

FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

THIS FIRST AMENDMENT TO AGREEMENT is dated for identification this 20th day of September 2022 and is made by and between TOWN OF LOS GATOS, a California municipal corporation, (“Town”) and EMC Planning Group Inc., (“Consultant”), whose address is 601 Abrego Street, Monterey, CA 93940. This Agreement is made with reference to the following facts.

RECITALS

- A. The Town and Consultant entered into an Agreement dated July 1, 2021, to provide Consultant Services for preparation of the 2023-2031 Housing Element.

AMENDMENT

1. 2.1 Scope of Services shall be revised to add the services as described in Exhibit A.
2. 2.6 Compensation shall be increased by \$131,500 as described in Exhibit A plus a 10 percent contingency of \$41,394 for a total not to exceed amount of \$455,329.
3. All other terms and conditions of the Agreement dated July 1, 2021, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this First Amendment Agreement as of the date indicated above.

Town of Los Gatos:

Consultant:

By: _____
Laurel Prevetti
Town Manager

By: _____
Teri Wissler Adam, Senior Principal
EMC Planning Group, Inc.

Department Approval:

Joel Paulson
Director of Community Development

Approved as to Form:

Gabrielle Whelan
Town Attorney

Attest:

Wendy Wood
Town Clerk



Planning for Success.

September 7, 2022

Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, California 95030

Re: Los Gatos Housing Element Update (2023-2031) - Contract Amendment #1

Dear Planning Staff:

This is a request for a contract amendment to add budget to the Housing Element Update project to reflect costs incurred to meet State requirements and State guidance that emerged following execution of the original contract.

Progress Report

The following components of the original scope of work have been achieved as indicated with the following list of tasks. The following tasks from the original contract have been addressed with the Initial Public Draft Housing Element. The California Environmental Quality Act (CEQA) analysis will follow the California Department of Housing and Community Development's (HCD) review to efficiently tie this project with the 2040 General Plan's Environmental Impact Report (EIR).

Task 1 - Project Schedule and Management
Task 2 - Review of Existing Housing Element
Task 3 - Public Outreach
Task 4 - Regional Housing Needs Assessment
Task 5 - Assessment of Housing Needs
Task 6 - Site Inventory
Task 7 - Prepare Draft Housing Element

Additional HCD Requirements

The original scope of work assumed a straightforward path towards certification. In the Fall of 2021, HCD introduced a new requirement for a 30-day public review period prior to HCD submittal of the preliminary draft. This, combined with a growing awareness of

EXHIBIT A

EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

301 Lighthouse Avenue Suite C Monterey California 93940 Tel 831-649-1799 Fax 831-649-8399
www.emcplanning.com

HCD’s focus on AFFH (Affirmatively Furthering Fair Housing) has shifted the strategy for drafting the Housing Element Update.

Additional Cost

EMC Planning Group, Inc. continues to work diligently and effectively towards the goal of HCD certification. A sub-consultant with AFFH expertise (Root Policy Research) was enlisted to provide technical leadership to advance the outreach through the Housing Element Update website and the Balancing Act mapping program (granted to the Town) through the initial no-cost contract amendment. By incorporating additional sub-consultants, we have worked closely with staff to provide a full preliminary draft that anticipates the AFFH focus that HCD expects with the 6th cycle Housing Element Update process.

There is a \$37,378 remaining budget with sub-consultants who will continue to support the work of completing the Housing Element Update through certification. Support includes expert AFFH consultation after receipt of the HCD initial comment letter and outreach experts to continue community outreach efforts.

EMC Housing Element update	\$172,593
EMC CEQA Analysis	\$35,190
Travel/production costs (printing, mileage)	\$551
Sub-Consultants (branding, website development, AFFH research, outreach, diversity training, technical support)	\$36,723
Remaining Sub-Consultant	\$37,378
Original Budget	\$282,435

A total of \$209,867 has since been spent with a remaining budget of \$72,568, including sub-consultant allocations and CEQA analysis, which has not yet been initiated. See the table below.

Original Budget total	\$282,435
Amount spent to date	\$209,867
Remaining EMC CEQA Analysis	\$35,190
Remaining Sub-Consultant	\$37,378
Remaining Budget	\$72,568

Housing Element Iterative Drafts

In continuing to partner with Town staff and the Housing Element Advisory Board (HEAB), an updated draft will be brought forward that will reflect HCD's requests with their comment letter. The final deliverable, Housing Element Update, and meetings leading to Council review of such were part of the original scope and budget. The scope broadened in response to emerging knowledge of what HCD evaluations have included with Southern California reviews. Therefore, the scope for this contract is inclusive of materials, deliverables, and meetings anticipated through the final stages of the project.

The following table summarizes the number and type of anticipated meetings through completion of a certified Housing Element Update.

Project Schedule & Management	20	\$10,000
Community Meeting	1	\$3,000
HEAB Meetings	6	\$12,000
Planning Commission Meetings	2	\$6,000
Council Meetings	2	\$8,000
Total Number of Meetings and Cost	31	\$39,000

Total Budget Request

The total budget request includes responsiveness to HCD recommendations and preparation for HCD submittal, which requires multiple iterations of publication and integration of public comments and response to such comments as stand-alone documentation to HCD. This budget anticipates a certain level of changes to the draft Housing Element Update. If future work includes multiple foundational changes, then it will likely require Sub-Consultant review, which has been included with this proposed budget amendment.

Review of the HCD letter and subsequent proposed changes to the document will be reviewed by the HEAB. Interaction with HCD will inform the process to initiate public meetings with the Planning Commission and Town Council to consider adoption of a final document. Production costs for formatting and InDesign incorporation of the draft document into the same style as the 2040 General Plan and costs to provide 30 final certified paper copies were included with the original scope of work and are also reflected in this budget amendment request.

Optional Task

An optional task is included in the total budget to provide an assessment of the critical portions of the Land Use and Community Design Elements of the 2040 General Plan, should that be necessary for certification. The budget table below includes the original budget, anticipated additional meetings, costs for additional draft preparation, and production costs.

<u>Fee Schedule</u>	
Original Budget	\$282,435
Additional Meetings	\$39,000
Integration of Public Comments for HCD (Up to two iterations)	\$30,000
Additional Drafts (post HCD-initial review) (Up to two iterations)	\$40,000
Production Support	\$20,000
Optional Task: General Plan Amendments	\$2,500
Sub-total Contract Amendment Request	\$131,500
Budget After this Amendment	\$413,935

It continues a pleasure and honor to work with Town staff, decision-makers, and community members towards Housing Element certification.

Sincerely,



Ande Flower, AICP, Principal Planner