

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 7th day of June 2023, between the CITY OF FRESNO, a California municipal corporation (City), and Wallace, Roberts, and Todd (WRT), a Limited Liability Company (CONSULTANT).

RECITALS

WHEREAS, the CITY and CONSULTANT entered into an Agreement on April 28, 2022, (Agreement) to obtain professional planning and environmental planning services for the Tower District Specific Plan Update (Project); and

WHEREAS, CITY and CONSULTANT desire to modify the Agreement to increase the total contract amount by an additional \$170,590. and

WHEREAS, with entry into this Amendment, the Consultant agrees it has no claim, demand, or dispute against the City.

AGREEMENT

NOW, THEREFORE, the parties agree that the aforesaid Agreement be amended as follows:

1. The recitals to this Agreement are incorporated and made a part of this Amendment.
2. The services of CONSULTANT shall be modified as defined in **Exhibit A: Tower District Specific Plan Update** for additional scope and fee proposal, attached hereto and incorporated herein by reference.
3. The fee as referenced in Exhibit A of \$400,000 shall be increased by \$170,590 for a total of \$570,590.
4. In the event of any conflict between the body of this Amendment and any Exhibit or Attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the Parties, provided for within the body of this Amendment, shall be null and void.
5. Except as otherwise provided herein, the Agreement entered into by the City and the Consultant on April 28, 2022, remains in full force and effect.

[Signatures follow on the next page.]

IN WITNESS WHEREOF, the Parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,
A California municipal corporation

By: Jennifer K. Clark
Jennifer K. Clark,
Director of Planning & Development

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: Brandon M. Collet 6/14/23
Brandon M. Collet Date
Senior Deputy City Attorney

ATTEST:
TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

Addresses:
CITY:
City of Fresno
Attention: Nadia Salinas
Project Manager
2600 Fresno Street, Rm. 3065
Fresno, CA 93721
Telephone No: (559) 621-8150

Attachment:
1. Exhibit A – Scope of Services

Wallace, Roberts, and Todd, LLC

By: John R. Gibbs

Name: JOHN R. GIBBS

Title: PRINCIPAL
(If corporation or LLC., Board Chair, Pres. or Vice Pres.)

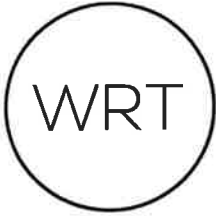
By: James K. Stickney

Name: JAMES K. STICKNEY

Title: PRINCIPAL
(If corporation or LLC., CFO., Treasurer, Secretary or Assistant Secretary)

CONSULTANT:
WRT, LLC
Attention: Peter Winch, AICP
478 Tehama, Suite B
San Francisco, CA 974103
Phone: (415) 575-4722
E-mail: pwinch@wrtdesign.com

EXHIBIT A



April 20, 2023
Casey Lauderdale, Supervising Planner
City of Fresno | Planning and Development
2600 Fresno Street Room 3065
Fresno, CA 93721

Via email

**Re: Tower District Specific Plan Update: Additional Services
WRT #8687.02**

Dear Casey:

WRT is pleased to be working closely with the City of Fresno to update the Tower District Specific Plan. This memorandum provides our scope and fee proposal in response to the City's identification of four potential additional tasks that would augment the Specific Plan and support successful implementation.

Summary of Proposed Tasks

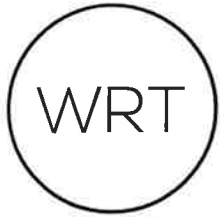
On April 7, City Staff presented WRT with a summary of three proposed new tasks to support the Tower District Specific Plan:

1. Entertainment District: Create consistent requirements for entertainment/late night uses in the Tower District.
2. Design: Create objective Design Standards for the Tower District.
3. SB 330 (Housing Crisis Act of 2019) Analysis: Ensure compliance with SB 330.

In further discussion with Staff, we identified one additional task, based on a "scope enhancement" from the original scope of work for the Specific Plan: the creation of a comprehensive specific plan document. (The base scope for the project will result in a separate Specific Plan Update document that does not incorporate the original Plan.)

WRT Team Proposal

WRT, together with our partners Zack Urban Solutions and LSA, has prepared a scope of work and fee for the tasks above. These are provided in the pages that follow. The overall work program, if approved as a package, would be a \$170,590 effort including labor and reimbursable costs.



Sincerely,

A handwritten signature in black ink that reads "Peter Winch". The signature is written in a cursive, slightly slanted style.

Peter Winch, AICP
WRT Senior Planner

Attachments:
Scope of Work
Fee Spreadsheet

CC: Sophia Pagoulatos, City of Fresno; John Gibbs, WRT

Tower District Specific Plan Update

WRT Proposed Scope of Work: Additional Services | April 20, 2023

The WRT Team, including WRT, Zack Urban Solutions (ZUS), and LSA, have prepared a scope and budget to respond to the City's interest in adding three tasks to the Tower District Specific Plan Update project. We look forward to discussing and prioritizing these enhancements with City staff.

TASK 1: ENTERTAINMENT DISTRICT

Task 1.1: Review and evaluation of pertinent Fresno zoning code and programs; entertainment district case studies

WRT and ZUS will review and evaluate relevant provisions in the Fresno zoning code, focusing on the Commercial Main Street district and on citywide standards related to noise, hours of operation, and parking. We will also do light case study analysis on up to three regulatory districts for entertainment areas.

Task 1.2: Recommended best mechanism of regulation

WRT and ZUS will evaluate potential mechanisms of regulation for the Entertainment District including the creation of an Overlay Zone District, adding language to the Development Code under Section 15-2744 and Section 15-2751, and any other potential mechanisms identified by the Team, and provide a recommendation.

Task 1.3: Recommend boundaries for the application of Entertainment District regulations

WRT and ZUS will evaluate potential boundaries for the application of regulations, including but not limited to certain zone districts (e.g., Commercial Main Street), the Specific Plan Area Boundary, select corridors, etc., and provide a recommendation.

Task 1.4: Draft language to support the recommendations

WRT and ZUS will draft the necessary language to implement recommendations from task 1.2 and 1.3. This may include but is not limited to use permit requirements; standards for parking, outdoor seating, noise, and hours of operations; incentives for cultural/entertainment uses; and transfer of development rights.

Task 1.5: Decision-maker meetings

WRT and ZUS will make up to two in-person presentations to decision-makers (Planning Commission and City Council).

Note: We anticipate that the Team may present the Entertainment District and the ODDS at the same Commission/Council working sessions and adoption hearings. A total of four decision-maker meetings are covered in this scope.

Task 1.6: Conduct Environmental Analysis

Due to potential adverse environmental impacts related to noise and land use compatibility, LSA anticipates the potential need for additional budget to complete additional tasks including, but not limited to the following:

- Collection of on-site noise measurements;

- Preparation of detailed noise analysis relative to site-specific sensitive receptors; and
- Preparation of detailed land use compatibility analysis relative to site-specific sensitive receptors.

Prior to initializing any work, LSA will prepare a final scope of work and budget which will include detailed scopes of work for the technical studies, and the scope of work associated with the Proposed Additional Scope described here. The final scope will identify all product deliverables, overall IS/MND schedule, and the number of meetings and hearings that LSA staff will attend.

Task 1 Meetings:

- Decision-maker workshops and hearings (2)

Task 1 Deliverables:

- Evaluation memo and presentation
- Recommendations memo and presentation
- Draft Entertainment District regulatory language
- Additional CEQA analysis as needed

TASK 2: DESIGN

Task 2.1: Review and evaluation of existing development standards and design guidelines

WRT and ZUS will undertake a systematic review of the zoning code and the Tower District Design Guidelines. To compare standards across zoning districts, tables will summarize allowable uses, building envelope (setbacks, stepbacks, & height), residential density, floor area ratios, and parking ratios. We will determine which standards, guidelines, and procedures are objective (independently verifiable) and which are subjective guidelines (open to interpretation). We will also distinguish between subjective guidelines that be easily rewritten to be objective, versus subjective guidelines that require interpretation by City staff or decision-making body. We will also note topics associated with best planning practices but not addressed.

Task 2.2: Update the Tower District Design Guidelines to reflect current information

ZUS will undertake an initial update of the Design Guidelines to ensure that they refer to current zoning districts and other aspects of the physical and regulatory context.

Task 2.3: Update the Tower District Design Guidelines with objective standards

WRT and ZUS will collaboratively update the Design Guidelines so that they function as effective tool for regulatory approval in the context of current State housing law. This will involve translating existing subjective standards into objective standards, clearly distinguishing between standards and discretionary guidelines, and defining how the standards and guidelines are to be used.

Task 2.4: Produce updated document: Tower District Design Standards

WRT, with review from ZUS, will produce a document incorporating the updates made from tasks 2.2 and 2.3. This document will be focused on a new suite of objective design standards that achieve the community's goals for compatible urban form. The document may also include some areas where guidance will remain "subjective" and therefore discretionary.

Task 2.5: Decision-maker meetings

WRT and ZUS will make up to two in-person presentations to decision-makers (Planning Commission and City Council).

Note: We anticipate that the Team may present the Entertainment District and the ODDS at the same Commission/Council working sessions and adoption hearings. A total of four decision-maker meetings are covered in this scope.

Task 2.6: Conduct Environmental Analysis

See Task 1.5. Additional environmental analysis may be needed to address potential impacts related to either the Entertainment District or the Design Standards.

Task 2 Meetings:

- Decision-maker workshops and hearings (2)

Task 2 Deliverables:

- Summary memo evaluating existing provisions as noted (i.e. existing objective standards with summary tables, subjective but easily translated, subjective and needing interpretation, and not appropriate as developer requirement).
- Initial update of Tower District Design Guidelines for consistency with current zoning etc.
- Recommended updates to meet State housing law requirements for objective design standards
- Draft and Final Tower District Design Standards

TASK 3: SB 330 (HOUSING CRISIS ACT OF 2019) ANALYSIS

Task 3.1: Analyze impacts to housing capacity

WRT will analyze proposed changes to the Specific Plan and Design Standards for their impacts on housing capacity. Should a net loss of housing capacity be found, we will propose solutions to bring the capacity back to no net loss.

Task 3 Meetings:

- None

Task 3 Deliverables:

- SB 330 Analysis and Recommendations Memo

TASK 4: COMPREHENSIVE SPECIFIC PLAN DOCUMENT

As an alternative option, WRT can provide a single, unified Specific Plan document that synthesizes existing Specific Plan content that remains valid with new analysis, findings, goals, policies, maps and graphics. As part of this effort, WRT would create a mark-up of the existing Plan, indicating content to be retained and content to be removed or replaced. We would bring existing text and table content into a new document template, and re-create maps, updating both the underlying data and the map style. Narrative would be updated to reflect updated mapping and analysis.

Task 4 Meetings:

- No Additional Public Meetings

Task 4 Deliverables:

- Admin Draft, Public Review Draft, and Final Draft Specific Plan Update (Unified Document)

CITY RESPONSIBILITIES

- Provide feedback and respond to inquiries in a timely manner
- Provide support for legal analysis where needed
- Create informational materials (ex: Presentation slides) related to the Entertainment District and Design Standards for purposes of communicating with the Steering Committee and members of the public. Note: WRT recommends two meetings with the Implementation Committee for the Entertainment District, and two for the Design Standards. Presentations should occur during the analysis and recommendations stages to ensure that feedback can be brought into draft regulatory language.

Tower District Specific Plan Update: Additional Services

April 20, 2023

		WRT		Zack Urban Solutions		LSA	Team	
		Prime Consultant; Planning and Urban Design		Land Use & Zoning		Environmental Review		
Job Classification		Hours by Task	Cost by Task	Hours by Task	Cost by Task	Cost by Task	Cost by Task	
Hourly Rate								
Task 1	Entertainment District							
Subtask 1.1	Review and evaluation of pertinent Fresno zoning code and programs; entertainment district case studies	44	\$ 6,860.00	4	\$ 800.00	\$ -	\$ 7,660.00	
Subtask 1.2	Recommended best mechanism of regulation	12	\$ 2,460.00	4	\$ 800.00	\$ -	\$ 3,260.00	
Subtask 1.3	Recommended district boundaries	20	\$ 3,380.00	4	\$ 800.00	\$ -	\$ 4,180.00	
Subtask 1.4	Draft language to support regulations	56	\$ 10,040.00	10	\$ 2,000.00	\$ -	\$ 12,040.00	
Subtask 1.5	Decision-maker working session and hearing (in-person) - 2 meetings total	46	\$ 7,990.00	16	\$ 3,200.00	\$ -	\$ 11,190.00	
Subtask 1.6	Environmental analysis	6	\$ 1,230.00	0	\$ -	\$ 15,000.00	\$ 16,230.00	
	Sub-Total	184	\$ 31,960.00	38	\$ 7,600.00	\$ 15,000.00	\$ 54,560.00	
Task 2	Design Standards							
Subtask 2.1	Review and evaluation of existing development standards and design guidelines	28	\$ 4,300.00	10	\$ 2,000.00	\$ -	\$ 6,300.00	
Subtask 2.2	Update Tower District Design Guidelines to reflect current zoning districts	8	\$ 1,640.00	30	\$ 6,000.00	\$ -	\$ 7,640.00	
Subtask 2.3	Update Tower District Design Guidelines with objective standards	180	\$ 26,100.00	30	\$ 6,000.00	\$ -	\$ 32,100.00	
Subtask 2.4	Produce updated Tower District Design Standards document	180	\$ 26,100.00	4	\$ 800.00	\$ -	\$ 26,900.00	
Subtask 2.5	Decision-maker working session and hearing (in-person) - 2 meetings total	46	\$ 7,990.00	18	\$ 3,600.00	\$ -	\$ 11,590.00	
Subtask 2.6	Environmental analysis	4	\$ 820.00	0	\$ -	\$ -	\$ 820.00	
	Sub-Total	418	\$ 62,650.00	82	\$ 16,400.00	\$ -	\$ 79,050.00	
Task 3	SB 330 (Housing Crisis Act of 2019) Analysis							
Subtask 3.1	Analyze impacts to housing capacity	48	\$ 6,960.00	0	\$ -	\$ -	\$ 6,960.00	
	Sub-Total	48	\$ 6,960.00	0	\$ -	\$ -	\$ 6,960.00	
Task 4	Comprehensive Specific Plan Document							
Subtask 4.1	Comprehensive Specific Plan Document	168	\$ 24,120.00	0	\$ -	\$ -	\$ 24,120.00	
	Sub-Total	168	\$ 24,120.00	0	\$ -	\$ -	\$ 24,120.00	
	Labor Sub-Total	\$	125,690.00	Sub-Total	\$	24,000.00	\$ 15,000.00	\$ 164,890.00
	Reimbursables	\$	3,000.00	Reimbursables	\$	2,900.00	\$ -	\$ 5,900.00
		\$	128,690.00		\$	26,900.00	\$ 15,000.00	\$ 170,590.00
		\$	170,590.00					