



DATE: December 2, 2024

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager  
Marlene Subhashini, Assistant City Manager

FROM: Sofia Mangalam, Community Development Director  
Vanessa Brannon, Senior Management Analyst

DEPARTMENT: Community Development

SUBJECT: APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES  
IN AN AMOUNT NOT TO EXCEED \$280,812 WITH RINCON  
CONSULTANTS INC. FOR AN AMENDMENT TO THE CITY OF  
FOSTER CITY'S GENERAL PLAN PARKS AND OPEN SPACE  
AND CONSERVATION ELEMENTS AND APPROVE A  
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF  
\$280,812 IN ACCOUNT 128-0838-419-4251

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## RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution authorizing the Mayor to execute an agreement with Rincon Consultants, Inc. in an amount not-to-exceed \$280,812 for an amendment to the Foster City's General Plan Parks and Open Space Element and Conservation Element and approve a supplemental appropriation in the amount of \$280,812 in account number 128-0838-419-4251.

## EXECUTIVE SUMMARY

During the 2021-2022 legislative session, [Senate Bill \(SB\) 1425](#) was enacted, requiring an update to the Open Space Element of the General Plan by January 1, 2026. This update must address expanded requirements, including integrating climate resilience

strategies in coordination with the Safety Element. The legislation also emphasizes "rewilding opportunities," focusing on creating and preserving open space networks for biological and recreational purposes.

Additionally, [Assembly Bill \(AB\) 1889](#), signed into law on September 10, 2024, introduces new requirements for the Conservation Element. It mandates consideration of the effects of development on wildlife movement and habitat connectivity. For updates to any General Plan element on or after January 1, 2028, the Conservation Element must identify and analyze connectivity areas, natural landscapes, and wildlife passage features.

The City Council approved the issuance of Request For Proposals (RFP) at its [October 7, 2024](#), meeting for an Amendment to the Foster City General Plan Parks and Open Space Element and the General Plan Conservation Element. An RFP was issued on October 8, 2024 with a due date of November 8, 2024. Staff received three (3) proposals from Michael Baker International, Urban Planning Partners, and Rincon Consultants, Inc., respectively. Staff reviewed the proposals and acknowledged that all the firms were qualified. However, after a thorough evaluation as further detailed in the analysis section of the staff report, staff recommends that the City Council execute an agreement with Rincon Consultants in an amount not to exceed \$280,812. Fund 128, the "General Plan Maintenance Fund" has sufficient fund balance to absorb this contract amount. The project will take approximately one year and is expected to be completed by December 2025.

## BACKGROUND

California law requires that General Plans be updated "periodically." However, aside from the Housing Element, which must be updated every eight years, there is no specific timeline for regular updates of other elements. The State Office of Planning and Research (OPR) recommends a comprehensive update to a general plan every 10 to 15 years to reflect changes in community values, economic conditions, and emerging issues or challenges. Foster City recently updated its Safety Element in August 2023 and its Housing Element (2023-2031) in March 2024.

Foster City's General Plan serves as the City's blueprint for development and sustainability. It comprises eight (8) elements, some mandated by state law, while others are optional. These elements are periodically updated to reflect changing priorities and community needs. Under California law, Government Code Section 65300 requires every city and county to prepare and adopt a comprehensive, long-term general plan to guide the physical development of their jurisdiction. The general plan acts as a blueprint for growth and reflects the community's vision for its future.

The OPR provides guidelines to ensure that general plans meet the statutory requirements. According to the OPR:

*"While a general plan will contain the community vision for future growth, California law also requires each plan to address the mandated elements listed in Government Code section 65302. The mandatory elements for all jurisdictions are land use, circulation, housing, conservation, open space, noise, and safety. Cities and counties in the San Joaquin Air Pollution Control District must also address air quality in their general plans. Cities and counties that have identified disadvantaged communities must also address environmental justice in their general plans, including air quality. The purpose of the following sections is to outline the content of each element as required by statute." (source: [Office of Planning and Research](#))*

### Foster City General Plan Elements

- Land Use and Circulation Element (Amended 2013)
- Housing Element (Adopted 2024)
- Parks, Open Space, and Conservation Element (Adopted 2009)
- Noise Element (Adopted 1993)
- Safety Element (Adopted 2023)
- Conservation Element (Adopted 2003; Adopted as a Separate Element in 2009)
- Parks and Open Space Element (Adopted 2009)

### Parks and Open Space Element

The Parks and Open Space Element, adopted in September 2009, integrates the preservation of parklands and open spaces in the City. The Parks and Open Space sections were combined, given the significant role parklands play in Foster City.

#### *Key Definitions:*

- Parks: Improved landscapes featuring recreational amenities such as playgrounds, courts, and sports fields
- Open Spaces: Typically undeveloped areas preserved for recreation or scenic purposes
- Conservation Areas: Designated for the protection of natural resources, such as wildlife or sensitive ecosystems

While some areas serve both recreational and conservation purposes, their distinctions are based on primary objectives. For example, a waterfront open space may offer scenic value, while a conservation area nearby might focus on protecting endangered species.

#### *Primary Objectives of the Current Parks and Open Space Element:*

- Preserve and Improve Quality of Life:

- Maintain and enhance existing parks and open spaces for the community's long-term benefit.
- Ensure Appropriate Development of Undeveloped Properties:
  - Uphold standards that integrate environmental, recreational, and open space considerations as the City approaches build-out.
- Facilitate Thoughtful Redevelopment of Underutilized Areas:
  - Implement mitigation measures to protect environmental resources during redevelopment.

### Conservation Element

Initially part of the Parks, Open Space, and Conservation Element, the Conservation Element was originally adopted in May 2003 and was reprinted as a standalone element in September 2009. This element focuses on preserving Foster City's natural resources, including air, water, and energy, for future generations.

#### *Key Focus Areas of the Conservation Element:*

- Human Life-Sustaining Resources: Preservation of clean air, water, and sustainable energy sources.
- Wildlife Habitat: Protection of areas that support wildlife, such as bird feeding and resting grounds.
- Recycling of Renewable Resources: Encouraging the recycling of materials like aluminum, glass, paper, and plastics.
- Recent state legislation, SB 1425 and AB 1889, mandates significant updates to Foster City's Open Space and Conservation Elements of the General Plan. These updates will align with state requirements and ensure the City addresses emerging priorities related to equity, climate resilience, habitat connectivity, and sustainable development.

SB 1425 requires all cities and counties to review and update their Open Space Elements by January 1, 2026. This update must include plans and an action program addressing key issues such as equitable access to open space, rewilding opportunities, climate resilience, and other co-benefits of open space while ensuring alignment with related elements, including the Safety Element and Environmental Justice policies. SB 1425 defines "rewilding opportunities" as efforts to preserve, enhance, and expand networks of open space to support habitat, recreation, natural resources, and water management, among other uses. The legislation also emphasizes the establishment of plans to coordinate mitigation of the environmental impacts of new development.

AB 1889, which goes into effect for updates made on or after January 1, 2028, requires cities and counties to address the impacts of development on wildlife movement and habitat connectivity within the Conservation Element. This includes identifying and analyzing wildlife passage features and ensuring that planned development does not

compromise these features. The Conservation Element must incorporate strategies to maintain or enhance habitat connectivity and mitigate the barriers caused by urban development.

Other jurisdictions have approached these general plan updates in various ways, with some integrating them into their Parks Master Plans. Foster City, however, has opted to manage these projects separately. On May 6, 2024, the City Council approved a consultant for the Parks Master Plan, and work is currently underway. Staff will ensure alignment between the Parks Master Plan and the updates to the Parks and Open Space Element, as components of the Parks Master Plan will inform the Parks and Open Space Element.

The Parks Master Plan and the Parks and Open Space Element are both long-term planning tools but differ in focus and function. The Parks Master Plan is a standalone document designed to guide specific projects, upgrades, and programming for parks and recreational facilities over a defined period. It is strategic and project-focused, providing actionable steps for funding and implementing park improvements.

In contrast, the Parks and Open Space Element is a policy-focused component of the City's General Plan. It sets overarching goals, objectives, and policies for developing and managing parks and open spaces, integrating these considerations into the broader framework of land use planning. Together, these documents ensure that Foster City's parks, open spaces, and recreational facilities are developed and managed strategically and aligned with long-term community goals.

Although SB 1425 and AB 1889 have different timelines, staff recommended combining efforts to update the Open Space and Conservation Elements. Integrating these updates will be more efficient and provide a holistic approach to fostering a sustainable, livable environment that benefits both the natural ecosystem and the community.

## ANALYSIS

On [October 7, 2024](#), the City Council approved issuing an RFP to engage consultants experienced in updating General Plan Elements. Proposals were due on November 8, 2024. The RFP was advertised in the following ways:

- Sent to eight (8) consulting firms via email – October 8, 2024;
- Posted on the City's RFP webpage – October 8, 2024; and

The City received three (3) proposals from Michael Baker International, Urban Planning Partners, and Rincon Consultants, Inc.

### Evaluation of RFP Responses

Staff evaluated proposals based on the following categories:

- Demonstrated Understanding of work
- Quality and Completeness of proposal
- Related and Recent experience
- Outreach and Community Engagement
- Expertise and Experience
- Ability to work within timeframe and budget
- Creativity in approach to work and deliverables
- Acceptance of City's Agreement
- References
- Addresses Each RFP Task
- Proposal Received on time
- Acknowledgment of the City's Agreement for Professional Services

Upon initial evaluation, staff noted that Rincon has worked on numerous Conservation and Open Space Elements for local jurisdictions, including the City of Pleasant Hill, the City of Petaluma, the Town of Los Gatos, the City of Port Hueneme, the City of Thousand Oaks, and the City of Alhambra. Staff then contacted Rincon to discuss their proposal further. Initially, Rincon's cost proposal was high (\$419,796.44); however, through negotiations, Rincon streamlined several tasks within the scope of work, significantly lowering their proposal cost to \$280,812 (Attachment 3 for the revised proposal) and adjusting their timeline. It's worth noting that Rincon's team includes WRT Planning + Design, LLC (WRT), the City's consultants for the Parks Master Plan. Having Rincon on board with WRT as the subcontractor will ensure alignment and reduce the potential for duplication of efforts. The total scoring and fee proposals for each proposal is listed below:

	Michael Baker	Rincon	UPP
<b>TOTAL SCORE</b>	<b>52</b>	<b>54</b>	<b>42</b>
<b>Fee proposal</b>	\$272,945	\$280,812	\$417,745

Rincon brings extensive local experience developing Open Space and Conservation Element Amendments that comply with SB 1425 and AB 1889 requirements. They also have a strong presence in the County as the environmental consultant for San Mateo County's Regionally Integrated Climate Action Planning Support RICAPS program. In addition, staff also conducted reference checks for Rincon, and all the references verified Rincon's ability to provide professional services.

#### Scope of Work

The required scope of work shall include but may not be limited to:

Task 1: Project Initiation and Project Management

- Task 1.1 Project Timeline
- Task 1.2 Kick-off meeting with Project Team and Project Goal and Content Framing
- Task 1.3 Project Management, Meetings, Communication
- Task 2: Community Outreach and Engagement
  - Task 2.1 Community Outreach and Engagement Plan
  - Task 2.2 Community Priorities Survey
  - Task 2.3 Engagement Events and Public Information
    - Task 2.3.1 Project Branding
    - Task 2.3.2 Website Content
    - Task 2.3.3 Intercept Events + Pop-Ups
    - Task 2.3.4 Engagement Toolkit
    - Task 2.3.5 Open Houses + Workshops
    - Task 2.3.6 Focus Group Meetings
    - Task 2.3.7 Citizen Advisory Committee Meetings
    - Task 2.3.8 City Council Meetings
  - Task 2.4 Engagement Results Summary
- Task 3 Existing Condition Analysis
  - Task 3.1 Existing Plans, Regulations, Projects, Partnerships, and GIS Data
  - Task 3.2 Community Assessment
  - Task 3.3 Parks and Recreation Needs Assessment and Inventory
  - Task 3.4 Open Space Conservation Assessment
- Task 4: Research and Analysis
  - Task 4.1 Goals, Issues, Policies, Priorities, and Recommendation Frameworks
  - Task 4.3 Financial Evaluation and Prioritization
- Task 5: Preparation and Adoption
  - Task 5.1 Administrative Drafts Elements
  - Task 5.2 Final Elements
- Task 6: Environmental Review/CEQA
  - Task 6.1 AB 52/SB 18 Consultation
  - Task 6.2 Administrative Draft Initial Study
  - Task 6.3 Public Draft Initial Study
  - Task 6.4 Final Initial Study

For a detailed task description, please refer to Attachment 3.

### CEQA

The approval of an agreement is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. The CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378, as this

is not a “project” that may cause a direct or reasonably foreseeable indirect, physical change in the environment.

#### FISCAL IMPACT

Considering the proposed contract not-to-exceed amount of \$280,812 was not included in the Fiscal Year 2024-2025 Budget, a supplemental appropriation for \$280,812 is requested in account number 128-0838-419-425. Currently, Fund 128 has an available fund balance of approximately \$2.2M, which is sufficient to absorb the requested appropriation.

#### CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

Smart Planning, Development, and the Local Economy

#### ATTACHMENTS:

Attachment 1 – Resolution

Attachment 2 – Agreement

Attachment 3 – Revised Rincon Consultants, Inc. Proposal