



Agenda Report

18-956

Agenda Date: 7/17/2018

REPORT TO COUNCIL

SUBJECT

Action on Reimbursement Agreements for Consultant Planning Services

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"). Five developers are in discussions with the City to begin development applications. Two of the developers are proposing multiple projects, which would be developed by separate legal entities, so that staff is currently aware of a total of seven developer entities actively working in the Specific Plan area. The Tasman East Specific Plan is scheduled to be considered by the City Council in November 2018.

DISCUSSION

Staff anticipates that seven developer entities will be submitting planning applications for development proposals in the Tasman East Specific Plan during July 2018. In order to provide for an expedited plan review process and to address the anticipated influx of planning application submittals, staff has agreed with the developers at their request to make use of third party contract planners to assist with the review of these applications. Staff thus intends to enter into agreements with consultant planners to address this short-term need to support development review of the planning applications in the Tasman East Specific Plan. As this is an expedited service, the developer applicants have agreed to fund the costs of the third party planning staff. Staff is requesting approval of seven reimbursement agreements to formalize the assignment of costs to the developers for utilizing consultants to process developments within the Tasman East Specific Plan area. Entering into these agreements would require the developers to reimburse the City for its expenses, but would not obligate the City to approve the Projects.

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 Specific Plan, which will be brought to the Council for consideration when the Tasman East Specific Plan is considered. Development projects associated with the consultant planning work being funded for through these reimbursement agreements will be subject to CEQA review and clearance.

FISCAL IMPACT

Approval of the Reimbursement Agreements will allow the City to augment staffing in a manner to provide planning services related to a peak in development applications associated with one planning area within the City, the Tasman East Specific Plan. The total amount of eligible costs is estimated to be \$30,000 per development project, and some of the developers are proposing to develop two projects, and would therefore be responsible for \$60,000 in costs. The estimated total cost for the seven reimbursement agreements is \$210,000. In the event that additional services are required that would exceed estimated costs, the City will give the Applicants 10 business days' advance written notice prior to authorizing any work that would cause eligible costs to exceed the estimated budget. Approval of the reimbursement agreements will be funded by participating developers and will result in no effect on the General Fund other than administrative staff time and expense.

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

RECOMMENDATION

Authorize the City Manager to execute Reimbursement Agreements, subject to minor non-substantive revisions, with the following developer entities:

- a) Ensemble Investments, LLC;
- b) Tasman 2278 Calle De Luna, LLC;
- c) NASH - Holland Calle De Luna Investors, LLC;
- d) Tasman East Urban Housing, LLC;
- e) Tasman East Parcel 56 Owner, LLC and Tasman East Parcel 57 Owner, LLC;
- f) SummerHill Apartment Communities; and
- g) St. Anton Communities, LLC

Reviewed by: Andrew Crabtree, Community Development Director

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Reimbursement Agreement for Planning Consulting Services with Ensemble Investments, LLC, an Arizona limited liability company
2. Reimbursement Agreement for Planning Consulting Services with Tasman 2278 Calle De Luna, LLC, a Delaware limited liability company
3. Reimbursement Agreement for Planning Consulting Services with NASH - Holland Calle De Luna Investors, LLC, a Delaware limited liability company
4. Reimbursement Agreement for Planning Consulting Services with Tasman East Urban Housing, LLC, a Delaware limited liability company
5. Reimbursement Agreement for Planning Consulting Services with Tasman East Parcel 56 Owner, LLC, a Delaware limited liability company and Tasman East Parcel 57 Owner, LLC, a Delaware

limited liability company

6. Reimbursement Agreement for Planning Consulting Services with SummerHill Apartment Communities Investments LLC, a California limited liability company

7. Reimbursement Agreement for Planning Consulting Services with St. Anton Communities, LLC, a California limited liability company