



## Agenda Report

21-1370

Agenda Date: 11/9/2021

### REPORT TO COUNCIL

#### SUBJECT

Action on Amendment No. 3 to the Agreement with Mintier Harnish, LP, for Preparation of the Zoning Code Update

#### 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, 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, and again amended the Agreement on June 29, 2020, to further expand the scope to address changes in local and state policies.

#### DISCUSSION

Due to the Covid-19 pandemic, the project faced delays for public outreach and engagement which were necessary components to move the project forward to the public hearing stages. The proposed Amendment, which will extend the term of the current contract through 2022, will enable the consultant to continue to support the City's effort to comprehensively update the Zoning Code. The Zoning Code Update is expected to be concluded in the first half of 2022.

#### 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 does not include any changes to the existing cost or project budget. As such, there is no fiscal impact for this Amendment No. 3 as funding has previously been allocated to the Zoning Code Update Project in the General Government Capital Fund.

#### 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**

Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for the Performance of Services with Mintier Harnish, LP, for preparation of the Zoning Code Update to extend the termination date to December 31, 2022.

Reviewed by: Andrew Crabtree, Director of Community Development  
Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Draft Amendment No. 3 to Service Agreement with Mintier Harnish, LP
2. Amendment No. 2 to Service Agreement with Mintier Harnish, LP with RTC 20-576
3. Amendment No. 1 to Service Agreement with Mintier Harnish, LP with RTC 19-564
4. Original Agreement with Mintier Harnish, LP with Agenda Report dated 11/7/17