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

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

Date	Ver.	Action By	Action	Result
8/20/2019	1	City Council and Authorities Concurrent	Approved	

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.

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>> 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