



## Agenda Report

20-576

Agenda Date: 6/23/2020

### REPORT TO COUNCIL

#### SUBJECT

Action on Amendment No. 2 to the Agreement with Mintier Harnish, LP, for preparation of the Zoning Code Update and Approval of Related Budget Amendment [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

#### 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, and first amended the Agreement on August 20, 2019, to expand the scope of services in response to changes in State law and additional community input.

#### DISCUSSION

While the consultant's work performance to date is consistent with the approved scope and terms of the original Agreement, as amended, the hours budgeted for the proposed project scope with this second amendment have been expanded. The raft of State laws enacted since the commencement of the Zoning Code Update process have prompted the need to create and refine additional code language beyond what was originally anticipated. Specifically, the updated scope includes:

- Additional time to finalize new code provisions for the processing of permits, zoning changes and the recognition of the General and Specific Plan Amendment processes in the zoning code;
- Incorporation into the zoning code of new standards for telecommunications installations;
- Objective development standards for certain affordable housing projects;
- Refinement and incorporation of short-term and long-term rental regulations;
- Incorporation of new zoning districts related to the El Camino Real Specific Plan;
- Incorporation of transition diagrams and other form-based elements from the El Camino Real Specific Plan into the Zoning Code Update.

The scope has also been revised to eliminate tasks that City staff are planning to perform in-house, such as the preparation of the new zoning map, and to focus the consultants' work on helping staff draft new code provisions consistent with current land use development patterns and changes to state law.

The proposed Amendment will enable the consultant to continue to support the City's effort to comprehensively update the Zoning Code, now anticipated for completion in early 2021.

**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 \$75,440 for additional consulting services related to the expanded project scope which is based on continued refinement of zoning provisions in light of changes to development patterns and changes in State law. The Zoning Code Update Capital Improvement Project has a remaining balance of \$39,073 that is available for payments towards the proposed amended agreement. Staff is recommending that funds in the amount of \$36,367 be allocated from the Advanced Planning Reserve to cover the total cost of Amendment No. 2.

The budget amendment below allocates funding from the Advanced Planning Reserve in the General Fund to the Zoning Code Update Project in the General Government Capital Fund in the amount of \$36,367.

<b>Budget Amendment FY 2019/20</b>			
	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>General Fund</b>			
<u>Reserve</u>			
Advanced Planning Fee	\$678,777	(\$36,367)	\$642,410
<u>Transfers To</u>			
General Government Capital Fund	\$1,201,881	\$36,367	\$1,238,248
- Zoning Code Update Project			
<b>General Government Capital Fund</b>			
<u>Transfers From</u>			
General Fund	\$1,201,881	\$36,367	\$1,238,248
<u>Expenditures</u>			
Zoning Code Update Project	\$118,084	\$36,367	\$154,451

**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>>.

**RECOMMENDATION**

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for the Performance of Services with Mintier Harnish, LP, for preparation of the Zoning Code Update with an increase of \$75,440 for a total contract cost not to exceed \$323,690; and
2. Approve the related FY 2019/20 budget amendment in the General Fund to reduce the General Fund Advanced Planning Reserve and increase the transfer to the General Government Capital Fund by \$36,367; in the General Government Capital Fund, increase the transfer from the General Fund and the Zoning Code Update Capital Improvement Project by \$36,367.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

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