



Agenda Report

19-1515

Agenda Date: 1/15/2019

REPORT TO COUNCIL

SUBJECT

Action on Amendment No 2. to the Agreement for Professional Services with Perkins + Will for preparation of the Tasman East Specific Plan and Related Budget Amendment

BACKGROUND

The Tasman East Specific Plan will guide the transition of an underutilized 45-acre industrial neighborhood east of the Lawrence Caltrain Station into a pedestrian-friendly, transit oriented development, providing for the addition of 4,500 new residential units in close proximity to transit and jobs. Preparation of the Tasman East Specific Plan is called for in the General Plan as a prerequisite to the redevelopment of this low-intensity industrial area for residential use.

The Specific Plan is intended to support the development of a lively neighborhood that along with the 4,500 new residential dwelling units, also incorporates approximately 100,000 square feet of neighborhood-oriented and convenience retail and 10 acres of open space including various outdoor recreational facilities and landscape features, such as a community garden, a public plaza, pocket parks and paseos.

On April 18, 2016, the City Council awarded a \$759,425 contract to Perkins + Will to assist staff with preparation of the Specific Plan along with preparation of an associated EIR. On October 24, 2017, the City Council approved Amendment No. 1 to the Agreement for Professional Services with Perkins + Will, Inc. Amendment No. 1 Increased the total Not-to-Exceed amount by \$194,870 to a total amount of \$954,295 to allow completion of the Tasman East Specific Plan and associated Environmental Impact Report (EIR), which included additional traffic modeling to update the traffic impact analysis, updating of the air quality and noise technical reports, and providing an alternative technical analysis to determine the Plan's impact on greenhouse gas emissions, as well as to make substantial text revisions to the EIR and the Specific Plan documents.

DISCUSSION

Staff is recommending that the City Council approve a contract amendment to allow for payment to the Perkins + Will for the final costs of the Plan preparation, including additional outreach with key stakeholders and environmental analysis that was needed to complete the Specific Plan process. The proposed contract amendment for \$186,587 would increase the total consultant costs to \$1,140,882 for the preparation of the Specific Plan and associated EIR. The increased costs correspond to an increase in the consultant work scope to address expanded review of the Specific Plan design standards with developer stakeholders, additional analysis of the roadway network modifications, a request from the Santa Clara Unified School District to analyze a 600-student school within the plan, and land use plan revisions to accommodate additional parkland requirements which arose from City Council feedback at study sessions.

The additional services include consultant support at public meetings and with the developer stakeholder group, preparation of responses to stakeholders and staff as part of input and review on the Specific Plan process, rewriting portions of the EIR in response to the expanded scope, including the need to describe and analyze a possible 600-student school, and preparation of the Final EIR including in depth coordination with the City's outside counsel.

California Government Code section 65456 allows cities to recover costs for preparation, adoption, and administration of a Specific Plan, which includes preparation of the supporting EIR including the additional contract costs described in this Report. Government Code 66016(a) states that proposed fee information should be available to the public at least 10 days in advance of a public meeting on the topic. Current project applicants within the Tasman East Specific Plan area have been notified of the fee and had an opportunity to discuss the fee with City staff. The developers who will pay this fee directly benefit from the expanded project scope in that it provides for additional engagement between them and the project consultant and preparation of a better EIR document to support their future development activities. The Specific Plan provides strong design direction for development proposals and is the foundation of a clear, streamlined approval development approval process.

ENVIRONMENTAL REVIEW

The Tasman East Specific Plan was analyzed under an Environmental Impact Report (EIR) adopted and certified by the City Council on November 13, 2018.

FISCAL IMPACT

The amended agreement will cost an additional \$186,587. Private entities will process entitlements for their project sites subsequent to the adoption of the specific plan and EIR, and will be responsible for the payment of a specific plan fee that will reimburse the City's Building Inspection Reserves account, as applicable.

BUDGET AMENDMENT FY 2018/19

	Current	Increase/ (Decrease)	Revised
<u>Fund 063 - Building Inspection Reserves</u>			
<u>Transfers Out</u>			
Intra Trs Out - Misc (89990-(I)TO25B)	\$3,177,658	\$186,587	\$3,364,245
<u>Reserve</u>			
Reserve Account (44465)	\$12,741,482	(\$186,587)	\$12,554,895

Fund 001 - General Fund

<u>Transfers In</u>			
Intra Trs In - Misc (59940-(I)TO025A)	\$3,177,658	\$186,587	\$3,364,245
<u>Expenditures</u>			
Program 5523 (Advanced Planning)			

Contractual Srvcs (87870)	\$325,500	\$186,587	\$512,087
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COORDINATION

The proposed contract amendment was coordinated with the City Attorney's Office and the Finance Department.

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>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve and authorize the City Manager to execute Amendment No. 2 to the Agreement for Professional Services with Perkins + Will, Inc. to complete the Tasman East Specific Plan and Environmental Impact Report (EIR), increasing the not-to-exceed cost by \$186,587 to a revised total of \$1,140,882; and
2. Approve appropriations of an additional \$186,587 in contractual services for the Tasman East Specific Plan funded by a transfer from the Building Inspection Reserves account.

Reviewed by: Andrew Crabtree, Director, Community Development Department

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Perkins + Will draft Contract Amendment No. 2
2. Perkins + Will fully executed agreement for Tasman East
2. Perkins + Will Contract Amendment No.1

**AMENDMENT NO. 2
TO THE AGREEMENT FOR SERVICES
BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
PERKINS + WILL, INC.**

PREAMBLE

This agreement ("Amendment No. 2") is entered into between the City of Santa Clara, California, a chartered California municipal corporation (City) and Perkins + Will, Inc., a Delaware corporation, (Contractor). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

- A. The Parties previously entered into an agreement entitled "Agreement for Professional Services by and between the City of Santa Clara, California, and Perkins + Will, Inc.", dated April 28, 2016 (the "Original Agreement");
- B. The Original Agreement was previously amended by Amendment No. 1, dated October 27, 2017, and is again amended by this Amendment No. 2. The Original Agreement and all previous amendments are collectively referred to herein as the "Original Agreement as Amended"; and
- C. The Parties entered into the Original Agreement for the purpose of having Contractor provide professional services for the creation of a Tasman East Specific Plan and supporting Environmental Impact Report, and the Parties now wish to amend the Original Agreement to expand upon the original Scope of Services.

The Parties agree as follows:

AGREEMENT TERMS AND CONDITIONS

1. AMENDMENT TERMS AND CONDITIONS

That Exhibit A, "Scope of Services," is appended to include additional services from Perkins + Will, Inc., David J. Powers and Associates, and Fehr & Peers as described in the attached document entitled "Tasman East Focus Area Plan Additional Services" dated November 5, 2018.

That Exhibit B, "Fee Schedule," is appended to include additional cost details from Perkins + Will, Inc., David J. Powers and Associates, and Fehr & Peers as described in the attached "Tasman East Basic and Additional Services Fee Schedule." The original Fee Schedule is hereby amended by increasing the total payment by one hundred eighty six thousand five hundred eighty seven dollars (\$186,587), for a new total not to exceed amount of one million one hundred forty thousand eight hundred eighty two dollars (\$1,140,882).

2. TERMS

All other terms of the Original Agreement which are not in conflict with the provisions of this Amendment No. 2 shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement and this Amendment No. 2, the provisions of this Amendment No. 2 shall control.

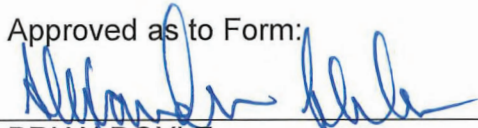
3. COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 2 as evidenced by the following signatures of their duly authorized representatives.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

Approved as to Form:


BRIAN DOYLE
City Attorney

Dated:


DEANNA J. SANTANA
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

PERKINS + WILL, INC.
a Delaware corporation

Dated: 02.04.2019

By (Signature): 

Name: Geeti Silwal

Title: Principal-in-Charge

Principal Place of Business Address: 2 Bryant Street, Suite 300
San Francisco, CA 94105

Email Address: Geeti.silwal@perkinswill.com

Telephone: (415) 856-3000

Fax: (415) 856-3001

"CONTRACTOR"

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TASMAN EAST FOCUS AREA PLAN ADDITIONAL SERVICES

November 5, 2018

Perkins + Will

TASK 9: Ongoing professional services during extended Traffic Assessment Analysis Task.

TASK 10: Prepare for, attend and issue summary report for second developer meeting early May 2018 and incorporate any agreed revisions to the draft Specific Plan report.

TASK 11: Prepare for and attend second City Council study session June 26 2018.

TASK 12: Respond to multiple rounds of partial stakeholder and City staff comments on second draft report and reissue draft report for review and discussion at various City staff/stakeholder meetings May and June 2018.

TASK 13: Prepare for and attend third City Council study session early September 2018.

TASK 14: Allow for final round of comments from Developers/Stakeholders to ensure compatibility of Design Intent and Guidelines with known developer proposals. Finalize report upon completion of all negotiations and agreed revisions with developers.

TASK 15: Prepare two street level renderings indicating scale, character and location of potential development, including streetscape improvements and any public open space which may appear in the selected viewpoints. P+W to work with City staff to select rendering viewpoints.

TASK 16: Attend 4 meetings with developers at City Hall in August and September 2018 to review developer concerns regarding building controls, open space and TDM measures.

TASK 17: Prepare for and attend Planning Commission study session September 2018 and Planning Commission hearing October 2018.

David J. Powers and Associates

Service CA2.1: Following initiation of the EIR preparation, the project description was modified to include a 600 student school within the Plan Area which required circulation of a revised NOP and review of additional public comments on the project. Three iterations of the proposed Specific Plan have also been prepared, requiring review of the project details to ensure the accuracy of the EIR project description and impact analysis. The project has also required review of several iterations of the transportation impact analysis scope of work and review of multiple iterations of the draft transportation impact analysis. Our original scope of work also assumed the Specific Plan EIR process would be completed in one year. The current total estimated schedule for the EIR is 2.5 years which has contributed to the need for additional effort to complete the EIR process.

Service CA2.2: This budget amendment request covers work to complete the Draft EIR and Final EIR for the project. Completion of the Draft EIR required a significant amount of coordination with the City and their outside counsel to revise administrative drafts of the document and finalize the Draft EIR. The work included additional services by the project biologists to reach conclusions on the impacts of the project and discuss their findings with the City. Those services included responding to several rounds of comments on the biological resources report, participating in conference calls, and performing additional analyses related to the potential for birds to collide with tall buildings and for tall buildings to reduce habitat quality in adjacent areas. DJP&A review and coordination of revised Specific Plan roadway network exhibits and attendance at additional meetings and conference calls was also required. This contract amendment assumes approximately 89 hours of DJP&A staff time to complete the Final EIR for the project, attend coordination meetings, and attend hearings for the Specific Plan. The cost to complete the Final EIR is anticipated to be \$15,125 for DJP&A staff time and \$5,382 for the additional biological services, a total of \$20,507. This cost estimate assumes that comments received on the Draft EIR for the Specific Plan do not exceed 25 total pages in length or result in the need for additional technical analysis.

Fehr+Peers

Additional transportation impacts analysis as requested by City DOT staff.

TASMAN EAST BASIC AND ADDITIONAL SERVICES FEE SCHEDULE

5-Nov-18

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