

Exhibit A: Proposal for Professional Services – Zoning Ordinance

The Consultant's Work Program shows the tasks and subtasks for completion of the zoning ordinance. Meetings and interim and final products also are listed. Tasks for which City staff is responsible or for which responsibility is shared are noted. Three optional tasks are listed following the basic scope of work; these require prior written authorization by the City before the Consultant does any work on them, pursuant to Section 3 of the Agreement.

TASKS

Task 1: Reconnaissance; Preliminary Review of Issues and Options

- A. Using a digital copy of the General Plan provided by the City, prepare a summary matrix of Plan policies and programs related to the Code and identify how they would be implemented, e.g. by use regulations, development standards, or special area procedures or requirements. Include a column for comments and questions to staff, and a column for City staff to discuss concerns or to note whether a General Plan amendment may be needed. Participate in a half-day work session with City staff on General Plan implementation and current zoning issues. This work session will provide background for the stakeholder interviewing and Planning Commission workshop in Task 2.
- B. Conduct technical review of existing zoning ordinance and administrative procedures for permits and administration (noticing, hearing, and appeal provisions; project review and permit requirements; enforcement and abatement; zoning text and map amendments, and General Plan amendments); review design guidelines, available illustrations of design guidelines and design standards, sign ordinance, parking ordinance, landmarks review, and other relevant Municipal Code provisions. Identify conflicts with General Plan, area plans and applicable requirements of State and Federal law.
- C. Review the existing Zoning Map, the General Plan, adopted Area Plans, Specific Plans, Redevelopment Plans, and the Buchanan Field Airport Land Use Plan; discuss with staff the purpose of different zoning districts (including the Planned District classification and the overlay districts), and the City's approach to identifying properties that may require rezoning (either changing base district designations or adding overlay district designations).
- D. **(City staff)**
 - a. Assemble a representative set of project plans for residential, commercial, and industrial development, including projects in the Downtown

Business District and Newhall Ranch Area, for use in reviewing how specific standards and design guidelines are applied.

- b. Prepare a summary of the types of variances granted and standard conditions imposed on various types of projects for the past two to three years, based on a sample of applications reflecting conditions in different geographic areas of the City and a sample format provided by the Consultant. If certain types of variances are routinely granted, it may be appropriate to re-write the applicable standard or zoning requirement to avoid reliance on this procedure

E. **Public Participation Program (Consultant and City staff).** Meet with City staff to define the public participation process and the split in responsibilities. Opportunities for public participation may include, but are not limited to:

- **Community Forum.** A kickoff meeting to allow participants, in small group discussions, to identify zoning issues that still need to be resolved. A second community forum may be held.
- **Stakeholder Interviews.** Individual or small group interviews with key stakeholders so the Consultant team can learn the full scope of concerns about zoning.
- **Topical Workshops.** Workshops on issues and options, the annotated outline and modules of preliminary regulations. They will provide opportunities for public education and informal comment on choices being considered.
- **Draft Code Review.** Presentations may include an open house, followed by a public meeting. The open house will be organized by subject areas with displays of tables or charts from the Code, the visitor traveling at his/her own pace from one subject to the next. City staff and consultants will be available to answer questions. The last station will be an opportunity for public comment, where City staff will be listening to ideas and concerns about the Code. Following the open house, participate with staff in joint City Council/Planning Commission meeting including presentation on zoning update process and public comment.
- **Newsletters (Consultant and City staff).** Consultant will prepare text for newsletters, and City staff will be responsible for layout design, printing and distribution. Newsletters will announce public involvement opportunities and offer a vehicle for public comments. Staff also may use business organizations' and neighborhoods' publications to cover zoning issues.
- **Internet.** Interim products will be web-compatible to facilitate Internet access.
- **TV Call-in Shows.** Public access television will be used, when possible, for public workshops. A call-in opportunity also may be scheduled for community forums for those watching.

Products: *General Plan Policy Matrix; Preliminary Issues and Options List based on Technical Review*

Meetings: *Kickoff Meeting with Staff; community forum (up to 2); joint City Council/Planning Commission public meeting*

Task 2: Issues List and Layout Options

- A. Prepare for and participate in one day of stakeholder interviews and a Planning Commission public workshop on zoning issues. A set of questions will be prepared in advance and reviewed with the City's Project Manager. City staff will be responsible for identifying and coordinating interviews with stakeholders. With concurrent small group interviews in 2 or more rooms, up to 50 stakeholders could participate in this process. Prepare summary sorting and categorizing issues identified by stakeholders to identify common themes and shared concerns. Individual stakeholder comments will be treated as confidential, if requested.
- B. Prepare a final "punch list" of issues and options based on the Task 1 analysis and stakeholder interviewing, organized by topic, including options for districting; use regulations; development standards; and administration. Revise based on staff comment.
- C. Prepare a working paper summarizing results of the technical review and addressing major choices for zoning in Concord—the policy framework.
- D. Review issues and options at a joint City Council/Planning Commission Workshop.
- E. Prepare for and participate in a series of interviews with City Council and Planning Commission members, in a format to be determined in consultation with the City Manager and Planning Manager. Interviews will be conducted on two different days, to the extent feasible.
- F. Using a sample page layout showing format "styles" for text, tables and graphics, options for Code layout will also be discussed. City staff will provide specifications for Code numbering and format requirements establishing by the City Clerk for use in preparing sample pages. In consultation with the City Attorney and City Clerk, contact Municipal Code Corporation regarding format and other issues regarding incorporation of zoning provisions in reformatted municipal code.

Products: *Issues and Options Working Paper; Page Layout Options*

Meeting: *City staff review meeting; Stakeholder interviews; joint City Council/Planning Commission public workshop; City Council and Planning Commission Interviews*

Task 3: Preliminary Outline

- A. Based on Commission comments on issues and options, prepare an annotated outline of the zoning ordinance with a "plain English" commentary. The outline will be in sufficient detail to indicate what changes will need to be made to current regulations and to show:
 - The proposed number, types, and purposes of base zoning districts;

- The proposed overlay and special districts, and provisions for planned development;
 - The general purpose sections of the new ordinance, including definitions, provisions for “use classifications,” supplemental standards applying in some or all districts, administration, and enforcement;
 - Other major sections of zoning regulations;
 - The overall organization and numbering system, and procedures for amendments; and
 - Graphic illustrations of selected standards and guidelines and review procedures (by title only).
- B. Review draft Outline with staff, City Attorney, and Planning Commission; revise, based on comments received.
- C. Once agreement is reached on the outline, re-organize the existing ordinance to follow the chapter sequence for the new ordinance and include comments on revisions needed. Include “placeholders” for new regulations.

Products: *Preliminary Outline; Final Outline*

Meeting: *City staff review meeting, Planning Commission Workshop*

Task 4: Use Regulations

- A. Evaluate merits of a “use classifications” system to streamline use regulations. Prepare preliminary use classifications for City staff review, including references to North American Industrial Classification System (NAICS), where appropriate.
- B. Evaluate current use regulations and changes needed in permitted uses and conditional uses to implement the General Plan and respond to stakeholders’ issues and the technical review; including such issues as:
- Adult uses;
 - Second units;
 - Mobile home parks: location standards, protection of existing parks;
 - Day care facilities and other “protected” residential uses;
 - Temporary uses; and
 - Transitional requirements between districts.
- C. Evaluate current regulations for specific uses, including City staff concerns about “problem” uses and uses in the Airport environs. Also discuss with staff the merits of having “limited uses” that are allowed only if specified limitations are met in lieu of requiring a public hearing and approval of a use permit.

- D. Prepare a summary matrix of proposed use regulations for all districts for staff review, including limitations and standards for special uses (to be developed in detail in Task 6). Limitations will deal with setbacks and screening, hours of operation, parking and loading locations, refuse collection, vehicular and solar access, size and intensity of use, screening of mechanical equipment and outdoor storage, any special standards for noise and odors not addressed by performance standards and accessory uses on residential properties including recreational vehicle parking and storage, garage conversions, and home occupations.
- E. Meet with City staff to review use classifications, regulations matrix and proposed limitations on special uses and to discuss potential General Plan amendments, using City staff comments on the General Plan policy matrix prepared in Task 1 (A) as a discussion guide.
- F. Following City staff approval or approach of the use regulations, conduct a Planning Commission workshop on this “module.”

Products: *Use Classifications; Use Regulations Matrix, Regulations for Special Use; List of General Plan Amendments related to Districting Concepts or Use Regulations*

Meeting: *City staff review meeting; Planning Commission workshop*

Task 5: Development Standards

- A. Analyze current development standards and existing design review guidelines to identify potential new standards and performance requirements that may include but not be limited to:
- Base and maximum densities and FARs;
 - Density bonuses and other incentives for affordable housing;
 - Walls, screening, and fences;
 - Height and bulk of new homes and additions and building height exceptions in designated areas;
 - Height and stepback requirements for non-residential development;
 - Setback, streetscape and design standards;
 - Outdoor open space for multi-family development;
 - Buffers, walls, screening and fences, outdoor facilities and storage;
 - Pedestrian circulation and transit access, particularly in new commercial centers; and
 - Transitional requirements adjacent to residential districts and public uses.
- B. Tour City with staff and compile photos of typical buildings and street frontages for use in analyzing need for new standards or changes to existing standards. Review site plans of representative projects.

- C. Prepare a summary matrix of proposed standards, illustrations of new concepts, and a memo explaining basis for proposed changes to standards. (See also Task 6(F) – design review criteria.)
- D. Prepare up to 20 annotated photos to illustrate application of design standards in Concord settings. Review with City staff and revise, based on staff comments. At this meeting also review the need for General Plan amendments related to development standards, using City staff comments on the General Plan policy matrix prepared in Task 1(A) as a discussion guide.
- E. Prepare PowerPoint presentation of design concepts for use in workshops and for staff training for the “fatal flaw” test described in Optional Task 1 below and conduct a Planning Commission workshop on this module.

Products: *Development Standards Matrix; Memo on New Standards, PowerPoint Presentation; Lists of General Plan Amendments related to Development Standards*

Meeting: *City staff review meeting; Planning Commission Workshop.*

Task 6: Supplemental Standards

- A. Review General Plan policies for geographic areas, specific and area plans standards, stormwater drainage, historical landmark provisions, existing design review guidelines, and hillside regulations; distinguish standards (that could be included in the new Code) from guidelines and review criteria (which would not be part of the Code but would be included in separate guidelines). The “standing” of the guidelines in the development review process will be analyzed and options for improving the review process will be proposed. Identify need for any General Plan amendments based on City staff comments on the General Plan policy matrix prepared in Task 1(A).
- B. Prepare standards for parking lots, including parking lot landscaping, shopping cart storage and dimensional requirements.
- C. Analyze existing sign regulations in relation to new districting framework, General Plan policies, and case law; discuss with City staff opportunities for outreach to the business community and sign industry; prepare recommended modifications to sign regulations; review with City staff and revise, as appropriate.
- D. Prepare standards for noise performance and standards and prepare noise standards to be incorporated into the Zoning Code (CNEL noise standards for zoning districts, restrictions on duration and timing of noise exceeding standards, limitations on construction noise, and provisions enabling the Planning Manager to require an acoustic noise study). This work excludes noise controls for motor vehicles, leaf blowers or indoor noise.
- E. Review and propose revisions to current performance standards to respond to General Plan policies and community concerns.

- F. Review existing design review guidelines to identify proposed design review criteria that will be incorporated in administrative procedures that will be developed as part of Task 8. Consolidate existing design review guidelines into single set of guidelines to be included in appendix to zoning ordinance.
- G. Review and propose revisions to wireless telecommunications provisions as necessary to meet current law and community concerns.
- H. Prepare supplemental regulations for accessory structures, temporary uses, and other uses not previously addressed.
- I. Prepare summary tables of supplemental standards and zoning diagrams needed to illustrate them; revise based on staff comments.
- J. Conduct a Planning Commission workshop on this module.

Products: *Supplemental Standards; List of General Plan amendments related to Supplemental Standard, Consolidated Design Review Guidelines*

Meeting: *City staff review meeting; Planning Commission Workshop*

Task 7: Specific Plans, PUDs, and Planned Development Districts

- A. Review proposed amendments to Planned District provisions and current provisions for Specific Plans, Planned Unit Development Districts, and other special districts for consistency with General Plan. Evaluate tradeoffs and identify potential revisions to current PD, PUD, and other special district regulations; review with City staff.
- B. Draft revisions and new provisions for Specific Plans, Planned Districts, and other special district regulations with City staff; revise based on City staff comments. Also review the need for General Plan amendments related to development standards, using City staff comments on the General Plan policy matrix prepared in Task 1(A) as a discussion guide
- C. Conduct Planning Commission workshop.

Products: *New or revised PD, PUD, SP and Overlay District provisions; General Plan Amendments List Related to Specific Plans, PUDs and Planned Development Districts*

Meeting: *City staff review meeting; Planning Commission workshop*

Task 8: Subdivision Procedures and Regulations

- A. Review the City's subdivision regulations in relation to the State Map Act, case law, and current practice. Meet with City Attorney regarding work on revision of subdivision regulations being undertaken by City's legal staff.
- B. Prepare memo for City staff outlining options for incorporating subdivision regulations, improvement standards, review procedures, and requirements for

development and dedication of improvements as components of a land use/development code.

Products: Memo on options for incorporating subdivision provisions in consolidated land use/development code.

Meeting: City staff review meeting.

Task 9: Administrative Procedures and Subdivisions

- A. Evaluate existing administrative provisions for all land use decisions, including subdivisions, and identify opportunities to improve streamlining and Code enforcement. Processes evaluated will include: Zoning Administrator's permits, Planning Commission Use Permits, interim use permits; variances; environmental review, design review, zoning text and map amendments; plan amendments; appeals, subdivisions, development agreements; historical landmarks; etc.
- B. Based on City staff determination and direction following of the Task 8 (B) memo, incorporate proposed subdivision procedures and improvement requirements prepared by City Attorney, as appropriate.
- C. Prepare memorandum for City staff review identifying issues regarding procedures for imposing dedications and exactions and proposing options for consideration. Regulations for dedications and exactions will be included in the code, based on direction from the City.
- D. Prepare definitions, including appropriate illustrations. Group like terms under headings to facilitate understanding of differences among terms (e.g. lot types, lot lines, residential housing types, sign types, flood-related terms, and street types). Prepare a summary list of terms and cross-references for readers, similar to an index.
- E. Prepare rules of measurement for measuring building height, floor area ratios, sign area, and determining setback averaging and encroachments, as needed.
- F. Based on Commission, stakeholder concerns and staff comments on the memo on dedications and exactions, draft provisions for exactions and adequate public facilities to implement the General Plan. Identify provisions that could serve as incentives for affordable, infill, and transit-oriented development.
- G. Review proposed amendments to administrative provisions and subdivision regulations with City staff and revise, based on City staff comments. Draft provisions to incorporate General Plan policies (as modified by any General Plan amendments that will be proposed for General Plan/zoning consistency) to be used as a basis for discretionary decisions.
- H. Analyze and recommend revisions to the City's development fee schedule as provided for by State law to recoup direct and indirect costs of implementing any

proposed new review procedures. City staff will be responsible for providing flow charts and time estimates for major steps involved in existing procedures.

I. Conduct Planning Commission workshop on this module.

Products: *Memo on Dedications and Exactions; Preliminary Draft Administrative Provisions, Rules of Measurement, Definitions, Subdivision Procedures, Fee Study*

Meeting: *City staff review meeting; Planning Commission workshop*

Task 10: Draft Code

- A. Review comments on draft “modules” and prepare the Public Review Draft of the Zoning Ordinance and the General Plan amendments that would be needed to ensure zoning consistency with the General Plan. City staff is responsible for preparation of any map-related General Plan amendments that would affect the Land Use Element, area or specific plans, and for any new documentation that may be needed for environmental review (e.g. traffic analysis, air quality impacts, noise impacts, etc.) of such site-specific plan amendments.
- B. **City Staff:** Conduct a briefing at a joint City-Council/Planning Commission Workshop on potential General Plan amendments that would be proposed concurrently with public review of the draft Code; review Commissioners’ comments with Consultant.
- C. Complete Initial Study and Environmental Checklist for proposed zoning ordinance amendments and associated General Plan amendments. (Preparation of new documentation required to assess impacts of site-specific changes and preparation of an EIR are not included in this task. It is assumed that City staff will assist in evaluation of site-specific changes related to amendments of the Land Use Diagram of the General Plan.)
- D. Working closely with City staff, prepare a Zoning Map using digital files provided by the City of a parcel base map, current zoning, current land use data, and the 1994 General Plan Land Use Diagram.

Products: *Administrative Draft Code and Zoning Map; Initial Study and Environmental Checklist*

Meeting: *City staff review meeting, City Council-Planning Commission Joint Workshop*

Task 11: Review and Adoption

- A. Assist City staff in preparing for the public review process, including summary materials on the Draft Code for use in City staff reports to the Planning Commission and City Council, briefings for key interest groups, and other public communications. A “comment form” could be used to focus comments on specific sections of the text and allow comments to be consolidated and responses prepared efficiently.

- B. Assist City staff in establishing an approach to responding to comments received on the Public Review Draft. Distinctions might be made between comments that address: 1) General Plan policies that already have been established; 2) regulatory policies that would be considered by the Planning Commission and City Council; 3) regulatory provisions required to respond to State or Federal law; and 4) concerns that are beyond the scope of the zoning ordinance.
- C. Meet with City staff to review the response to comments received on the Public Review Draft. At this half-day meeting, we will work with City staff to decide on an approach to preparing an addendum to the Public Review Draft or a new Hearing Draft and to discuss changes to the proposed Zoning Map.
- D. Attend and make presentations at up to two joint City Council-Planning Commission study sessions and up to two Planning Commission hearings to facilitate review and consider changes to the draft.
- E. Prepare an addendum based on City Council comments on the Hearing Draft, if necessary for final action on the zoning ordinance. The addendum would show specific changes needed to respond to Council concerns or direction.
- F. Attend up to two City Council hearings on final draft Zoning Ordinance.

Products: *Draft Zoning Ordinance*

Meeting: *City staff review meeting; up to six public meetings including City Council-Planning Commission Workshops and up to four public hearings.*

Task 12: Preparation of Final Code

- A. Based on the City Council action, prepare the final Code and Zoning Map. The document will be produced in “camera-ready” and editable and hyper-linked Web-ready formats (Adobe Portable Document Format [PDF] and HTML).

Products: Adopted Code and Map