENDATION**

**TAKE** the following actions:

- 1. APPROVE** Amendment No. 5 to the agreement with Dyett & Bhatia, Urban and Regional Planners to complete the City's comprehensive General Plan and Zoning Code Updates extending the contract through December 31, 2025 and increasing the contract amount by \$80,800.00 from \$1,907,664.00 to a not-to-exceed amount of

\$1,988,464.00; **AND**

- 2. AUTHORIZE** the Mayor to execute the agreements following approval as to Form by the City Attorney.

### **III. ALTERNATIVES**

**TAKE** any other action the City Council deems appropriate.

### **IV. BACKGROUND**

The City and Consultant entered into an Agreement for Contractual Services dated June 6, 2017 (“Agreement”) to help the City Update the General Plan and the Zoning Ordinance. The original scope of work did not contemplate the following deliverables that are needed to bring the project to a successful completion:

#### **Additional Housing Element Work (work already completed)**

Even though this work has been completed, a formal contract update for this work needs to be incorporated and reflected in the budget. The original Housing Element Scope of Work anticipated one public review draft, followed by Planning Commission and City Council endorsement, State Department of Housing and Community Development (HCD) review, and then City Council adoption. However, like in many jurisdictions, this cycle of the Housing Element ended up being more complex and involved, with two additional rounds of drafts, multiple meetings with HCD and City planning and legal staff, policy changes and housing capacity recalibration, along with additional meetings of the Planning Commission and the City Council. The final result was a successful, conditionally certified (pending zoning adoption) Housing Element.

#### **Zoning Code Update**

There are four (4) sub-components to this additional effort:

1. Dividing Code Update into Two Phases. The current scope assumes zoning work to be completed in one phase - that a public review draft of the entire new Code would be prepared after staff provides comments on the entire draft. CEQA review of the entire draft would be in the form of a Negative Declaration, which would be submitted to the Planning Commission for review and then to the City Council for approval along with the draft of the entire new Code.

However, after preparation of a draft of the new Code and the Planning Commission study session in July 2023, Staff determined dividing the process into two phases with the first part addressing Code amendments to implement the Housing Element and second phase for commercial/industrial and other non-residential uses would be a better course of action for the City. This decision increased the cost of the Zoning Code update because of the extended timeline it entails and requires the consultant to prepare additional drafts, respond to comments and reviews, and participate in discussions with staff.

Additionally, the current scope calls for preparation of an updated zoning map, consistent with the new General Plan Land Use Diagram, and Zoning Code land use districts. As directed by staff, D&B for Phase 1 prepared a zoning map that includes only the residential and mixed-use districts where residential uses are allowed.

It should also be noted that there are a total of eight City Council/Planning Commission meetings included in the current budget; four (4) have been completed. Four meetings remain for Phase 2; any additional meetings would be charged at \$1,200 per meeting for time and costs.

2. State Law Changes Partway Through the Process. The use regulations and development standards for residential development in the existing Code required extensive revision because of changes to State laws. State laws also continued to evolve and change between drafts, with some not becoming final until October 2023, after the public review draft was completed and considered by the Planning Commission in July and August of 2023. These included, but are not limited to, revised and, in some cases new, regulations and standards for Accessory Dwelling Units, Affordable Housing and Childcare Incentives, Emergency Shelters, Low-Barrier Navigation Centers, and Residential and Transitional Housing. The New Code also includes links to the applicable provisions of State law. Nevertheless, one of the most important objectives of the New Code is to make the zoning regulations easier to use and understand, which means that the Code must minimize the need to consult other regulations.

3. Parking Regulations. Parking regulations were an optional item in our original Scope of Work (see Task 8.B), as revisions to parking and loading were expected to be undertaken as part of the development of the Carson Neighborhood Mobility Plan. D&B prepared parking regulations, and it was also necessary to review the parking regulations in response to comments by the State Department of Housing and Community Development (HCD).

4. Interactive Zoning Code. Staff has requested preparation of an interactive Zoning Code that would require more extensive cross-referencing than the online version of the existing Code provides. In addition to providing links to related provisions within the Code such as the additional regulations for specific uses identified in the use regulations tables in Part 2, Staff has asked for links to be provided to terms and definitions. The hyperlinking process will involve coordination with Code Publishing Company. Moreover, dividing the Code update into two phases will require postponing part of this task for several months until the Council has adopted both parts of the new Code.

## **Zoning Code Environmental Review**

Phase 1 Environmental Review has been completed. Staff previously provided a Notice to Proceed to D&B to complete the environmental review for Phase 1 of the Zoning Code Update. Even though this work has been completed, a formal contract update for this work needs to be incorporated and reflected in the budget.

## **V. FISCAL IMPACT**

The funds for the proposed contract amendment were included in the adopted FY 2023-24 budget in account number 101-70-780-290-6004.

## **VI. EXHIBITS**

1. Contract Services Agreement with Dyett & Bhatia, Urban and Regional Planners (pgs. 5 -96)
2. Amendment No. 5 to Agreement with Dyett & Bhatia, Urban Regional Planners (pgs. 97 -106)

Prepared by: Saied Naaseh, Community Development Director