



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Planning and Development Services

Meeting Date: June 17, 2024

Report #:2405-3045

TITLE

Approval of Contract Amendment Number 1 to Contract Number S24189598 with Good City Company in the Amount of \$18,120 for a Stream Corridor Protection Ordinance Update; the Total not-to-exceed Amount of the Contract is \$92,293. CEQA Status: Exempt Pursuant to CEQA Guidelines 15061(b)(3).

RECOMMENDATION

Staff recommends that Council approve and authorize the City Manager or their designee to execute Amendment No. 1 to Contract No. S24189598 (Attachment A).

BACKGROUND

The City's Comprehensive Plan recognizes the City's creeks and riparian areas as valuable resources for natural habitat, connectivity, community design, and flood control that require protection and enhancement. As part of this recognition, the City's Stream Corridor Protection Ordinance was identified for an update to reflect their importance. Particularly, Policy N3.3 of the Comprehensive Plan calls for the protection of the city's creeks from the impacts of future buildings, structures, impervious surfaces and ornamental landscaping and preserve their function as habitat connectivity corridors by establishing a range of setback requirements that account for existing creek conditions, land use characteristics, property ownership and flood control potential.¹ This policy contains three programs that define the potential ordinance update:

- Program N3.3.1 calls for the exploration of an ordinance update that expands the current 50-foot setback along creeks to be expanded to 150 feet for properties west of Foothill Expressway, with the ordinance update also containing design recommendations for development of sites within the setback, exemption opportunities for single-family

¹ The other programs to support this riparian corridor protection work include the development of a stewardship program, replacement of non-native/invasive species, discouraging bank instability by limiting site disturbances (including the grading ordinance), avoiding fencing and piping, and working with partners such as the Santa Clara Valley Water District and the San Francisquito Creek Joint Powers Authority.

properties, and appropriate setbacks and conservation measures for undeveloped parcels.

- Program N3.3.2 calls for similar work east of Foothill Expressway.
- Program N3.3.3 calls for the minimization of impacts in all creeks by limiting recreational trails to one side of natural riparian corridors, and thoughtful design of lighting near riparian corridors.

On January 29, 2024, the City Council adopted City Council Priorities and directed staff to update the existing Stream Corridor Protection Ordinance to better align with the Comprehensive Plan policies and programs.

On January 29, 2024, the City Manager authorized an exemption from competitive solicitation to engage in a contract with Good City Company. On February 6, 2024, the City entered into a contract with Good City Company in the amount of \$74,173 through June 30, 2025. Good City Company is contracted to provide consulting services to produce an existing conditions report, public outreach, and development of the draft ordinance to be considered by the Planning and Transportation Commission and adopted by the City Council.

ANALYSIS

Upon initiation, the need for a biological assessment became apparent due to the public's potential interest and the complexity of the natural environment involved. To ensure a comprehensive review and address potential concerns, retaining a biologist was deemed necessary.

Considering the project scope and urgency to complete the project in 2024, staff recommended Good City Company subcontract a biologist rather than the City directly hiring one under a separate contract. This approach streamlines the process and leverages Good City Company's expertise in managing communication and logistics as the technical work is closely intertwined. Amending the existing contract is the most efficient solution as the additional expertise required falls outside the original scope of services.

The requirement for biological expertise necessitates an increased budget allocation of \$18,120, exceeding the City Manager's contract authority approval limit. This action increases the not to exceed amount of the contract up to \$92,293.

FISCAL/RESOURCE IMPACT

Funding for the contract and this amendment was included in the Fiscal Year 2024 Adopted Operating Budget.

STAKEHOLDER ENGAGEMENT

On March 5, 2024, Good City Company along with the City staff conducted a community information session to hear from the community on potential opportunities and constraints for future development near creek and waterways for consideration in the ordinance update. A total of 17 community members attended the virtual information session to provide their input. Prior

to the community information session, Good City Company has contacted and received input from other stakeholders from neighborhood associations and other public agency partners.

ENVIRONMENTAL REVIEW

Approval of this contract is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that this action will not have a significant effect on the environment.

ATTACHMENTS

Attachment A: Good City Company Contract S24189598 Amendment No. 1

APPROVED BY:

Jonathan Lait, Planning and Development Services Director