

City of Piedmont
COUNCIL AGENDA REPORT

DATE: October 21, 2024

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of Approval of a Contract Amendment with JZMK Partners for Services Related to the Preparation of a Moraga Canyon Specific Plan in the Amount of \$79,377 to Amend the Scope of Work to Add Public Meetings and Supplemental Environmental Analysis

RECOMMENDATION

Approve the 2nd Contract Amendment (Attachment 1) with JZMK Partners for services related to the preparation of a Moraga Canyon Specific Plan (MCSP) in the amount \$79,377 to amend the scope of work to add public meetings and supplemental environmental analysis.

EXECUTIVE SUMMARY

Given the extensive discussions of the MCSP during Planning Commission and City Council study sessions in early 2024, the keen interest in the matter demonstrated by community members, and the breadth of information contained in the preliminary draft chapters of the Plan, staff is recommending additional study sessions and public meetings for the consideration of a Draft Moraga Canyon Specific Plan to augment those currently included in the scope of work.

The additional meetings include:

- 1 Planning Commission study session
- 1 Follow-up Planning Commission study session
- 2 City Council study sessions
- 1 City Council meeting

The proposed Planning Commission study sessions allow for the Commission and the public to receive and review preliminary draft chapters of the MCSP, and to provide comments and discussions that inform a final Draft Moraga Canyon Specific Plan that is expected to be posted for public review in late 2024.

The proposed City Council study sessions and meeting are intended to provide important opportunities for the Council and community members to study the MCSP and deliberate its final form culminating in the Plan's adoption. The proposed cost for the additional study sessions and meeting is \$45,377 as outlined in the Contract Amendment (Attachment 1).

Although no California Native American Tribes sought consultation with the City during the preparation of the Environmental Impact Report (EIR) for the City's 6th Cycle Housing Element, four tribes have requested information and/or consultation with the City. Rincon Consultants, which prepared the Housing Element EIR, is the subconsultant conducting the environmental review for the MCSP. City staff seeks Rincon's assistance and expertise responding to and consulting with the tribes in conformance with the requirements of Senate Bill 18. Staff also seeks Rincon's assistance with the preparation of a cultural resources assessment of the project's potential impacts on Mountain View Cemetery and archaeological resources. The proposed cost for the additional environmental analysis and consultation assistance is \$34,000, as outlined in the Contract Amendment (Attachment 1).

The total cost of the amended scope of work is \$79,377 bringing the fee for services in the agreement with JZMK Partners to \$682,177, from the current amount of \$602,800.

BACKGROUND

JBZ, Inc., dba JZMK Partners, is under contract with the City to prepare a Moraga Canyon Specific Plan for City-owned parcels that total an estimated 18 acres in the Moraga Canyon area and the Moraga Avenue roadway that intersects them. The project implements Program 1.L of Piedmont's 6th Cycle Housing Element. The original scope of work included public meetings of decision-making bodies as follows:

- One joint Planning Commission and City Council workshop.
 - Completed: This single workshop was split into two study sessions within budget. The Planning Commission held a study session on January 8, 2024, and the City Council held a study session on January 22, 2024.
- Three Commission and/or Committee meetings (prior to posting of Public Review Draft Specific Plan).
 - Partially completed: on August 12, 2024, JZMK provided a study session for the Planning Commission on a preliminary draft Chapter 7: Architectural Styles. Meetings with the Park Commission and the Recreation Commission are expected to be scheduled after the posting of a Draft MCSP.
- One Planning Commission hearing.
 - Incomplete: The Planning Commission will need to review the Public Review Draft Specific Plan and make a recommendation to the City Council. Tentatively, this is expected to occur in March 2025.
- One City Council hearing.
 - Incomplete: The City Council will need to receive recommendations from Commissions, and review and consider adoption of the Public Review Draft Specific Plan. Tentatively, this is expected to occur in March or April 2025.

A 1st amendment to the agreement with JZMK Partners added the following meetings to the scope of work:

- One City Council study session.
 - Completed: On March 1, 2024, the City Council held a study session regarding site plan options for the MCSP.
- One City Council meeting.

- Completed: The City Council held a meeting on March 18, 2024, at which it gave direction to staff regarding the preparation of a Draft Moraga Canyon Specific Plan.

In its role as the subconsultant performing environmental review of the project, Rincon is to prepare the appropriate environmental review document pursuant to CEQA up to and including a Draft EIR Addendum pursuant to the requirements set forth in Section 15164 of the CEQA Guidelines. Key issues anticipated to be the focus of the addendum included aesthetics, biological resources, cultural resources, geology and soils, transportation (including site access and circulation), and wildfire (including emergency evacuation).

DISCUSSION

The four site plan options considered by the Planning Commission and City Council in the first quarter of 2024 generated extensive discussions due to many factors, including the novelty of a specific plan in Piedmont, the physical constraints of the site, the scope of the proposed development, and the timing and costs of implementation. As staff received administrative drafts of the MCSP for review, it became clear that the substantial content in the preliminary draft chapters of the Plan could benefit from a structured review and discussion by the Planning Commission and City Council during meetings open to the public. This also provided the community with additional ways to participate in the development of the MCSP document as the draft chapters are written.

Staff recommends that the currently scoped meetings – two commission meetings (Recreation and Park), one Planning Commission meeting and one City Council meeting – be supplemented with the following:

- One Planning Commission study session for the review of preliminary draft chapters of the MCSP.
- One follow-up Planning Commission study session for the review of any remaining preliminary draft chapters of the MCSP.
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- Two City Council study sessions providing the opportunity to receive comment from community members and to hold in-depth discussions of the Draft Moraga Canyon Specific Plan.
- One City Council meeting, combined with the currently scoped Council meeting, is expected to provide sufficient time to consider the MCSP for adoption.

The Planning Commission was identified as a key venue for additional study sessions because of its expertise in design and zoning regulations. Community members have the opportunity to review and make comments on the preliminary draft chapters related to regulations, design standards, roadway design, utilities and architectural style to better inform the Draft Moraga Canyon Specific Plan that is expected to be posted for public review later in 2024. A tentative schedule for public meetings as proposed in the amended scope of work is provided in Attachment 2.

Due to new information provided by California Native American Tribes and new information regarding the location and size of potential development relative to Mountain View Cemetery,

City staff has determined that the preparation of a cultural resources assessment of the project's potential impacts on Mountain View Cemetery and archaeological resources are necessary to complete the Initial Study for the project. Staff recommends that the City Council approve the amended scope of work for additional environmental review as outlined in the Contract Amendment (Attachment 1).

FISCAL IMPACT

Staff recommends that the cost of the additional scope of work be covered by current budget allocations: \$45,377 from the specific plan expense account and \$34,000 from the environmental consulting expense account. Should the City Council approve the second amendment to the contract with JZMK, the total cost for the work related to the preparation of the Moraga Canyon Specific Plan is estimated at \$682,177.00. The FY 2024/2025 City Budget allocated \$203,000 for specific plans and \$100,000 for environmental consulting. Expenditures for this project are expected to be completed by the end of the FY 2024/2025.

CITY ATTORNEY REVIEW

The attached Agreement was reviewed and approved as to form.

CONCLUSION AND NEXT STEPS

Staff recommends that the City Council approve the second Amendment to the Agreement for Consultant Services with JZMK Partners. Should the City Council approve the amendment, staff will schedule the approved meetings and work with JZMK in preparation.

Prepared by: Kevin Jackson, Director of Planning & Building

ATTACHMENTS:

Pages		
1	5-12	Amendment to the Agreement with JZMK Partners, for services related to the preparation of a Moraga Canyon Specific Plan
2	13	Tentative Schedule for Public Meetings related to the MCSP

Related:

[Agreement for Consultant Services between the City of Piedmont and JZMK Partners for the preparation of a Moraga Canyon Specific Plan, executed July 11, 2023.](#)

[First Amendment to the Agreement for Consultant Services between the City of Piedmont and JZMK Partners for the preparation of a Moraga Canyon Specific Plan, executed February 22, 2024.](#)

SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES

This Second Amendment to the Agreement (“Amendment”) is made and entered into on this 21st day of October 2024, (the “Effective Date”) by and between the City of Piedmont, a municipal corporation (hereinafter referred to as “City”) and JBZ, Inc. dba JZMK Partners, a “C” corporation, registered in the state of California (hereinafter referred to as “Consultant”). City and Consultant may be referred to individually as “Party” and collectively as the “Parties.”

R E C I T A L S

A. City and Consultant entered into an Agreement dated July 11, 2023 (“Original Agreement” and on February 21, 2024, the City entered into a First Amendment to the Agreement (collectively, the “Agreement”), under which Consultant provides certain services in connection with the completion, by December 1, 2025, of a Moraga Canyon Specific Plan.

B. The Parties now wish to: (1) amend the Agreement to update the scope of work to add services described in Exhibit A attached hereto and incorporated herein, and increase the not-to-exceed amount by \$79,377.00.

C. All capitalized terms not otherwise defined in this Amendment shall have the respective meanings provided in the Original Agreement.

A G R E E M E N T

NOW, THEREFORE, the parties hereto agree as follows:

1. The Parties agree that the Recitals set forth above are true and correct and are incorporated herein.
2. The parties hereby amend Section 1.1 of the Original Agreement to add additional services as more particularly described in Exhibit A, attached hereto and incorporated herein.
3. The parties hereby amend Section 2.1 of the Original Agreement to read as follows:

“Compensation for the Services shall not exceed \$682,177.00 (“Cost Ceiling”) without written amendment to this contract. The rates and costs shall be in accordance with Section F, Fee Schedule, of Exhibit A to the original Agreement, except that the rates for JZMK shall be in accordance with the Hourly Rates 2024 attached hereto and incorporated herein.”
4. Unless explicitly amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

[Signature Page Follows]

CONSULTANT

JZMK Partners

By: _____
Eric Zuziak, AIA, President, License #C22125

CITY

CITY OF PIEDMONT, a California municipal corporation

By: _____
Jennifer Cavanaugh, Mayor

ATTEST:

Anna Brown, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney
Deepa Sharma, Assistant City Attorney



October 10, 2024

City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

Moraga Canyon Specific Plan
JZMK Job#202329

Partners
Eric Zuziak
Anastacio Martinez
Andrew Watkins

Principals
Katja Martinez
Bryan Stadler

REQUEST FOR ADDITIONAL SERVICES – AS02

I. SCOPE OF SERVICES

Architect is authorized to proceed with the following professional services:

Scope:

1. Consultant team (JZMK, Rincon and Fehr & Peers) preparation and attendance at one (1) additional virtual Planning Commission Study Session on September 23, 2024.
2. Consultant team (JZMK and Sherwood) preparation and attendance at one (1) additional follow-up virtual Planning Commission Study Session. (targeted for October 14th if necessary)
3. Consultant team (JZMK, Rincon, EPS, Sherwood and Fehr & Peers) preparation and attendance at two (2) in-person City Council Study Sessions. (targeted for January and February 2025).
4. Consultant team (JZMK and Rincon) preparation and attendance at one additional in-person City Council Meeting as part of Specific Plan and EIR approval. (targeted for April 2025)
5. Consultant team will provide SB 18 Assistance for consultation with Native American Tribes as described in the attached scope from Rincon Consultants.
6. Consultant team will provide a Cultural Resources Study as described in the attached scope from Rincon Consultants.

II. ARCHITECT'S COMPENSATION

Client agrees to pay for services by phase as follows:

<u>Scope</u>	<u>Fee</u>
1. Planning Commission Study Session	\$9,191
2. Follow-up Planning Commission Study Session	\$4,595
3. Two (2) City Council Study Sessions	\$22,400
4. Additional City Council Meeting	\$9,191
5. SB 18 Assistance	\$16,500
6. Cultural Resources Study	\$17,500
Total:	\$79,377

III. PAYMENT FOR SERVICES

Billing for professional services will be on a monthly basis.

**WE WILL PROCEED WITH THE WORK ONCE THIS AUTHORIZATION HAS BEEN
EXECUTED AND RETURNED TO OUR OFFICE.**



October 9, 2024
Rincon Project No. 23-14195

Andrew Watkins
Principal, Director of Urban Design and Planning
JZMK Partners
3080 Bristol Street, Suite 350
Costa Mesa, California 92626
Via email: awatkins@jzmkpartners.com

Subject: Proposal to Add Services for the Moraga Canyon Specific Plan Project

Dear Mr. Watkins:

This letter is Rincon's proposal to add services to our existing agreement for the Moraga Canyon Specific Plan Project. The additional services respond to the City of Piedmont's request for assistance with required consultation with interested parties under Senate Bill (SB) 18 and an assessment of cultural resources in the immediate project vicinity.

We understand that the City is seeking support in the form of coordination for and attendance at SB 18 consultation meetings. Rincon's related work to date has identified the area of the project as sensitive for containing Tribal resources and cultural resources.

In addition, because the cemetery adjacent to Piedmont and the historic resource's extent into the city may not have been fully disclosed in the HEI EIR, the MCSP environmental analysis will need to provide SB 18 assistance to the City and to inform potential related Specific Plan policies or development standards.

New Task 9 Senate Bill 18 Assistance

Under SB 18 (California Government Code Section 65352.3 and 65352.4), the City, as the CEQA lead agency, is required to begin consultation with California Native American Tribes that are traditionally and culturally affiliated with the project site, when adopting and amending General Plan or Specific Plan. Rincon will provide the following SB 18 support:

- Request a SB 18 list from the Native American Heritage Commission
- Draft consultation letters on behalf of the City
- Provide a consultation assistance package
- Review consultation responses
- Provide consultation support
- Prepare for and participate in up to two consultation meetings

In addition to the above tasks Rincon will assist the City in general consultation with Native American Tribes beyond the initial letter invitations required by SB 18 (California Government Code Section



65352.3 and 65352.4). Rincon will aid the City in language use, methodology, emails, and formal letter replies, and in-person communication between the City and all interested Tribal groups. To date, five of the Tribes contacted have responded and four have requested further information and/or consultation with the City. No responses have been received from four of the tribes and the consultation window will close on October 23, 2024. For the purposes of this scope of work, Rincon assumes 62 hours for SB 18 consultation assistance including advising on responses to Tribes, preparing for consultation meetings, participating in consultation meetings, and preparing notes and follow-up emails after meetings.

Rincon assumes the City will officially contact all applicable Tribes.

New Task 10 Cultural Resources Study

This task includes the subtasks that will support policies for the cultural resources section of the EIR MCSP environmental analysis.

Task 10.1 California Historical Resources Information System Records Search

Rincon will request a California Historical Resources Information System (CHRIS) records search of the project site and a 0.25-mile radius at the Northwest Information Center (NWIC) located at Sonoma State University. The primary purpose of the records search is to identify previously recorded cultural resources known to exist within or near the project site. In addition to the resource records and reports, an examination will be made of historical maps, the National Register of Historic Places, California Register of Historical Resources, the Built Environment Resources Directory, the Archaeological Determinations of Eligibility list, and the listing of California Historical Landmarks. The records search will also reveal the nature and extent of any cultural resources work conducted in or near the project site. The records search identified the Mountain View Cemetery (P-01-011355) within the Moraga Canyon project boundary and a Native American archaeological site (P-01-010791) 0.43 miles east of the project site.

Task 10.2 Native American Heritage Commission Sacred Lands File Request

On behalf of the City, Rincon will contact the Native American Heritage Commission (NAHC) to request a Sacred Lands File (SLF) search. The results of the SLF search will be documented in the cultural resources report.

Task 10.3 Mountain View Cemetery Boundary Assessment

Mountain View Cemetery has been identified as a cultural resource within the Moraga Canyon project boundary. The cemetery has been evaluated for the National Register of Historic Places on Department of Parks and Recreation 523 Forms and recommended eligible for inclusion in the NRHP (though it appears there is no determination of eligibility from the State Office of Historic Preservation and the resource is not on the local register, however it is a historical resources for purposes of CEQA). In addition, a Native American cultural resource has been recorded approximately 0.43 miles west of the project site and within the cemetery boundaries, this cultural resource has not been evaluated for the NRHP. The NRHP evaluation of the cemetery identified the cemetery's "sense of place" as a significant aspect of the cemetery and development in the Moraga Canyon has the potential to have a substantial adverse change in the significance of this resource. Rincon will complete an assessment of the cemetery boundary that will include, but not be limited to, the following:

- A. Contact the National Park Service and the State Historic Preservation Office for confirmation of the cemetery's NRHP status and any additional information about the significance and character defining features of the resource.



- B. Contact the City of Piedmont, city of Oakland and Mountain View Cemetery to request maps depicting historical and current limits of the resource. Present this research in a DPR Form update that will be appended to the Cultural Resources Technical Report.
- C. Provide recommendations and draft policies regarding future development projects within the Plan Area relative to avoiding direct or indirect impacts to cultural resources (i.e., viewsheds, noise, and vibration).

Task 10.4 Cultural Resources Survey

Due to the presence of cultural and tribal resources within the project site, Rincon will conduct an archaeological and architectural pedestrian survey of accessible areas within the 22.78-acre project site. No areas over approximately 25 percent grade will be surveyed due to safety concerns. These areas will be visually inspected from a safe location using binoculars. A cultural resources survey will address cultural resource identification efforts required by CEQA and address the concerns of the Native American Tribes that have consulted to date. Two Rincon cultural resources specialists will conduct a pedestrian survey using transects spaced at maximum intervals of 15 meters over all exposed ground surface within the survey area. Transect accuracy will be maintained through use of a hand-held global positioning system (GPS) unit. For the purposes of this scope of work, Rincon assumes no cultural resources, other than P-01-011355, will be identified. Should additional cultural resources be identified during the survey, a scope and budget augmentation will be submitted. No testing or evaluation will be conducted, nor will any artifacts, samples, or specimens be collected during the survey.

Task 10.5 Cultural Resources Report

Upon completion of the archival research, and cultural resources survey, Rincon will prepare a Cultural Resources Technical Report. The report will include a project description, background research results, known resources, SB 18 consultation log, applicable figures, and draft policies for cultural resources. Draft copies of the report (digital) will be submitted to the City for review and approval within four weeks of receiving archival materials. Rincon assumes two rounds of comments from the City. Once reviewed, digital copies of the final report will be prepared and submitted. A copy of the final report will be filed with the NWIC to satisfy the requirements of the NWIC user access agreement.

Due to the sensitive nature of archaeological resource information, cultural resources reports are typically considered confidential. Rincon assumes the technical report will be considered confidential and will not be suitable for public review. Rincon will also produce a nonconfidential version of the technical report that may be appended to the environmental document. All confidential information regarding archaeological resources will be redacted from the nonconfidential version.

Assumptions

- If more than 62 hours for consultation assistance is required, then a budget scope and augment will be necessary.
- Rincon assumes that all meetings will be held virtually, if in-person meetings are required, a scope and budget augment will be necessary. Rincon assumes that no additional tribal and/or cultural resources will be identified as a result of the background research and Native American consultation. If additional resources are identified, a scope and budget augment will be necessary.
- Permission to enter this area will be provided at notice to proceed.
- Direct expenses associated with the records search will not exceed \$850. Record search requests at (NWIC) are typically fulfilled in 4-6 weeks. If the records search results will have schedule or budget ramifications, it will be communicated to City staff in a timely manner to effectively maintain the project schedule and allow the City to manage project risk effectively.



Partners
Eric Zuziak
Cachi Martinez

Principals
Katja Martinez
Bryan Stadler
Andrew Watkins

HOURLY RATES - 2024

Average hourly billable rates for:

Partner	\$310.00
Principal	\$260.00
Studio Manager/Director	\$240.00
Senior Designer/Senior Project Manager	\$220.00
Project Manager	\$210.00
Senior Planner	\$200.00
Planner 2	\$180.00
Senior Job Captain	\$175.00
Job Captain	\$170.00
Intermediate Designer	\$165.00
Technical Designer/ Planner 1	\$150.00
Project Accountant/Graphic Designer/Intern	\$120.00
Administrative	\$100.00

**Tentative Schedule for the Moraga Canyon Specific Plan
Meetings Subsequent to City Council Direction on March 18, 2024**

Completed Meetings

August 12, 2024	Planning Commission Study Session
September 23, 2024	Planning Commission Study Session
October 14, 2024	Planning Commission Study Session

Late 2024	Posting of Draft Moraga Canyon Specific Plan
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Upcoming Meetings

Jan. or Feb. 2025	Park Commission recommendation
Jan. or Feb. 2025	Recreation Commission recommendation
Jan. 2025	City Council Study Session
Feb. 2025	City Council Study Session
March 2025	Planning Commission recommendation
April 2025	two City Council meetings considering adoption of MCSP