



## Agenda Report

19-736

Agenda Date: 8/20/2019

### REPORT TO COUNCIL

#### SUBJECT

Action on Amendment No 3. to the Agreement for Professional Services with Perkins + Will for Amendments to the Tasman East Specific Plan

#### BACKGROUND

On November 13, 2018, the City Council adopted the Tasman East Specific Plan to 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 near transit and jobs. The Specific Plan 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. As a result of these features, there has been strong development interest within the Specific Plan. To date, there are currently nine projects in the architectural review process with the City that collectively would allow construction of a total of 3,549 residential units.

On April 18, 2016, the City Council awarded a contract to Perkins + Will to assist staff with preparation of the Specific Plan and an associated Environmental Impact Report (EIR). The contract was amended in October 2017 to complete additional traffic modeling in order to update the traffic impact analysis, update the air quality and noise technical reports, provide alternative technical analysis to determine the Plan's impact on greenhouse gas emissions and make substantial text revisions to the EIR as well as the Specific Plan documents. In January 2019, the contract was again amended to perform additional outreach with key stakeholders and environmental analysis that was needed to complete the Specific Plan process.

#### DISCUSSION

As the City has moved into implementation of the Specific Plan, working with Tasman East property owners, staff is recommending a modification of the Specific Plan to allow the Primavera sewer lift station to be maintained at its current location. As a result, the proposed extension of Calle del Sol would be implemented as a pedestrian paseo rather than a vehicular street. The proposed contract amendment would allow the consultant to complete additional analysis related to maintaining the Primavera sewer lift station in its current location and reconfiguring the Calle del Sol extension into a pedestrian paseo between Calle de Luna and Calle del Mundo. The proposed contract amendment for \$45,500 would increase the total not-to-exceed amount to \$1,186,432 including the current update to the Specific Plan and associated EIR addendum.

#### ***Changes to the Adopted Specific Plan***

##### Calle del Sol Extension

As a part of the adopted Specific Plan, several public improvements were proposed to create a well-designed public realm. One of these improvements was the proposed extension of Calle del Sol

northwards between Calle de Luna and Calle del Mundo. This roadway extension was intended to lengthen the proposed main street within Tasman East and to create a pedestrian-oriented public realm along the Calle del Sol extension, with the additional benefit of providing additional vehicular circulation within the neighborhood.

#### Relocation of Sewer Pump Station

To implement the Calle del Sol extension, the City's Primavera lift station would either need to be relocated to the northern terminus of Calle del Sol, on the north side of Calle de Luna, or otherwise be converted to an underground facility within the street right-of-way. Undergrounding the lift station in its current location was determined to be infeasible due to safety concerns with potential build-up of gases in maintenance areas, along with the added difficulty of performing routine maintenance in the public right-of-way.

The City's Public Works Department hired Woodard and Curran consultants to perform an engineering study to assess the needs and requirements to determine the feasibility of relocating the lift station. Relocating the lift station required a full analysis of current sewer flows, reconstruction of sewer lines to redirect flows to a new location, determining connections to sewer mains, and ultimately identifying locations within the plan area that met all the necessary requirements. The City evaluated potential alternative locations for the station on private properties within Tasman East including sites currently being contemplated for development projects. The potentially affected developers indicated that relocation of the lift station would have a significant impact on their development projects which were already submitted for Architectural Review approval to the City prior to the results from the Woodard and Curran relocation study. The developer group proposed an alternative that the lift station could be kept at its current location with an architectural screening treatment along with reconfiguration of the Calle del Sol extension.

#### Pedestrian Paseo Concept

The Tasman East developer group commissioned a design study to look at the ways to maintain the existing lift station in place and redesign the Calle del Sol extension from a two-lane street to be a pedestrian paseo that could accommodate the lift station within a portion of the paseo. City staff were agreeable to the redesign of the Calle del Sol extension provided that the removal of the Calle del Sol extension as a roadway did not impact the flow of traffic within the plan area, and that the revised proposal did not impair placemaking objectives for the district.

Converting the Calle del Sol extension into a paseo and keeping the Calle del Sol extension in place would present three major issues that need to be addressed through the contract amendment. The first issue is to confirm that the roadway network can still accommodate traffic in a manner consistent with what was originally proposed in the Specific Plan and evaluated in the Environmental Impact Report (EIR). The proposed contract amendment includes funds for both the environmental consultant and the traffic sub-consultant to analyze and document the changes to the proposed roadway network.

The second issue is to design the paseo to help create a vibrant and comfortable public realm, recognizing that the above-ground lift station might hamper that objective. Perkins + Will, the City's design consultant, will create design standards for the paseo to reinforce the fact that the paseo is a public space that connects the three major streets within Tasman East. The paseo design will also focus on the optimization of pedestrian as well as bicycle access within the paseo. These changes will be incorporated into an amended Tasman East Specific Plan, which would require approval from

the City Council.

The third concern is to ensure that the paseo is an attractive gathering space that supports the Specific Plan's placemaking objective. Toward that end, the contract also includes funds for subconsultant to Perkins + Will, Strategic Economics, to propose cooperative funding strategies for the area property owners to share in the costs of programming and maintaining the paseo, so that it can be a focal point within the neighborhood. The intention is for the paseo's ongoing maintenance to be privately funded through financing tools such as a business improvement district or similar structure.

### Conceptual Designs

The developer study includes screening and landscaping ideas to minimize the visual impacts of the lift station and its associated odor-control measures. The enclosure will be required to be accessible to heavy equipment, with large access doors and clear space around the enclosure, so that the lift station pumps can be maintained. One of the building concepts, a slatted wooden enclosure, is shown in Attachment 5. The **conceptual** renderings show conceptual public art on south and east sides of the building and small seating area and stage built into the north side of the building. The public art component of the enclosure would be further refined as part of the contract amendment work. This rendering suggests that the lift station could be accommodated within the paseo and still be consistent with the Specific Plan placemaking objectives.

### ***Reimbursement Agreement***

If the Council approves the proposed contract amendment with Perkins + Will, the City will enter into a reimbursement agreement for \$50,050 with the applicants that are developing projects within the Tasman East Specific Plan. The reimbursement agreement will recover the \$45,500 in costs which includes preparation of the supporting environmental analysis and the additional contract costs described in this report and an additional 10% to recover contract administration costs. The Council previously authorized the City Manager to execute reimbursement agreements for up to \$250,000 in Resolution 18-8619.

### **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. An Addendum to the EIR will be prepared in accordance with the scope of work proposed under this Amendment.

### **FISCAL IMPACT**

The proposed amendment includes an increase of \$45,550 for the additional services related to modifications of the Specific Plan. The City will enter into a reimbursement agreement with applicants developing projects within the Tasman East Specific Plan to fully recover these costs.

### **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) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Approve and authorize the City Manager to execute Amendment No. 3 to the Agreement for Professional Services with Perkins + Will, Inc. to update the Tasman East Specific Plan and prepare an Addendum to the Environmental Impact Report (EIR), increasing the not-to-exceed cost by \$45,500 to a revised total of \$1,186,432.

Reviewed by: Andrew Crabtree, Director, Community Development Department  
Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Perkins + Will draft Contract Amendment No. 3
2. Perkins + Will fully executed agreement for Tasman East
3. Perkins + Will Contract Amendment No.1
4. Perkins + Will Contract Amendment No. 2
5. Enclosure concept illustrations and proposed street sections

**AMENDMENT NO. 3  
TO THE AGREEMENT FOR SERVICES  
BETWEEN THE  
CITY OF SANTA CLARA, CALIFORNIA,  
AND  
PERKINS + WILL, INC.**

**PREAMBLE**

This agreement ("Amendment No. 3") 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 29, 2016 (the "Original Agreement");
- B. The Original Agreement was previously amended by Amendment No. 1, dated October 27, 2017 and Amendment No. 2, dated February 4, 2019. 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 as Amended for the purpose of having Contractor prepare the Tasman East Specific Plan, and the Parties now wish to amend the Original Agreement as Amended to expand the Scope of Services to prepare an amendment to the approved Tasman East Specific Plan.

The Parties agree as follows:

**AGREEMENT TERMS AND CONDITIONS**

**1. AMENDMENT TERMS AND CONDITIONS**

- A. That Section 5 of the Original Agreement as Amended, entitled "Term of Agreement," is hereby amended to revise the termination date of the Agreement to June 30, 2020.
- B. That Exhibit A, entitled "Scope of Services," of the Original Agreement as Amended, is hereby appended to include the attached document entitled "Additional Scope of Services."
- C. That Exhibit B, entitled "Fee Schedule," of the Original Agreement as Amended, is hereby appended to include the attached "Budget for Additional Services."

**2. TERMS**

All other terms of the Original Agreement as Amended which are not in conflict with the provisions of this Amendment No. 3 shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement as Amended and this Amendment No. 3, the provisions of this Amendment No.3 shall control.

**3. COUNTERPARTS**

This Amendment No. 3 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. 3 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:

Dated:

8-27-19

  
BRIAN DOYLE  
City Attorney

  
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:

AUGUST 13, 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"

I:\PLANNING\Admin\Contracts\Perkins + Will\Tasman East\Amendment No 3\Amendment No. 3 - Form.doc

## **EXHIBIT A ADDITIONAL SCOPE OF SERVICES**

The additional Services to be performed for the City by the Contractor under this Amended Agreement are set forth below.

### **1. OUTLINE SCOPE OF WORK**

#### **A. Strategic Economics (SE)**

- **District-Based Funding Options for Operations and Maintenance:** SE will assist the City in examining district-based funding mechanisms that can support operations, programming, and maintenance of the Calle del Sol extension plaza, and will provide a recommendation as to which mechanism is most appropriate. The examined options will include business improvement districts, property-based improvement districts, and community benefit districts. Each of these districts provides sufficient funding for basic operations and maintenance (but not major capital improvements or land acquisition) and creates a local entity that can represent the interests of local stakeholders. The districts vary, however, in whether businesses, property owners, and/or residents contribute funding. Strategic Economics will first provide an explanation of how each district type is funded and structured, and the pros and cons of implementing the district in Tasman East. These pros and cons will focus on qualitative considerations such as stakeholder interest, the relationship of contributors to the likely benefits provided, etc.
- Based on this information, Strategic Economics will then work with City staff to determine which structure would be implementable and appropriate for Tasman East. As part of this effort, Strategic Economics staff will participate in calls with City staff, up to one in-person meeting with staff, and participate in up to one in-person meeting with developers and property owners in the Tasman East area to present the findings of the initial pros/cons memo.
- Deliverables:
  - Draft memo providing explanation of different district-based funding mechanisms and their pros and cons for the Tasman East area.
  - Final revised version of draft memo that identifies the selected district-based funding mechanism, the reasons for its selection, and the next steps to be undertaken for the mechanism's implementation

- **Plan Revisions:** SE will update sections of the plan as-needed, including incorporation of new findings regarding district-based tools selection and implementation.

**B. David J. Powers and Associates / Fehr and Peers**

- Prepare EIR addendum to represent revised circulation and access strategy, including text and graphics

**C. Perkins + Will**

- Develop layout of bike and pedestrian route and possible new mid-block plaza
- Coordinate with developers to ensure compatibility of Specific Plan addendum and developer proposals for public realm
- Update all text and diagrams in Specific Plan Report which are affected by the revised Calle del Sol extension layout
- Create any new diagrams, plans, sections which are necessary to communicate the revised layout
- Coordinate with SE, DJP&A and F&P to ensure compatibility of all updates
- Coordinate with CSC planning staff and City Manager's Office to confirm preferred option(s) and layout
- General team management, contract amendment, invoices etc.

**2. SCHEDULE**

Six to eight weeks, including two to four weeks for internal CSC decision-making process



**EXHIBIT B**  
**BUDGET FOR ADDITIONAL SCOPE OF SERVICES**

For the additional services described in Exhibit A, the cost of said services will be as follows:

Strategic Economics (SE)	\$15,550
David J. Powers & Associates (DJP) and Fehr & Peers (FP)	\$10,000
Perkins + Will, Inc. (P+W)	\$20,000
<b>Total</b>	<b>\$45,550</b>

Combined with the previous scope of services, the total value of this agreement shall not exceed one million one hundred eighty-six thousand four hundred thirty-two dollars (\$1,186,432).