

**AMENDMENT NO. 1  
TO THE AGREEMENT FOR SERVICES  
BETWEEN THE  
CITY OF SANTA CLARA, CALIFORNIA,  
AND  
MINTIER HARNISH, LP**

**PREAMBLE**

This agreement ("Amendment No. 1") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Mintier Harnish, a California Limited Partnership. (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

**RECITALS**

- A. The Parties previously entered into an agreement entitled "Agreement for the Performance of Services by and Between the City of Santa Clara, California, and Mintier Harnish, LP", dated November 10, 2017 (the "Original Agreement"); and
- B. The Parties entered into the Original Agreement for the purpose of having Contractor prepare a comprehensive Zoning Code update, and the Parties now wish to amend the Original Agreement to provide additional services not originally scoped pertaining the preparation of the Zoning Code update.

The Parties agree as follows:

**AGREEMENT TERMS AND CONDITIONS**

**1. AMENDMENT TERMS AND CONDITIONS**

- A. That Section 5 of the Original Agreement, entitled "Term of Agreement," is hereby amended to revise the termination date of the Agreement to June 30, 2020.
- B. That Exhibit A, entitled "Scope of Services," is hereby replaced by the attached "Revised Scope of Services."
- C. That Exhibit B, entitled "Fee Schedule," is hereby replaced by the attached "Revised Fee Schedule."

**2. TERMS**

All other terms of the Original Agreement which are not in conflict with the provisions of this Amendment No. 1 shall remain unchanged in full force and

effect. In case of a conflict in the terms of the Original Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

**3. COUNTERPARTS**

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives.


**CITY OF SANTA CLARA, CALIFORNIA**  
a chartered California municipal corporation

APPROVED AS TO FORM:

Approved as to Form:

Dated:

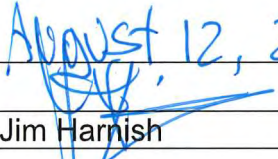
8-27-19

  
for BRIAN DOYLE  
City Attorney

  
DEANNA J. SANTANA  
City Manager  
1500 Warburton Avenue  
Santa Clara, CA 95050  
Telephone: (408) 615-2210  
Fax: (408) 241-6771

"CITY"

**MINTIER HARNISH, LP**  
a California Limited Partnership

Dated: August 12, 2019  
By (Signature):   
Name: Jim Harnish  
Title: Principal/Owner  
Principal Place of Business Address: 1415 20<sup>th</sup> Street  
Sacramento, CA 95811  
Email Address: Jim@MintierHarnish.com  
Telephone: (916) 446-0522  
Fax: (916) 446-7520

"CONTRACTOR"

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## **EXHIBIT A REVISED SCOPE OF SERVICES**

### **Phase 1: Information Gathering**

At the outset of the Project, the Consultant will develop an in-depth understanding of the City's expectations, needs, and objectives for the Zoning Code Update Project before beginning the work. The Consultant envisions a series of collaborative meetings, work sessions, and interviews to clearly define issues and expectations and build a consensus on the scope and content of the Zoning Code Update. The Consultant will work with the City's Project Manager to schedule these meetings over a three- to four-day period. Some of the meetings or interviews could take place in the evenings or on the weekend if that would provide a more relaxed or convenient time for the participants.

#### **Task 1.1: Initial Kick-Off and Scoping Meeting**

The Consultant will facilitate a project kick-off meeting with City staff. The meeting should include the City Project Manager, front line counter staff, application processing staff, code enforcement staff, and the City Attorney (at least for a portion of the meeting). The Consultant will prepare a meeting agenda for the City Project Manager's review at least a week before the meeting. Following the meeting, the Consultant will prepare notes for use by City staff and the Consultant. Topics to be addressed at the meeting include the following:

- Review/clarify the City's expectations and needs for the Zoning Code Update.
- Discuss the deficiencies of the current Administrative Draft Zoning Code and the extent to which the existing Zoning Code (Title 18) should be revisited.
- Refine the project work program, budget, and schedule as necessary.
- Discuss optional tasks and determine which, if any, should be included in the work program.
- Agree on a detailed schedule with key milestones and meetings leading to the adoption of the updated Zoning Code and Zoning Map in a timely manner.
- Discuss problems and issues associated with current City land use and development regulations (including City staff's and City Attorney's "fix-it" list of needed revisions and other regulatory topics that need attention but are not fully addressed in the current or Administrative Draft Zoning Codes).
- Review and discuss preliminary format, style, and organization options.
- Establish protocols for providing information on the status of the Zoning Code Update Project on the City's website.

- Gather documents relevant to the Zoning Code Update Project including, but not limited to, the 2010-2035 General Plan and FEIR, a Microsoft Word version of the existing and Administrative Draft Zoning Codes marked up with City staff comments using “track-changes,” adopted design guidelines, specific plans, environmental guidelines, zoning map, planning fee schedule, any over-the-counter hand-out materials, and other planning policy or regulatory documents.

Following the kick-off meeting, the Consultant will tour Santa Clara with City staff to view examples of key zoning-related issues (i.e., visit projects that did and did not work well) and gain further understanding of the development issues.

**Task 1.2: Stakeholder Interviews**

An important source of information about how existing zoning regulations are and are not working are the community members most affected by the regulations. The Consultant will conduct two days of interviews with individuals and groups (e.g., builders, developers, civil engineers, architects, planners, business owners/managers, and residents) identified by the City’s Project Manager as key stakeholders who can identify issues relative to the City’s development regulation and review process. Each interview will be approximately an hour in length. The Consultant will provide a list of questions to participants in advance of the interviews. The Consultant will document the interview results in a summary report. The Consultant will identify all interviewees, but not attribute specific comments to individuals.

**Task 1.3: All-Hands Joint Study Session**

The Consultant will facilitate a Joint Study Session (if consistent with the City’s past practice) with the City Council, Planning Commission, Historical and Landmarks Commission, Architectural Committee, and any other interested City commissions, committees, residents, and business owners. The purposes of the Study Session will be to review the overall objectives for the Zoning Code Update, the project work program and schedule, the anticipated products of the effort, and the initial list of issues guiding the Zoning Code Update. The Study Session will also provide the opportunity for individual Council, Commission, and Committee members, as well as the interested public, to express their thoughts on the project and add issues to the list for consideration. The Consultant will summarize the results of the Study Session.

**Products:**

(The Consultant will provide digital versions in both Microsoft Word (or PowerPoint) and Adobe PDF format of each product):

- Summary of Consultant/City staff kick-off meeting
- Stakeholder Interview Summary
- Joint Study Session PowerPoint Presentation

- Summary of All-Hands Joint Study Session

## **Phase 2: Diagnosis**

The Consultant will conduct a technical and extremely thorough diagnosis of the updated Code, including land use, development standards, and permit processing. The diagnosis will incorporate an analysis of the 2010-2035 General Plan, 2015-2023 Housing Element, 2013 Climate Action Plan, City Council 2017-2019 Zoning Code Strategies, and additional Municipal Code provisions to ensure consistency between policies and development standards and uses. Once the technical diagnosis is complete, the Consultant will prepare a detailed diagnostic report that combines the findings of the outreach in Phase 1 with the findings of the analysis and provide a range of achievable solutions to highlighted areas of inconsistencies or areas of desired change that the City can consider during the update process. The Consultant will present the findings during a Joint Study Session to confirm the approach prior to beginning work on Phase 3.

### **Task 2.1: Diagnostic Document Review**

The Consultant will thoroughly review all City documents relevant to the Zoning Code Update, including (but not limited to):

- Existing Zoning Code (Santa Clara Municipal Code Title 18 [Zoning])
- Administrative Draft Zoning Code
- 2010-2035 General Plan
- 2015-2023 Housing Element
- 2013 Climate Action Plan
- 2014 Single-Family and Duplex Residential Design Guidelines
- 1986 Community Design Guidelines
- City Council 2017-2019 Zoning Code Strategies

The Consultant will also work with City staff to review the overall Municipal Code to identify other provisions that should be included in the Zoning Code Update, or that will at least need to be understood and possibly referenced so that no conflicts occur with the updated Zoning Code provisions. The Consultant will expand upon the initial diagnostic reviews conducted as a part of this proposal and prepare a detailed Zoning Code Diagnostic Report for City staff review.

### **Task 2.2: Summary Matrix of Zoning Code Issues**

Based upon the results of the Joint Study Session, Zoning Code Diagnostic Report, meetings with City staff, and stakeholder interviews, the Consultant will prepare an initial Summary Matrix of Zoning Code Issues. The Matrix will identify deficiencies in the

Administrative Draft Zoning Code. the solutions and revisions deemed necessary to correct these deficiencies. and where the revisions will be addressed in the Zoning Code Update. For each solution. the Consultant will identify steps and possibly optional approaches to resolve the issues.

The Consultant will use the Matrix to track revisions to the Administrative Draft Zoning Code and assist in the preparation of a staff report when adopting the updated Zoning Code. It is expected that the Matrix will undergo significant revision prior to project completion. The Consultant will use the Matrix to address options for the overall Zoning Code framework and ensure that the resulting standards and regulations conform to the land use designations and policies of the 2010-2035 General Plan.

### **Task 2.3: Joint Study Session**

Based on the results of Tasks 2.1 and 2.2. the Consultant will facilitate a Joint Study Session with the City Council. Planning Commission. Historical and Landmarks Commission. Architectural Committee. and any other interested City commissions. committees. residents. and business owners to confirm the approach of the updated Zoning Code based on the findings from the Zoning Code Diagnostic Report. The Consultant have provided a per-meeting cost estimate as part of the cost proposal in case the City prefers individual study sessions.

### **Task 2.4: Draft Zoning Code Format and Outline**

Based on the results of Tasks 1.1 through 2.3. the Consultant will prepare a draft annotated Zoning Code outline/Table of Contents. style sheet. and a list of common terms. The Consultant will also prepare a sample chapter format to illustrate the recommended format and style of the Zoning Code Update. which the Consultant will design to improve document organization and readability. resulting in a truly modern “user friendly” updated document. After City staff review. the Consultant will finalize any desired changes. (See an example style sheet with a list of common terms in Appendix B. and an example Table of Contents in Appendix C.)

### **Products:**

(The Consultant will provide digital versions in both Microsoft Word (or PowerPoint) and Adobe PDF format of each product):

- Zoning Code Diagnostic Report
- Matrix of Zoning Issues
- Zoning Code Format. Style Guide with a list of common terms. and Table of Contents

### **Phase 3: Code Update**

The Consultant recommends preparation and delivery of an Administrative Draft of the Zoning Code in several segments, rather than in a single deliverable. The Consultant's experience indicates that it is easier for City staff to give timely feedback and review of the Draft Zoning Code when presented in segments. The order and content of the segments can be modified as desired by City staff. All administrative draft sections will include a screencheck round of review. As an alternative, if City staff prefers, the Consultant can prepare a complete Administrative Draft Zoning Code prior to City staff review.

#### **Task 3.1: Zoning District Provisions**

The Consultant will draft the chapters of the updated Zoning Code containing regulations applicable in specific zoning districts (e.g., Residential – Very Low Density (R1), Community Commercial (C-C), Office/Research and Development – Low Intensity (O-L), Planned Development (PD), Santa Clara Station Area (SCS)), and any new districts. To ensure consistency with the 2010-2035 General Plan land use designations and proper implementation of Plan policies, the Consultant will review the land use designations and 2015-2023 Housing Element programs and policies as a part of this task. At a minimum, these provisions will address the following topics:

- **A description of each zoning district** (including a General Plan driven "purpose" statement), an overview of the land uses allowed within each district, and the type of ministerial or discretionary land use approvals required for each use (some uses may be allowed with no land use permit, subject to compliance with applicable locational, developmental, and operational standards and obtaining any necessary construction permits). The Consultant will give special attention to reviewing each zoning district with City staff to ensure that specific allowable uses are appropriate in each zoning district and consistent with the 2010-2035 General Plan.
- **A land use classification system** that clearly identifies uses allowed in each zoning district with an emphasis on allowing as many by-right uses (together with specific development standards) as is reasonably appropriate. This classification system will consolidate the City's current use categories and descriptions by providing for uses that are not currently addressed and by using clear terminology to define each allowable use. The classification system will employ up-to-date terminology and an appropriate combination of specific and generic land use types. The Consultant will provide definitions of all land use types included within the classification system.

- **Development standards** for each zoning district (e.g., building envelope standards, height limitations, setback requirements, site coverage requirements) organized in tables and graphically illustrated wherever possible.
- **Objective development standards.** Prepare objective development standards for residential uses. For single-family and two-family dwellings, such standards shall address massing and setbacks, based on codifying the 2014 single-family and duplex residential design guidelines. For multifamily uses, such standards shall be based on common design-related conditions of approval.
- **El Camino Real Specific Plan.** Incorporate new zoning districts, transition diagrams, and other form-based elements prepared as a part of the El Camino Real Specific Plan.
- **On-line engagement.** Incorporate revised development standards based on public input through on-line engagement.

The Consultant will submit the Administrative Draft Zoning District provisions to City staff for review. Staff will be expected to provide their comments on the draft in Microsoft Word “track- changes” and provide a single consolidated set of comments. The Consultant will then meet or schedule a conference call with City staff to discuss revisions and direction for the work in Task 3.2.

### **Task 3.2: Administrative Provisions**

The Consultant will draft the chapters of the updated Zoning Code containing administration and development application filing and processing procedures. At a minimum, these chapters will address the following:

- **Purpose and adoption of the Zoning Code,** applicability, responsibility and administrative authority, interpretation procedures, and provisions addressing applications deemed complete but not yet decided (e.g., “pipeline projects”), that may be affected by adoption of, and future amendments to, the Zoning Code.
- **Definition of the roles** of each project review authority, including the Community Development Director, the Zoning Administrator, the Planning Commission, the City Council, and all other applicable entities.
- **Procedures for discretionary permits** (by the Community Development Director, Zoning Administrator, Planning Commission, and City Council as needed), conditional and administrative use permits, design review, planned development review, reasonable accommodations, site plan review, transportation demand management plans, variances, and other project review procedures, appeals, public hearings, nonconforming use and structure provisions, and amendments (e.g., General Plan, Zoning Code, and Zoning Map), development agreements, and specific plans. The Consultant will discuss



the potential interest in, need for, and composition of additional types of administrative permits (i.e., home occupations, temporary uses, and zoning clearances). Proposed procedures will emphasize efficiency, simplicity, clarity, and streamlined processing, while ensuring more certainty in the development review process as well as thorough an effective project review to achieve the City's objectives. Additionally, a comprehensive Review Authority table will be included to clearly display the appropriate level of review and appeal required for each type of application.

- **Enforcement provisions**, including but not limited to, legal remedies (criminal and civil), procedural requirements, recovery of costs directly related to enforcement actions, and the identification of the property owner/violator rights and procedures for appeal.
- **Definitions** of each allowable land use, as well as technical terms and phrases used in the updated Zoning Code, including abbreviations. An initial set of definitions will be included with the first submittal of the Administrative Draft Zoning District provisions and will be supplemented in subsequent draft submittals.

The Consultant will submit the Administrative Draft of the Administrative provisions to City staff for review. Staff will be expected to provide their comments on the draft in Microsoft Word "track-changes" and provide a single consolidated set of comments. The Consultant will then meet or schedule a conference call with City staff to discuss revisions and direction for the work in Task 3.3.

### **Task 3.3: General Development and Specific Use Standards**

The Consultant will draft the chapters of the updated Zoning Code containing regulations that apply in multiple zoning districts and overlay/combining districts, and regulations for specific land uses. At a minimum, these chapters will address the following topics (additional related topics may be included at the direction of City staff):

- **General site planning and development standards.** The Consultant will prepare descriptions of standards that could apply to a variety of land uses regardless of the applicable zoning district. Additionally, these standards will address, as appropriate, site access requirements; fences, hedges, walls, and screening; noise regulations; outdoor lighting standards; performance standards (e.g., air quality, glare, vibration); Crime Prevention Through Environmental Design; undergrounding of utilities; and other topics determined to be appropriate by the City's Project Manager. These standards will be crafted in a comprehensive manner to provide the appropriate tools needed for City staff and decision-makers to evaluate development proposals while providing for as much flexibility and certainty as is determined appropriate by the City.

- **Affordable housing requirements**, including supportive, transitional, and employee housing; density bonus provisions; single room occupancy (SRO) provisions; and standards for large and residential care facilities.
- **Landscaping standards**, including water efficient standards and specific requirements for preliminary and final landscape plan submittal and review.
- **Off-street parking, loading, and bicycle standards**, including contemporary parking and loading area numbers, space, and design requirements; landscaping requirements; pedestrian circulation requirements; and bicycle and motorcycle parking.
- **Sign regulations**. The Consultant will review and evaluate the current sign provisions and recommend revisions in consultation with City staff. The evaluation will concentrate on providing clear standards for signs by zoning district and by type of sign. All types of allowable/desired signs will be considered for inclusion in the sign provisions, including temporary signs. The Consultant will review and update procedures for sign approval to make the process more understandable and easily administered, including provisions for dealing with nonconforming signs. The Consultant will provide illustrative graphics to clarify sign requirements. The Consultant will ensure that sign provisions comply with content neutrality requirements. Consultation with the City Attorney may be desirable.
- **Standards for specific land uses**. The Consultant will address standards for specific land uses as deemed appropriate by the City, including accessory dwelling units; accessory retail uses; adult entertainment businesses; antennas and other wireless communication facilities; alcohol-related uses (e.g., liquor sales, breweries, taprooms, wineries); cannabis-related uses; childcare facilities; entertainment and recreation uses; home occupations; interim uses in transition areas; massage therapy; mobile food vendors; mobile homes; multi-family housing; outdoor merchandise display and activities; outdoor and personal storage facilities; recycling facilities; and residential accessory uses and structures.
- **Environmental performance-based standards** as determined by City staff to be appropriate.
- **Accessory dwelling units (ADUs)**. Refine existing ADU height and bulk standards to allow two-story structures and steeper roof pitches, and add daylight pane standards and other elements as directed by staff.
- **Short-term rentals**. Refine and incorporate City staff-prepared short-term and long-term rental standards.

The Consultant will submit the Administrative Draft of the General Development and Specific Use Standards to City staff for review. Staff will be expected to provide their comments on the draft in Microsoft Word “track- changes” and provide a single consolidated set of comments. The Consultant will then meet or conference call with City staff to discuss revisions and direction for the work in Task 3.4.

#### **Task 3.4: Preliminary Draft Zoning Code**

The Consultant will revise the Administrative Draft sections based on City staff discussion and input and will prepare the remaining parts of the Preliminary Draft Zoning Code, including a detailed table of contents, graphics, and illustrations. Graphics will be incorporated throughout the updated Zoning Code wherever they may assist users in visualizing the meaning and applicability of development standards, or otherwise improving understanding or ease of use. The administrative provisions prepared during earlier tasks may incorporate some flowcharts and other graphics if City staff and the Consultant determine that the illustration of procedures would be helpful during the initial review stage. The Consultant will not artificially limit the number of illustrations/graphics to be included in the updated Zoning Code but will instead provide graphics wherever they will be of value.

The Consultant will submit a complete Preliminary Draft Zoning Code for City staff review and comment. Staff will be expected to provide their comments on the draft in Microsoft Word “track-changes” tools and provide a single set of consolidated comments. The Consultant will meet or schedule a conference call with City staff as necessary to review their comments and desired changes.

#### **Task 3.5: Public Review Draft Zoning Code**

Based on direction from City staff, the Consultant will prepare a Public Review Draft Zoning Code which will be provided to the City for review by the community, Planning Commission, Architectural Committee, Historical and Landmarks Commission, City Council, and other applicable groups.

#### **Products:**

(The Consultant will provide digital versions in both Microsoft Word (or PowerPoint) and Adobe PDF format of each product):

- Administrative Draft Zoning District Provisions
- Administrative Draft Zoning Code Administrative Provisions
- Administrative Draft General Development and Specific Use Standards
- Preliminary Draft Zoning Code
- Public Review Draft Zoning Code

## **Phase 6: Adoption**

The Consultant, in consultation with the City's Project Manager, will organize and facilitate the public review and adoption of the updated Zoning Code. The Consultant will prepare PowerPoint presentations and support materials for all meetings and public hearings. City staff will prepare all necessary noticing materials, venue preparation, and staff reports, with support from the Consultant.

### **Task 6.1: Planning Commission Public Hearing**

The Consultant will attend and participate in one public hearing with the Planning Commission on the Revised Public Review Draft Zoning Code and Zoning Map. If desired by the City, the Consultant will attend additional meetings on a time-and-materials basis. Based on the Planning Commission recommendation, the Consultant will prepare an errata sheet describing Planning Commission-recommended changes.

### **Task 6.2: City Council Public Hearing**

The Consultant will attend and participate in one public hearing with the City Council to consider adoption of the Revised Public Review Draft Zoning Code and Zoning Map. If desired by the City, the Consultant will attend additional meetings on a time-and-materials basis.

### **Task 6.3: Screencheck Final Zoning Code**

After Council adoption of the Zoning Code and before its effective date, the Consultant will prepare the final version incorporating all changes made by the City Council. The Consultant will provide a screencheck version so that City staff can verify that the document accurately incorporates all changes approved by the Council during the adoption process.

### **Task 6.4: Final Zoning Code**

The Consultant will prepare the Final Zoning Code for delivery to the City for codification and publication. The team will provide a reproducible camera-ready copy of the adopted document and a digital copy of the Zoning Code in Microsoft Word software.

### **Products:**

- PowerPoint Presentation (Digital versions in both Microsoft PowerPoint and Adobe PDF format)
- Screencheck Final Zoning Code (Digital versions in both Microsoft Word and Adobe PDF format)
- Final Zoning Code (Digital versions in both Microsoft Word and Adobe PDF format)

Santa Clara Zoning Code Update: Project Schedule (Updated 06/04/2019)

Task	Status	2019											
		Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar		
<b>Phase 1: Information Gathering</b>													
Task 1.1: Initial Kick-Off and Scoping Meeting													
Task 1.2: Stakeholder Interviews													
Stakeholder Interview Summary													
Task 1.3: All-Hands Joint Study Session													
<b>Phase 2: Diagnosis</b>													
Task 2.1: Diagnostic Document Review													
Zoning Code Diagnostic Report													
Matrix of Zoning Issues													
Task 2.2: Summary Matrix of Zoning Code Issues													
Joint Study Session Powerpoint													
Task 2.3: Joint Study Session													
Joint Study Session Summary													
Tentative Article 2 Work Session													
Task 2.4: Draft Zoning Code Format and Outline													
Zoning Code Format, Style Guide with a list of common terms, and Table of Contents													
<b>Phase 3: Code Update</b>													
Task 3.1: Zoning District Provisions													
Administrative Draft Article 2													
Preliminary Draft Article 2													
<b>New Task: Objective Development Standards</b>													
<b>New Task: Incorporation of El Camino Specific Plan</b>													
<b>New Task: Incorporation of On-line Engagement</b>													
Task 3.2: Administrative Provisions													
Administrative Draft Article 1													
Preliminary Draft Article 1													
Administrative Draft Article 5													
Preliminary Draft Article 5													
Administrative Draft Article 6													
Preliminary Draft Article 6													
Administrative Draft Article 7													
Preliminary Draft Article 7													
Administrative Draft Article 8													
Preliminary Draft Article 8													
Task 3.3: General Development and Specific Use Standards													
Administrative Draft Article 3													
Preliminary Draft Article 3													
Administrative Draft Article 4													
Preliminary Draft Article 4													
<b>New Task: Refine ADU Standards</b>													
<b>New Task: Short-term Rentals</b>													
Task 3.4: Preliminary Draft Zoning Code Update													
Task 3.5: Public Review Draft Zoning Code													
Task 3.6: Updated Zoning Map													
<b>Phase 4: Public Review</b>													
Task 4.1: Community Workshops													
Task 4.2: Study Sessions													
Task 4.3: Revised Public Review Draft Zoning Code													
<b>Phase 5: CEQA Compliance</b>													
<b>Phase 6: Adoption</b>													
Task 6.1: Planning Commission Public Hearing													
Task 6.2: City Council Public Hearing													
Task 6.3: Screencheck Final Zoning Code and Zoning Map													
Task 6.4: Final Zoning Code and Zoning Map													

**Exhibit B  
Revised Fee Schedule**

CITY OF SANTA CLARA ZONING CODE UPDATE							
Project Budget							
Revised June 3, 2019							
PHASES	Project Director (Harnish)	Principal (Jacobson)	Project Advisor (Parker)	Project Manager (B. Gilmore)	Support (M. Gilmore)	TOTAL HOURS	TOTAL FEE
<b>PHASE 1: INFORMATION GATHERING</b>							
Task 1.1: Initial Kick-Off and Scoping Meeting	8	8	0	8	0	24	\$4,440
Task 1.2: Stakeholder Interviews	16	16	0	16	16	64	\$11,040
Task 1.3: All-Hands Joint Study Session	8	0	0	8	0	16	\$2,840
<b>Phase 1 Subtotal</b>	<b>32</b>	<b>24</b>	<b>0</b>	<b>32</b>	<b>16</b>	<b>104</b>	<b>\$18,320</b>
<b>PHASE 2: DIAGNOSIS</b>							
Task 2.1: Diagnostic Document Review	4	16	0	16	0	36	\$6,480
Task 2.2: Summary Matrix of Zoning Code Issues	4	8	0	16	0	28	\$4,880
Task 2.3: Joint Study Session	8	0	0	8	0	16	\$2,840
Task 2.4: Draft Zoning Code Format and Outline	2	8	0	8	0	18	\$3,240
<b>Phase 2 Subtotal</b>	<b>18</b>	<b>32</b>	<b>0</b>	<b>48</b>	<b>0</b>	<b>98</b>	<b>\$17,440</b>
<b>PHASE 3: CODE UPDATE PROCESS</b>							
Task 3.1: Zoning District Provisions	54	68	0	162	80	364	\$60,310
Task 3.2: Administrative Provisions	8	100	0	24	0	132	\$25,320
Task 3.3: General Development and Specific Use Standards	52	68	0	156	48	324	\$54,660
Task 3.4: Preliminary Draft Zoning Code	8	40	0	40	0	88	\$15,800
Task 3.5: Public Review Draft Zoning Code	4	16	0	16	0	36	\$6,480
Task 3.6: Updated Zoning Map	0	0	0	0	0	0	0
<b>Phase 3 Subtotal</b>	<b>126</b>	<b>292</b>	<b>0</b>	<b>398</b>	<b>128</b>	<b>944</b>	<b>\$162,570</b>
<b>PHASE 4: PUBLIC REVIEW</b>							
Task 4.1: Community Workshops (3)	0	0	0	0	0	0	\$0
Task 4.2: Study Sessions (5)	0	0	0	0	0	0	\$0
Task 4.3: Revised Public Review Draft Zoning Code	0	0	0	0	0	0	\$0
<b>Phase 4 Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
<b>PHASE 5: CEQA COMPLIANCE</b>							
<b>Phase 5 Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>
<b>PHASE 6: ADOPTION</b>							
Task 6.1: Planning Commission Public Hearing	8	0	0	8	0	16	\$2,840
Task 6.2: City Council Public Hearing	8	0	0	8	0	16	\$2,840
Task 6.3: Screencheck Final Zoning Code	4	12	0	16	0	32	\$5,680
Task 6.4: Final Zoning Code	4	8	0	24	0	36	\$6,120
<b>Phase 6 Subtotal</b>	<b>24</b>	<b>20</b>	<b>0</b>	<b>56</b>	<b>0</b>	<b>100</b>	<b>\$17,480</b>
<b>PROJECT MANAGEMENT</b>							
Project Management	40			40	24	104	\$17,440
<b>TOTAL</b>							
Total Hours	240	368	0	574	168	1,350	-
2017 Billing Rates	\$200	\$200	0	\$155	\$135	-	-
Labor Subtotals	\$48,000	\$73,600	\$0	\$88,970	\$22,680	-	\$233,250
Direct Expenses (Printing, travel costs)							\$5,000
<b>TOTAL COST</b>							<b>\$238,250</b>
Contingency							\$10,000
<b>TOTAL NOT TO EXCEED AMOUNT</b>							<b>\$248,250</b>



## Agenda Report

19-564

Agenda Date: 8/20/2019

### REPORT TO COUNCIL

#### SUBJECT

Action on Amendment No. 1 to the Agreement with Mintier Harnish, LP, for preparation of the Zoning Code Update

#### BACKGROUND

The City is in the process of the first comprehensive update of the City's Zoning Code since its original adoption in 1969. The City completed a competitive RFP process in 2017 and selected Mintier Harnish to provide consulting services to support the comprehensive Zoning Code Update including technical assistance and production of the updated Zoning Code document. The City entered into an Agreement with Mintier Harnish on November 10, 2017 for services up to a total of \$201,320. The Agreement expired on June 30, 2019. While staff attempted to amend this contract before the expiration date and provided a revised scope on April 30, 2019, there were delays in finalizing the scope and, appropriately, no work has been initiated.

#### DISCUSSION

While the consultant's work performance to date is consistent with the approved scope and terms of their original Agreement with the City, the proposed project scope with this Agreement Amendment has been expanded from input from the community engagement process conducted by the City. In addition, State laws enacted since commencement of the Zoning Code Update process have prompted the need for the incorporation of additional objective standards within the Zoning Code. Staff is proposing Amendment No. 1 to the Agreement to expand the project scope, increase funding, and extend the term of the agreement to June 30, 2020. Proposed changes to the scope of the Agreement address both input received from the community and policy guidance from the State. Specifically, the expanded scope would include:

- Incorporation of revised development standards identified through on-line community engagement.
- Additional time for outreach related to short-term rentals and single-family uses
- Additional refinement of Accessory Dwelling Unit (ADU) height and bulk standards.
- Objective development standards for certain affordable housing projects.
- Codification of single-family design guideline direction on second story massing and step backs as objective development standards.
- Refinement and incorporation of short-term and long-term rental regulations.
- Incorporation of new zoning districts related to the El Camino Specific Plan.
- Incorporation of transition diagrams and other form-based elements from the El Camino Specific Plan into the Zoning Code Update.

The scope would also be revised to eliminate a few tasks that City staff are planning to perform in-house, such as the preparation of the new zoning map.

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The proposed Amendment of the Agreement will enable the consultant to continue to support the City's effort to comprehensively update the Zoning Code, now anticipated for completion in early 2020.

### **ENVIRONMENTAL REVIEW**

This action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **FISCAL IMPACT**

The proposed amendment includes an increase of \$46,930 for the additional services related to the expanded project scope which is based on community input and changes in State law. Funds are available for this increased costs of consulting services in the existing Zoning Code Update CIP project budget.

### **COORDINATION**

This report has been coordinated with the Finance Department and City Attorney's office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for the Performance of Services with Mintier Harnish, LP, for preparation of the Zoning Code Update with an increase of \$46,930 for a total contract cost not to exceed \$248,250.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Amendment No. 1 to Service Agreement with Mintier Harnish, LP
2. Original Agreement with Mintier Harnish, LP