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Title: Action on Amendment No. 1 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

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Attachments: 1. Amendment No. 1 to Agreement with Moore Iacofano Goltsman, Inc., 2. Original Agreement with MIG (2018)

Date	Ver.	Action By	Action	Result
6/9/2020	1	City Council and Authorities Concurrent	Approved	

REPORT TO COUNCIL

SUBJECT

Action on Amendment No. 1 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]

BACKGROUND

The City formally commenced preparation of a Specific Plan for the Patrick Henry Drive (PHD) area following the City Council’s approval of a contract on August 22, 2018 with planning consultants, Moore Iacofano Goltsman, Inc. (MIG). The Patrick Henry Drive Specific Plan area is designated as a Phase III Future Focus Area for high-density residential development in the City’s 2010-2035 General Plan. Preparation of the Specific Plan will identify new General Plan land use designations and associated policies for urban design, amenities, infrastructure, and other land use elements to support the redevelopment of the PHD area from low-intensity office and industrial park use into high-density, mixed use neighborhoods.

The existing Agreement with MIG is fully funded by a Reimbursement Agreement with property owners within the plan area.

DISCUSSION

Staff is proposing Amendment No. 1 to the Agreement with MIG to extend the term of the Agreement to June 30, 2022. The timeline has extended due to a number of factors including extended stakeholder outreach including multiple rounds of discussion of the propose land use plan and unanticipated time needed to acquire and validate new regional travel demand model data from the Santa Clara Valley Transportation Authority (VTA). The extra work required for the City’s traffic consultant to validate the travel demand model affects the project budget as well.

The amount is also being updated to account for the California Environmental Quality Act (CEQA) analysis of the High-Density Flex designation proposed for the PHD property fronting Great America Parkway. The High-Density Flex designation would allow either office or residential development and thus requires CEQA analysis of two land use scenarios. The cost for this analysis will be funded by the property owner who requested the High-Density Flex designation.

Because many of the changes to the project scope are at the direct benefit and request of a specific developer, staff has prepared an additional reimbursement agreement with Pearlman Himy I LP (Pearlman) to cover the direct costs associated with these specific changes. The City Manager is authorized to execute Reimbursement Agreements not exceeding \$250,000, and as such, this Agreement with Pearlman Himy I LP will be reviewed and executed administratively.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5), in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment. For the underlying project, the Patrick Henry Drive Specific Plan, the City will prepare an Environmental Impact Report (EIR).

FISCAL IMPACT

Amendment No. 1 with MIG extends the term of the agreement to June 30, 2022 and increases the total valuation of the agreement by \$77,121 to a total not to exceed amount of \$888,623. The City’s consultant costs for the preparation of the Patrick Henry Drive Specific Plan are covered through reimbursement agreements with property owners within the plan area. Following the execution of the reimbursement agreement with Pearlman Himy I LP, the developer will deposit \$77,121 in the City’s Deposits Fund from which payments will also be made.

COORDINATION

This report has been coordinated with the Finance Department and City Attorney’s office.

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>>.

RECOMMENDATION

Approve and authorize the City Manager to execute Amendment No. 1 to the Agreement for Services with Moore Iacofano Goltsman, Inc., for preparation of the Patrick Henry Drive Specific Plan to extend the termination date and increase the total not to exceed amount to \$888,623, subject to the execution of a Reimbursement Agreement with Pearlman Himy I LP.

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

ATTACHMENTS

1. Amendment No. 1 to Agreement with Moore Iacofano Goltsman, Inc.
2. Original Agreement with Moore Iacofano Goltsman, Inc. (2018)