

FIRST AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT (“**First Amendment to Agreement**”) is entered into this 24th day of August 2020, by and between CITY OF ALAMEDA, a municipal corporation (the “**City**”), and City Con Text, a sole proprietorship, whose address is 361 Fairmount Ave., Apt. 7, Oakland, CA 94611 (“**Provider**”), in reference to the following:

RECITALS:

A. On February 25, 2019, an agreement was entered into by and between City and Provider (hereinafter "Agreement") with compensation not to exceed \$50,000.00.

B. City and Provider desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the foregoing, which are incorporated herein by reference, and for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and Provider agree as follows:

1. Paragraph 2 “Services to be Performed” of the Agreement is modified to read as follows:

Provider agrees to do all necessary work at its own cost and expense, to furnish all labor, tools, equipment, materials, except as otherwise specified, and to do all necessary work included in Exhibit A and Exhibit B as requested. The Provider acknowledges that the work plan included in Exhibit A and Exhibit B is tentative and does not commit the City to request Provider to perform all tasks included therein.

2. Paragraph 3 “Compensation to Provider” of the Agreement is modified to read as follows:

“a. By the 7th day of each month, Provider shall submit to the City an invoice for the total amount of work done the previous month. Pricing and accounting of charges are to be according to the fee schedule as set forth in Exhibit A and Exhibit B and incorporated herein by reference. Extra work must be approved in writing by the Planning & Building Director or designee prior to performance and shall be paid on a Time and Material basis as set forth in Exhibit B.

“b. The total compensation for the work under this Amendment is not to exceed \$23,920.00. Total compensation for the work under this Agreement is not to exceed \$73,920.00.”

3. Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused First Amendment to Agreement to be executed on the day and year first above written.

City Context
A sole proprietorship



Heather Coleman

CITY OF ALAMEDA
A Municipal Corporation



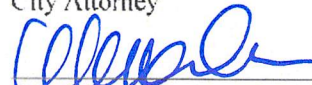
Eric J. Levitt
City Manager

RECOMMENDED FOR APPROVAL:

Andrew Thomas

Andrew Thomas
Planning, Building & Transportation Director

APPROVED AS TO FORM:
City Attorney



Celena H. Chen
Chief Planning Counsel

EXHIBIT B: Amended Scope of Work for Planning Services City ConText July 23, 2020

The City of Alameda has identified a number of zoning ordinance amendments and other long-range planning projects for which it needs assistance. Planning Services Division staff have prioritized the following three projects to be undertaken first: commercial zoning districts reorganization, objective design review standards, and residential zoning districts reorganization. For each of these projects, this scope of work includes a project description, a breakdown of tasks, and time and cost estimates.

1. COMMERCIAL ZONING DISTRICTS REORGANIZATION

Project Description

Develop a zoning text amendment to:

- Consolidate regulations for the commercial and industrial districts (C1, C2, CC, CM, M1, and M2), which currently occupy six chapters of the AMC, into a single chapter. Improve format of regulations, using tables to clarify the regulations and enhance the ordinance’s usability.
- Convert the use regulations for each commercial and industrial district, which currently consist of long lists of specific business types, into a single use regulation table, based on the format and terms used in newer districts such as North Park Street and Alameda Point.
- *Optional: Add definitions for land use listings that are currently undefined. Update land use definitions as needed to reflect current industry and coordinate with State law. Group similar uses together for easy comparison and classification.*

Tasks; Time and Cost Estimates

Tasks	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Task 1: Start-up and Background Research			
Review existing regulations for the C1, C2, CC, CM, M1, and M2 districts (Sections 30-4.8 to 30-4.12 of the AMC). Identify any issues and alternatives that will arise in the zoning amendment process.	6	\$690	List of issues, options, and questions for staff
Correspond with staff to resolve questions and determine preferred approaches.	2	\$230	1 meeting or call

Scope of Work
City ConText

Tasks	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Task 2: Code Development			
<i>Overview: Develop a consolidated commercial districts chapter through research and analysis, preparation of initial drafts, and work sessions with Planning staff.</i>			
Compile a land use regulation table for the C and M districts based on the use listings from Alameda Point and North Park Street. Prepare a table to identify how current use listings in C and M districts will correspond with the new use listings. Identify any uses that will not readily correspond and flag for Planning staff review.	20	\$2,300	Use correspondence table Draft use regulation table
Meet with Planning staff to review the use regulation tables and assign/determine use regulations in cases where old and new use listings do not correspond. (up to 3 work sessions @ 2 hours each)	6	\$690	3 work sessions
<i>Optional: Identify any use listings that are not defined. Write definitions for undefined terms. Group similar terms under headings to facilitate understanding of differences among terms. Provide to Planning staff for review.</i>	20	\$2,300 (3)	<i>Draft definitions</i>
<i>Optional: Meet with Planning staff to review the draft use definitions (up to 2 work sessions @ 2 hours each).</i>	4	\$460 (3)	<i>2 work sessions</i>
Consolidate existing development standards for the C and M districts into a table. Provide to Planning staff for review.	6	\$690	Draft development standards table
Work with Planning staff to resolve issues in the development standards table (up to 2 work sessions @ 2 hours each).	4	\$460	2 work sessions
Review all staff comments on draft regulations, revise as needed, and compile into text of consolidated C and M districts chapter.	6	\$690	Draft C and M districts chapter
Consult with City Attorney's Office, as needed.	2	\$230	
Task 3: Preparation of Draft Zoning Amendment and Accompanying Documents			
Prepare text of zoning amendment for consolidated commercial districts chapter.	6	\$690	Zoning text amendment
Write resolution to accompany zoning text amendment.	2	\$230	Resolution
Task 4: Public Hearings			
Planning Board scheduling and coordination.	1	\$115	
Write staff report for Planning Board.	4	\$460	Staff report
Respond to public inquiries and review public comments.	2	\$230	
Prepare PowerPoint presentation for Planning Board.	3	\$345	PowerPoint
Attend and make presentation at Planning Board.	3	\$345	1 hearing
Revise zoning text amendment, as needed, based on Planning Board comments.	4	\$460	Revised zoning text amendment
Write brief staff report for City Council.	3	\$345	Staff report
Revise PowerPoint, as needed, for City Council.	1	\$115	PowerPoint
Attend and make presentation at City Council Hearing.	3	\$345	1 hearing

Tasks	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Task 5: Final Zoning Amendments			
Based on City Council action, prepare the final zoning amendments. Coordinate with City Clerk for publication.	2	\$230	Final zoning text amendment
TOTAL ESTIMATED PROJECT COST	86	\$9,890	
Cost Assumptions: 1. Cost based on hourly rate of \$115 for Heather Coleman, Senior Planner. 2. Staff and consultant may agree to hold additional meetings, as needed. 3. Optional tasks are not included in the estimated total cost for the project.			

2. OBJECTIVE DESIGN REVIEW STANDARDS

Background and Project Description

The Planning Board (PB) approved the Objective Design Review Standards (ODRS) at its hearing of 2/10/20 but directed staff to continue refining the standards and return in six months. As directed by PB, the Consultant will work with staff, citizens, and stakeholders to revise the standards.

Build on previous work conducted since the 2/10/20 PB hearing, which has included:

- Contacting affordable housing developers, including the Alameda Housing Authority and Habitat for Humanity, to seek input on the adopted ODRS, particularly regarding anticipated costs of meeting specific standards. (These developers haven't yet provided input.)
- Contacting citizens' and business associations, including Alameda Architectural Preservation Society (AAPS) and West Alameda Business Association (WABA) to seek input on the adopted ODRS.
- Outlining a special section of the ODRS that would apply just to Webster Street in order to incorporate guidelines from the Webster Street Design Manual (WSDM) that WABA requested. (In conversation with senior Planning staff, decided to present the PB with an outline of a Webster Street section as an alternative and let PB determine whether to develop it further. There was a concern with further expanding the regulations.)
- Revising and elaborating the "neighborhood context" standards and sending a revised draft to AAPS. Revising the way that "neighborhood context area" is determined and creating graphics to illustrate the context area. Also incorporating AAPS's request to include provisions for architectural style. Corresponding with and receiving responses from AAPS.
- Meeting with senior Planning staff to discuss neighborhood context standards and housing affordability issues.
- Reviewing a proposed project by Habitat for Humanity with the adopted ODRS. In the course of applying the adopted ODRS to a project, identified a number of areas where standards could be tightened up and clarified, particularly the front door orientation requirements.

SB2 Grant Correspondence

This project corresponds with Item IIA, Multifamily Residential Standards, in the Project Description for the SB2 Planning Grant that the City of Alameda received.

Tasks; Time and Cost Estimates

Task	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Task 1: Revise Standards			
<i>Overall description: Work with staff, citizens' and business groups, and affordable housing developers, to revise the adopted Objective Design Review Standards (ODRS).</i>			
Neighborhood Context section: <ul style="list-style-type: none"> - Review the most recent comments on "Neighborhood Context" section submitted by AAPS and determine if/how to incorporate AAPS's requests. - Discuss alternatives, particularly for defining "context area," with staff. - Revise text of standards. - Revise graphics illustrating "context area." - Obtain and discuss staff feedback on revised standards. 	15	\$1,725	Revised standards and illustrations 1 meeting or call
Webster Street standards: <ul style="list-style-type: none"> - Refine outline of new section, which would incorporate more standards from Webster Street Design Manual. - Correspond with business association to inform of approach, respond to feedback. 	4	\$460	Revised outline of section
Results of Review of HH Project: <ul style="list-style-type: none"> - Refine standards, particularly for front entry orientation, based on review of Habitat for Humanity project, which identified where standards could be clarified. 	5	\$575	Revised standards
Direction from PB Members: <ul style="list-style-type: none"> - Review recommendations by PB members for additional standards, such as for landscaping and underground parking. Decide how and whether to incorporate. 	5	\$575	Revised standards
Affordable Housing Developers' Input: <ul style="list-style-type: none"> - Contact affordable housing developers, solicit input on revised standards. Schedule phone or video call if desired. - Revise standards based on input. 	10	\$1,150	Revised standards 1 meeting or call
Optional: Graphics <ul style="list-style-type: none"> - <i>Develop graphics to illustrate key standards.</i> 	20 (3)	\$2300	<i>Illustrations</i>
Public Review Draft: <ul style="list-style-type: none"> - Incorporate all changes into a complete revised draft for PB review. 	5	\$575	Public review draft for PB
Task 2: Public Hearing			
Planning Board scheduling and coordination.	1	\$115	
Write staff report for Planning Board.	4	\$460	Staff report

Task	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Respond to public inquiries and respond to public comments on proposed standards.	3	\$345	
Prepare PowerPoint presentation for Planning Board.	3	\$345	PowerPoint
Attend and make presentation at Planning Board.	3	\$345	1 hearing
Task 3: Final Document			
Prepare the final document, incorporating any changes from PB hearing and adoption.	3	\$345	Final document
TOTAL ESTIMATED PROJECT COST	61	\$7,015	
Cost Assumptions: 1. Cost based on hourly rate of \$115 for Heather Coleman, Senior Planner. 2. Staff and consultant may agree to hold additional meetings, as needed. 3. Optional tasks are not included in the estimated total cost for the project.			

3. RESIDENTIAL ZONING DISTRICTS REORGANIZATION

Background and Project Description

Build on previous work by consultant and City staff to:

- Consolidate regulations for the residential districts into a single chapter of the AMC.
- Add and revise definitions for residential uses, as well as for nonresidential uses that are permitted or conditionally permitted in residential zones.
- Develop standards for year-round and incidental emergency shelters (“warming centers”).

Revise previous drafts according to:

- Any new City policies (e.g., Land Use Element Update, City Charter).
- Any relevant changes to State law.
- Any decisions from the commercial districts reorganization, for code consistency.
- Any new regulations for incidental shelters published by other cities.

SB2 Planning Grant Correspondence

This project corresponds with part of the proposed work program for the City of Alameda’s SB2 Planning Grant. Specifically, it corresponds with Item IIID, Critical Housing Types—Land Use Definitions and Regulations. This work includes updating land use definitions and regulations for critical housing types such as supportive housing, housing for people with special needs, assisted living/residential care facilities for seniors, and “warming centers” for homeless individuals and families.

Tasks; Time and Cost Estimates

Tasks	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Task 1: Start-up and Background Research			
Meet with Planning staff to review goals and components of project.	1	\$115	1 meeting or call
Review the following to see how they will affect the zoning amendment: <ul style="list-style-type: none"> – Any relevant changes to State law since last work. – Any relevant changes to City policies (e.g., General Plan updates, City Charter). – Any formatting/organizational decisions made in commercial districts reorganization project. – Any new regulations that other cities that have developed for incidental shelters. 	8	\$920	
Task 2: Code Development			
<i>Overview: Based on input from staff and any changes to State and local policies and regulations, revise previous drafts. Continue to work with Planning staff, through virtual meetings and email correspondence, to develop the zoning text amendments.</i>			
Revise the draft residential districts chapter. Send to staff for review.	4	\$460	Draft residential chapter
Work session with staff on residential districts chapter (2 work sessions @ 2 hrs).	4	\$460	2 work sessions
Revise use definitions for residential uses and nonresidential uses found in residential zones. Include definitions for "critical housing types" such as senior residential care (assisted living).	10	\$1,150	Draft use definitions
Work session with staff on use definitions relevant to residential districts (2 work sessions @ 2 hrs).	4	\$460	2 work sessions
Revise standards for emergency shelters and incidental shelters ("warming centers").	2	\$230	Draft standards for shelters
Work session with staff on standards for emergency shelters and incidental shelters. (1 work session @ 2 hrs)	2	\$230	1 work session
Consult with City Attorney's Office, as needed.	2	\$230	
Task 3: Preparation of Zoning Amendments and Accompanying Documents			
Prepare text of zoning amendments, consisting of: <ul style="list-style-type: none"> – Residential districts chapter – Updated land use definitions – Standards for shelters 	8	\$920	Zoning text amendment (public review draft)
Write resolution to accompany zoning text amendment	2	\$230	Resolution
Task 4: Public Hearings			
Planning Board scheduling and coordination.	1	\$115	
Write staff report for Planning Board.	4	\$460	Staff report
Respond to public inquiries and review public comments.	3	\$345	

Tasks	Est. Hours	Est. Cost (1)	Products and Meetings (2)
Prepare PowerPoint presentation for Planning Board.	3	\$345	PowerPoint
Attend and make presentation at Planning Board.	3	\$345	1 hearing
TOTAL ESTIMATED PROJECT COST	61	\$7015	
Cost Assumptions: 1. Cost based on hourly rate of \$115 for Heather Coleman, Senior Planner. 2. Staff and consultant may agree to hold additional meetings, as needed.			

4. ADDITIONAL PLANNING PROJECTS AND SERVICES

The projects described in this scope of work are drawn from a longer list of zoning amendments that staff has identified a need for. Additional ordinance updates and amendments could address parking requirements, sign regulations, appeals provisions, enforcement processes, the subdivision ordinance, and minor land divisions for flag lots, reasonable accommodations, or other topics. Consultant is qualified and available to provide services on additional zoning amendments and other long-range planning projects that arise.

Consultant is also qualified and available to provide current planning services, including review of small and large development projects and public zoning information and assistance.

Fee Schedule

Billing Rate for Services

Title	Billing Rate
Senior Planner (Heather Coleman)	\$115/hour

Expenses

Printing and Copying

Consultant will provide camera-ready copy and digital files of documents in Word and Adobe PDF formats and assume that City staff will be responsible for printing and distribution. However, if the City requests hard copies of any products, these will be billed at the cost of printing and reproduction.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/24/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hiscox Inc. d/b/a/ Hiscox Insurance Agency in CA 520 Madison Avenue 32nd Floor New York, NY 10022	CONTACT NAME: PHONE (A/C, No, Ext): (888) 202-3007 E-MAIL ADDRESS: contact@hiscox.com FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE INSURER A : Hiscox Insurance Company Inc INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
INSURED City ConText 361 Fairmount Ave Apt 7 Oakland, CA 94611	NAIC # 10200

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR VVVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			UDC-2002788-BOP-20	06/20/2020	06/20/2021	EACH OCCURRENCE	\$ 2,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input checked="" type="checkbox"/> CGL is on BOP Form						MED EXP (Any one person)	\$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	Y	Y				PERSONAL & ADV INJURY	\$ S/T Each Occ.
	OTHER:						GENERAL AGGREGATE	\$ 4,000,000
							PRODUCTS - COMP/OP AGG	\$ S/T Gen. Agg.
								\$
A	AUTOMOBILE LIABILITY			UDC-2002788-BOP-20	06/20/2020	06/20/2021	COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	DED							\$
	RETENTION \$							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/>	N/A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Services provided as per city's request

OK 8/17/20
 JL

CERTIFICATE HOLDER**CANCELLATION**

City of Alameda it's directors, officers, employees, and agents 2263 Santa Clara Ave Alameda Ca 94501	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Policy Number: UDC-2002788-BOP-20
Named Insured: City ConText
Endorsement Number: 16
Endorsement Effective: June 20, 2020

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**BLANKET ADDITIONAL INSURED –LESSORS OF PREMISES,
CLIENTS**

BUSINESSOWNERS COVERAGE FORM

A. The following is added to Paragraph C. Who Is An Insured in Section II – Liability:

3. If you have agreed in a written contract or agreement to add them as an additional insured to a policy providing the type of coverage afforded by this insurance, the following persons or organizations are added to this policy as additional insureds:

a. Any person or organization from whom you lease any premises, but only with respect to liability arising out the ownership, maintenance, or use of that part of the premises leased to you.

However, this insurance does not apply to any structural alterations, new construction, or demolition operations performed by or on behalf of the additional insured.

A person or organization's status as an additional insured under this subsection a. ends when you cease to be a tenant in the premises.

b. Any person or organization for whom you are performing operations, but only with respect to liability arising out of:

(1) Your acts or omissions or of those acting on your behalf; and

(2) The performance of your ongoing operations for the additional insured.

A person or organization's status as an additional insured under this subsection b. ends when your operations for that additional insured are completed.



Hiscox Insurance Company Inc.

Policy Number: UDC-2002788-BOP-20
Named Insured: City ConText
Endorsement Number: 17
Endorsement Effective: June 20, 2020

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

City of Alameda its directors, officers, employees, and agents
2263 Santa Clara Ave
Alameda, CA 94501

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph **C. Who Is An Insured** in **Section II – Liability**:

- Any person(s) or organization(s) shown in the Schedule is also an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf in the performance of your ongoing operations or in connection with your premises owned by or rented to you.