



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

---

File #: 15-0430, Version: 1

---

### REPORT TO COUNCIL

#### **SUBJECT**

Authorize Modification of an Existing Contract for the Land Use and Transportation Element Environmental Impact Report (F15-97), and Approval of Budget Modification No. 48 in the amount of \$162,900

#### **REPORT IN BRIEF**

Approval is requested to modify an existing agreement with Pacific Municipal Consultants (PMC) to prepare a Land Use and Transportation Element (LUTE) Update Environmental Impact Report (EIR), increasing the value by \$38,900 for additional services described below, from \$499,732 to \$538,632. Approval is also requested for Budget Modification No. 48 to provide additional funding for this contract, to appropriate \$39,000 to prepare a Traffic Impact Analysis (TIA) for the draft LUTE under a separate contract, and to appropriate \$85,000 to update the Transportation Impact Fee.

#### **ENVIRONMENTAL REVIEW**

N/A

#### **BACKGROUND AND DISCUSSION**

On February 23, 2010 (RTC No. 10-052), a contract was awarded to Pacific Municipal Consultants (PMC) in the amount of \$499,732 to prepare the environmental impact report (EIR) for the Land Use and Transportation Element of the General Plan (LUTE) and an associated Climate Action Plan (CAP). Along with preparing the EIR and CAP, the consultant team's scope of work included preparing the necessary technical studies, assisting staff in the public outreach process and coordinating review by the public and interested agencies.

At the time of contract award, Council approved a 10% contingency in the amount of \$49,973. On February 8, 2012 (RTC 12-050), Council approved a \$32,000 increase in the contract contingency (with related Budget Modification No. 26). Approval of the additional contingency was necessary to incorporate recently published CEQA case law requiring an "Existing Plus Project" impact analysis in the EIR. The initial contingency was utilized for additional tasks that arose during the EIR review and CAP adoption processes. Examples include modifications to the CAP policies and measures made by the Horizon 2035 Committee, revisions to the calculations of greenhouse gas (GHG) emissions and additional traffic modeling based on updated economic data.

The CAP and associated environmental review (a Negative Declaration) were completed by PMC and adopted by the City Council in May 2014. The majority of the CAP preparation was funded by a federal grant.

An Administrative Draft EIR (for City staff review) was delivered by PMC in October 2012 and reviewed by staff. During the review it was determined that the project description related to the

transportation system needed to be updated and revised to reflect more current conditions. As staff considered how best to proceed, other land use and transportation projects were at the point of needing citywide transportation data including Lawrence Station Area Plan and Peery Park Specific Plan (the draft LUTE recommended land use changes in both of these areas compatible with uses authorized for study by the City Council). Through the efforts of those projects new citywide traffic model runs were prepared that included data suitable for analysis needed for the LUTE.

The new traffic analysis will necessitate changes to the PMC contract to include additional consultant cost to complete the EIR for the LUTE; additional tasks are summarized as follows:

- Issuance of a new Notice of Preparation and associated actions
- Updating the EIR project description and impact analyses
- Updating the air quality, toxic air contaminants, noise and greenhouse gases based on new traffic analysis
- Preparing a new and updated EIR traffic impact analysis
- Preparing a new and updated alternatives analysis.

To complete the project, a separate Transportation Impact Analysis (TIA) is required in order to comply with VTA Congestion Management Program standards. The TIA will provide the basis for information needed to complete the EIR. Revisions to the Administrative Draft EIR are needed to incorporate the correct project description, to bring the baseline to 2014 (vs the prior baseline of 2012), and reassess impacts related to traffic. In addition, the traffic analysis will complete significant elements of work that will be required as part of an update to the Traffic Impact Fee (TIF). The TIA will be completed through a separate contract awarded under the City Manager's contracting authority.

While originally scheduled for FY 2017/18, an update to the TIF is also recommended at this time. The TIF update will be completed earlier than scheduled to align with the update of the LUTE and to allow for collection of TIF funds for new mitigations. The TIF update will require additional consultant work. The consultant will further define possible improvements and update the TIF cost by land use and geography, and complete the nexus study. That additional work is estimated to cost approximately \$85,000.

### **FISCAL IMPACT**

The necessary funds for completing the TIA and EIR, as well as updating the TIF, will be appropriated from Transportation Impact Fee (TIF) revenues. Budget Modification No. 48 has been prepared to appropriate TIF revenue to the Land Use and Transportation Study project (Project 828690) and the Transportation Model Update project (Project 825530) to update the TIF .

TIF revenue is collected as part of the Transportation Strategic Program (TSP) which supports land development potential envisioned by the General Plan, LUTE. The allocation of TIF funds is appropriate for both of these uses as TIF revenue is intended for transportation improvements and related planning and administration of the program. Once an updated LUTE is adopted, the TSP will also be updated. In addition, the majority of the transportation analysis work that will be completed for the LUTE analysis is necessary for the update of the TIF and will be incorporated as part of upcoming TIF update.

**BUDGET MODIFICATION NO. 48  
FISCAL YEAR 2014/2015**

	<b>Current</b>	<b>Increase (Decrease)</b>	<b>Revised</b>
<b>General Fund</b>			
Expenditures:			
Project 828690 - Land Use and Transportation Study	\$20,265*	\$77,900	\$98,165
<b>Capital Projects Fund</b>			
Expenditures:			
825530 - Transportation Model Update	\$0	\$85,000	\$85,000
Reserves:			
Transportation Impact Fee Capital Reserve	\$22,816,753	(\$162,900)	\$22,653,853

\*As the majority of the project budget has been expended in prior fiscal years, only a small amount of unspent budgeted funds were carried forward into the current year.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

1) Approve modification of an existing contract with Pacific Municipal Consultants to increase the not-to-exceed value by \$38,900, from \$499,732 to \$538,632, and 2) approve Budget Modification No. 48 to appropriate \$77,900, consisting of \$38,900 for the proposed contract amendment and \$39,000 to prepare a Traffic Impact Analysis, and to appropriate \$85,000 to update the Transportation Impact Fee.

Prepared by: Pete Gonda, Purchasing Officer

Reviewed by: Grace K. Leung, Director of Finance

Reviewed by: Manuel Pineda, Director of Public Works

Reviewed by: Hanson Hom, Director of Community Development

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

**ATTACHMENT**

1. Draft Amendment to Consultant Services Agreement