



# City of Santa Clara

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## Agenda Report

18-485

Agenda Date: 5/15/2018

### REPORT TO COUNCIL

#### SUBJECT

Action on a Reimbursement Agreement for the Tasman East Specific Plan

#### BACKGROUND

The City is in the process of preparing a Specific Plan for the multi-phased, mixed-use development on the 46-acre “Tasman East” site at the intersection of Tasman Drive and Lafayette Street. The necessary entitlements to proceed with the project include a general plan amendment, the Tasman East Specific Plan, development plans, subdivision maps, one or more development agreements, and an Environmental Impact Report (EIR) (collectively, the “Project Approvals”). At least four developers are in discussions with the City to begin development applications, including Tasman East Urban Housing, LLC (an affiliate of the Related Companies) and Summerhill Apartment Communities.

#### DISCUSSION

With larger-scale projects, the City typically retains outside legal counsel to assist with the preparation of the Project Approvals, and seeks developer reimbursement for the expenses of the outside counsel. Related Companies entered into such an arrangement with the City for the CityPlace Project. The City is now interested in entering into a similar reimbursement agreement to cover expenses with the four developers for the Tasman East Project.

Entering into this agreement would require the developers to reimburse the City for its outside counsel expenses, but would not obligate the City to approve the Project or certify the EIR.

#### 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)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment. An EIR is currently being drafted for the Tasman East project, which will be brought to the Council for consideration when the Tasman East project is considered.

#### FISCAL IMPACT

Approval of the Reimbursement Agreement will allow the City to recover the outside counsel expenses for the Tasman East project, which would result in no effect on the General Fund other than administrative staff time and expense. Without such an agreement, the City will be responsible for its own fees, which for a project this size, are likely to be significant.

**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 report to council 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**

Authorize the City Manager to execute the Reimbursement Agreement for the Tasman East Specific Plan, in substantially the form attached hereto, subject to minor changes approved by the City Manager.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Reimbursement Agreement