

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: September 18, 2012
Reviewed by: BP

SUBJECT: General Plan Update

REPORT BY: Anne Hersch, City Planner
Jeff Bond, Community Development Director

SUMMARY

This agenda item provides the Council an opportunity to provide direction on the consultant selection process associated with the preparation of an update to the General Plan. In addition, the Council could authorize a request for extension of time to meet One Bay Area Grant Program requirements to have a certified housing element.

STAFF RECOMMENDATION

That Council:

- a) Authorize the release of a Request for Proposals for consulting services related to preparation of the General Plan; and
- b) Authorize staff to apply to the Association of Bay Area Governments for an extension of time to meet One Bay Area Grant Program requirements to adopt a certified housing element.

BACKGROUND

The General Plan is the central document for prioritizing future land use related city projects, and the legal foundation for all city planning approvals and building permits. The current Albany General Plan was adopted in 1992, and encompasses a time frame from 1990 – 2010. The General Plan includes five elements: Land Use; Circulation; Housing; Conservation, Recreation and Open Space; and Community Health and Safety

DISCUSSION

General Plan Consultant RFP

General plans are typically prepared by either by consultants, by City staff, or by a person hired under a consulting agreement, but essentially functioning as an extension of City staff. The advantage of using a larger consulting firm is that firms have broader experience preparing general plans and greater variety of technical expertise. The advantage of using smaller consulting firm or an individual is that the cost will be lower and there would be

more personalized attention to the project. On balance, staff recommends that the RFP be crafted with a preference for a smaller firm/individual consultant approach. As part of this approach, sub-consultants may be required to assist with various technical studies that are required as part of the preparation of the general plan.

Following release of the RFP, staff will organize a review panel to advise in a recommendation to the City Council on the selection of a consultant. Because of the size of the project, City Council approval of the contract will be required.

Planning and Zoning Commission Serving as Steering Committee

The City Council and the Planning and Zoning Commission have formal responsibility under the Municipal Code and State Law to review the General Plan. It is recommended that the Planning and Zoning Commission act as a “steering committee” to guide the process. One regular Commission meeting each month will be designated to start with work on the General Plan. With each meeting, policy memos and/or a draft section would be reviewed by the Commission. Staff will work with the consultant to facilitate the meeting and review process. Staff also will attend other city commission and committee meeting in order to provide regular updates and an opportunity to provide input on key policy issues.

To the extent possible, staff seeks to incorporate into the initial drafts, the City’s recent policy and/or planning initiatives, including:

- Voices to Vision Waterfront Planning
- Existing Parks and Recreation Plans
- Active Transportation Plan
- Eastshore State Park General Plan
- Climate Action Plan
- Albany Hill Master Plan
- Arts Master Plan
- San Pablo Avenue Complete Streets study
- Economic Development Strategy

Staff has also discussed a page on the City’s website including the following items as part of the update process:

- “What I like about Albany”- opportunity for citizens to share places and activities that they like most about Albany. This may include text and photos and would contribute to establishing a thematic vision for the General Plan process.
- An on-line “Briefing Book” page where commission and committees, organizations, and individuals can post detailed policy analyses to help the Commission and City Council evaluate issues.

- Create a two sided poster-sized document that graphically describes General Plan policies. This may also be used as a mailer.

One Bay Area Grant Program Extension

Currently, Albany is one of 23 cities in the Bay Area with a Housing Element that is no longer in compliance with State Housing and Community Development Department certification requirements. Staff has previously submitted a draft to HCD for review. The draft has been revised in response to HCD comments, and will be resubmitted in the near future. In the meantime, the Association of Bay Area Governments is recommending that municipalities seek an extension in time for housing element certification from ABAG in order to continue to qualify to apply for funds under the new consolidated “One Bay Area Grant” (OBAG) program. Attached is a memorandum describing the appeal process.

SUSTAINABILITY IMPACT

Adoption of the 2010 General Plan will strengthen City sustainability requirements. It is anticipated that many of the policies expected to emerge from the preparation of the Climate Action Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Before policies contained in a general plan are legally effective, the City must undertake an environmental review pursuant to the California Environmental Quality Act.

FINANCIAL IMPACT

It is difficult to anticipate the cost of the preparation of the General Plan and associated environmental impact report. As a starting point, in order to control project costs, staff recommends the scope of the general plan be limited to the areas mandated by state law. Assuming an 18-month process, a consulting firm could cost roughly in the range of \$250,000 to \$300,000 for the general plan itself and another \$150,000-\$200,000 for the environmental impact report. Using a consultant functioning as an extension of staff could reduce costs. The amount of cost savings is difficult to predict because the amount of outside technical assistance required will depend on the issues that are raised during the process.

Attachments

1. Draft RFP
2. Memorandum from Association of Bay Area Governments regarding One Bay Area Grant Program

Request for Proposals (RFP)
City of Albany, CA



**Planning Consulting Services for the
General Plan Update**

Issue Date:

Deadline for Submissions:

Background

The City of Albany is a residential community located in northern Alameda County, approximately fourteen (14) miles northeast of San Francisco. The City encompasses 1.7 square miles and is bounded by the City of El Cerrito to the north and the City of Berkeley to the south. The City is bound by San Francisco Bay to the west and has public beach access along the Bay frontage. Both I-80 & I-580 are located in the City limits, on the west side of the City.

The City has two primary commercial corridors, San Pablo Ave. and Solano Ave. The San Pablo Ave. corridor has a variety of businesses establishments including auto repair, restaurants, local bars, and miscellaneous retail. Solano Ave. also restaurant establishments, locally owned retail businesses, and an independent movie theater among other uses. Mixed use residential buildings are present in both corridors.

The population as of 2010 Census is 18,539. There are 7,889 housing units in the City. The City is largely built out as the housing stock was largely constructed from 1920-1950.

Albany is a Charter City governed by an elected mayor and five (5) Councilmembers, elected at large. The City Manager implements policy set by the City Council. In addition, the City's Planning Commission is comprised of five (5) Planning Commissioners. The Planning Commission acts as a recommending body to the City Council and is expected to serve as the Steering Committee for the Update process.

The current Albany General Plan was adopted in 1992, and encompasses a time frame from 1990 – 2010. It is composed of six elements:

- Land Use Element
- Circulation Element
- Housing Element
- Conservation, Recreation & Open Space Element
- Community Health & Safety Element
- General Plan Implementation

Proposal

The City of Albany is seeking proposals for professional services from qualified consultants to assist the City with the General Plan update. Ideally, the City is seeking the services of a small firm or a sole practitioner to provide assistance with the Update. City staff will guide the process with the Albany Planning and Zoning Commission acting as Steering Committee. One regular monthly meeting will be designated for review of draft elements. With each meeting, a draft section would be reviewed and feedback provided by the Commission for editing, inclusion, etc. It is expected that the outside consultant will prepare the draft sections for staff and Commission review. The City is interested in merely refreshing the General Plan to reflect current policies. These policies includes:

- Voices to Visions (Albany Waterfront Plan)
- Existing Parks and Recreation Plans

- Active Transportation Plan
- Eastshore State Park General Plan
- Climate Action Plan
- Albany Hill Master Plan
- Arts Master Plan
- Complete Streets study
- Economic Development Strategy

The City of Albany does not have currently have a certified Housing Element. Efforts were made in recent years to prepare a draft Housing Element, though it was not certified by the State Department of Housing & Community Development (HCD). As part of the project, the Housing Element will be updated with the latest Regional Housing Needs Allocation (RHNA) requirements recently provided by the Association of Bay Area Governments (ABAG).

The City will assume the responsibilities for GIS work, public notification, meeting schedules, website maintenance and public outreach.

Proposal Content Requirements

The City welcomes a response to the RFP in any format that best expresses the qualifications of the respondent. In general, lengthy responses are discouraged. Proposals submitted in response to the RFP must include the following items:

A. *Qualifications*

Identify the individual who would be primarily responsible for directly leading the review. Describe the background and experience of the individual who will perform the services, including education (including name of institutions, degrees received, dates of graduation, professional licenses and certifications, and employment history). In addition, provide examples of General Plan updates prepared, with emphasis of work completed for jurisdictions in the San Francisco Bay Area, particularly Alameda and Contra Costa Counties.

For each such project, provide:

- Copy of work product and/or detailed description of the services performed, the time period in which they were performed;
- The name and telephone number of at least one reference for each such project that can attest to the quality and effectiveness of the Respondent's work.

B. *Methodological Approach*

Briefly describe the methodology and organizational approach the Respondent would use to assist the City, including critical elements and special methodologies that would be used to ensure that City objectives are satisfied.

C. *Compensation Terms*

Final compensation terms will be negotiated with the selected consultant. Please provide billing rates as part of the proposal.

Selection Criteria and Process

The City will evaluate qualifications based upon these criteria:

- Responsiveness to the RFP.
- Experience and demonstrated success of the Respondent in assisting municipalities with a General Plan Update process. Experience with projects in the Bay Area environs and in cities comparable to Albany will be given greater weight. As part of this process, client references may be contacted.
- Ability to communicate effectively about the subject matter.
- Compensation rates.
- Evidence of the Respondent's ability to provide deliverables in a cost effective and timely manner.
- Other extraordinary elements or creative approaches to assisting staff. This particular selection criterion is intended to allow the City to expressly consider creative aspects of statements of qualifications that do not necessarily fall into other selection criteria.

As a part of its evaluation, the City may request additional information or data from Respondents, and may request Respondents to make in-person presentations of their qualifications to a panel of City representatives.

To Submit a Proposal

Proposals are due by 5:00 p.m., Month date, 2012. Proposals must be sent to:

Anne Hersch, City Planner
City of Albany
1000 San Pablo Avenue
Albany, CA 94706
(510) 528-5760

Registration of Intent to Submit Qualifications

Interested parties are requested to contact Anne Hersch at ahersch@albanyca.org to register their intent to respond to the RFP. Registration ensures that any modification to the RFQ process can be transmitted as quickly as possible to all interested parties. A written confirmation of registration will be sent by email within two business days. If you do not receive a written confirmation, or have any questions regarding the RFQ, please contact Anne Hersch at 510-528-5765. It is the responsibility of the respondents, before submitting a response to the RFQ, to ascertain if the City has issued any notices, clarifications, addenda, or other communications to responders. Oral explanations or instructions from City staff shall not be considered binding on the City.

Format and Number of Copies

Respondent teams must submit three (3) copies of their qualifications plus one electronic pdf document. Submissions on 8½ by 11-inch paper or 8½ by 14-inch paper are preferred to simplify copying. The City reserves the right to make all submissions available to the public pursuant to legal requirements.

The City anticipates that a consultant will be selected by _____, and that a contract for services will be negotiated and executed within a month thereafter. The consultant will be expected to commence its services immediately upon contract execution.

General Conditions

1. Any material clarifications or modifications to the RFP or the selection process will be made in writing and provided to all recipients of the RFP.
2. The City reserves the right to:
 - Waive minor irregularities.
 - Modify or cancel the selection process or schedule at any time.
 - Negotiate with the second choice Respondent if it is unable to negotiate an acceptable contract with the first choice Respondent within a reasonable period of time.

- Reject any and all proposals, and to seek new qualifications when it is in the best interest of the City to do so.
 - Seek any clarification or additional information from Respondents as is deemed necessary to the evaluation of a response.
 - Judge the veracity, substance, and relevance of the Respondents' written or oral representations, including seeking and evaluating independent information on any of the Respondents' worked cited as relevant experience.
 - Contract with separate entities for various components of the services.
3. All expenses related to any Respondent's response to the RFQ, or other expenses incurred during the period of time the selection process is underway, are the sole obligation and responsibility of that Respondent. The City will not, directly or indirectly, assume responsibility for such costs except as otherwise provided by written agreement.
 4. The professional will be required to sign the City of Albany's standard Agreement for Consultant Services (ACS) and meet the City's Insurance Requirements (IR), a copy of the agreement and insurance requirements are available upon request. The contract for the performance of these services will provide that: (i) the consultant will perform its services at the direction of the City in a manner consistent with State law and City policies; and (ii) the consultant will be subject to the State law and the City's conflict of interest policies.



MEMO

Date: August 17, 2012
To: Congestion Management Agencies and Affected Jurisdictions
From: ABAG/MTC
Subject: HCD Certification Requirement for OBAG—Appeal Process

Background

As a condition for funding the OneBayArea Grant (OBAG) Program requires that jurisdictions have their housing elements certified by the California Department of Housing and Community Development (HCD) by January 31, 2013. If a jurisdiction proposes a project within the boundaries of another, such as a county sponsored project in a city, the jurisdiction where the project is located must have an HCD certified housing element to receive OBAG funds.

Currently, 23 jurisdictions are out of compliance with HCD (Appendix A). These jurisdictions can be grouped by date as follows:

- HCD certification in progress with estimated completion in 2012 (11 jurisdictions);
- HCD certification in progress but likely delayed until 2013 (four jurisdictions);
- No estimate for HCD certification due to resource constraints, pending lawsuit, or other (eight jurisdictions).

Appeal Process

As a result we are providing an appeal process for those jurisdictions that need additional time to adopt an HCD certified housing element. HCD certification however, remains a condition for receiving OBAG funds.

- For jurisdictions that expect to remain out of compliance with HCD by January 31, 2013, but anticipate completion prior to January 31, 2014, we will approve a one-year extension.
- Jurisdictions may also meet the HCD compliance rule through advance certification of the new 2014-22 RHNA series by the same date, January 31, 2014, or roughly 10 months early.

Jurisdictions granted an extension will not be able to access OBAG funds until they achieve full HCD certification. Furthermore:

- Jurisdictions are not allowed to receive OBAG funds in the TIP until certification is completed.

- Only after the jurisdiction has received HCD certification may a CMA request that MTC program OBAG funding to a jurisdiction through a Transportation Improvement Plan (TIP) amendment.
- If a jurisdiction fails to meet these deadlines, a CMA will remove funding held in reserve and move it to another project that meets OBAG policies and regional delivery deadlines.

Next Steps

- By November 1, 2012, jurisdictions need to request an extension and state which approach they will follow along with a preliminary schedule to ABAG/MTC staff. The extension must be requested by the City Manager, City Council, County Administrator or board action. A jurisdiction is to submit its request and/or resolution to its county congestion management agency and to ABAG staff, Johnny Jaramillo.
- For the December 2012 joint ABAG/MTC planning meeting, staff will prepare a status report for all non-compliant jurisdictions and request that extensions be provided through a global action.
- By June 30, 2013, along with OBAG documentation and the project list, the CMA is to indicate if any funding is to be held in reserve for a project in a jurisdiction out of compliance and provide a board resolution adopted by the jurisdiction regarding its housing element. This resolution will commit resources to a housing element update including the approach and timely schedule for meeting the extended deadline.

For further information, please contact Johnny Jaramillo, ABAG Staff, at (510) 464-7983.

Appendix A**Housing Elements Not in Compliance with HCD**

Estimated HCD Compliance Date	County	City
2012	Contra Costa	Brentwood
2012	Contra Costa	Orinda
2012	Contra Costa	Richmond
2012	Marin	Fairfax
2012	Marin	San Anselmo
2012	Marin	Sausalito
2012	San Mateo	Pacifica
2012	San Mateo	Colma
2012	San Mateo	Daly City
2012	Santa Clara	Palo Alto
2012	Santa Clara	Santa Clara
2013	Marin	Marin County
2013	Marin	Mill Valley
2013	Marin	Novato
2013	San Mateo	Menlo Park
No estimate	Alameda	Pleasanton
No estimate	Alameda	Albany
No estimate	Contra Costa	Hercules
No estimate	Napa County	Napa County
No estimate	Santa Clara	Gilroy
No estimate	Santa Clara	Los Gatos
No estimate	Solano	Benicia
No estimate	Sonoma	Sonoma