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**Title:** Approve a Reimbursement Agreement with FFDA Properties, LLC for \$225,527 for the Met Block Project Off-site Improvements under Round Five of the 2015 funding cycle for the Measure "C" TOD Program. (Council District 3)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Developer Reimbursement Agreement TOD Met Project \$225,527.pdf

Date	Ver.	Action By	Action	Result
1/12/2017	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**January 12, 2017**

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Public Works Department

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**SUBJECT**

Approve a Reimbursement Agreement with FFDA Properties, LLC for \$225,527 for the Met Block Project Off-site Improvements under Round Five of the 2015 funding cycle for the Measure "C" TOD Program. (Council District 3)

**RECOMMENDATION**

Staff recommends the City Council approve a Reimbursement Agreement for construction of Met Block Project Off-site Improvements and authorize the Public Works Director to execute all implementing documents.

**EXECUTIVE SUMMARY**

On February 25, 2016, the City Council adopted Resolution No. 2016-30 authorizing submission of

an application for grant funds under the TOD Program. The Resolution included the off-site improvements for the Met Block Project in the amount of \$225,527. The project scope for the Met Block Project includes the construction of off-site improvements along the abutting frontages of the project site, such as curbs, gutters, sidewalks, and paving on Stanislaus Street, Fulton Street, and Calaveras Street. On December 1, 2016, the City Council approved the FCTA Agreement which allocates additional funds for the Met Block Project. On December 7, 2016, the FCTA Board approved the additional allocation of TOD funds for the project. The attached Reimbursement Agreement allows the City of Fresno (City) to reimburse FFDA Properties, LLC., a branch of Granville Homes, Inc., for eligible project costs.

## **BACKGROUND**

The Measure "C" Extension (2007-2027) approved by Fresno County voters includes subprograms for regional street and highway projects, airport funding, transit-flexible funding, street maintenance, bicycle lanes, trails, and environmental enhancements, as well as several others. Under the Environmental Enhancement Allocation Program, the Measure "C" Expenditure Plan includes the TOD Program, the purpose of which was to provide funding to support planning, incentives and infrastructure related to infill and higher-density TOD types of development.

On February 27, 2014, the City Council adopted Resolution No. 2014-37, authorizing submission of an application for grant funds under the TOD Program. This resolution included the Met Block Project off-site Improvements along the abutting project frontages of Calaveras Street, Stanislaus Street, and Fulton Street, in the amount of \$229,799. However, only \$121,342 was available during the Third Cycle of funding. On June 10, 2015, FCTA made the balance of the funds available.

In order to complete the project and allow for reimbursement of project costs from the Measure "C" TOD funds, on September 22, 2015, the City Council approved a cooperative agreement with FCTA which was ratified by the FCTA Board on October 28, 2015.

The original agreement for Phase One of the Met Block Development Project included a \$5,000 City administrative charge. However, the City Manager has determined the Met Block Project qualified for a waiver of the City's administrative charge. The new reimbursement amount to the developer for phase two will include the \$108,457 plus the previous administrative charge for a total reimbursement of \$113,457.

On February 25, 2016, the City Council adopted Resolution No. 2016-30 authorizing submission of an application for grant funds under the TOD Program. The Resolution included the off-site improvements for the Met Block Development Project in the amount of \$225,527. On December 1, 2016, the City Council approved the allocation of additional Measure "C" funds. On December 7, 2016, the FCTA Board approved the additional allocation of TOD funds for the project.

Staff recommends the City Council approve the attached Reimbursement Agreement which has been approved as to form by the City Attorney's Office prior to execution. Upon approval by the City Council and the City Attorney's Office, the agreement will be executed on behalf of the City by the Public Works Director, in accordance with the City Manager's delegation of the signing authority.

The City will reimburse FFDA Properties, LLC., \$ 225,527 for the off-site street improvements.

## **ENVIRONMENTAL FINDINGS**

On October 2, 2014, Environmental findings were presented to Council along with the Resolution to authorize the City's reimbursement under the TOD Program.

On July 3, 2014, a Notice of Determination for City of Fresno Environmental Assessment No. C-13-137, T-6059, and T-6060 were filed with the Fresno County Clerk.

The property owner, FFDA Properties, LLC., has filed a Conditional Use Permit (CUP) Application No. C-13-137 and Vesting Tentative Tract Maps Nos. T-6059 and T-6060 pertaining to approximately 2.30 net acres of property bounded by Van Ness, Calaveras, Fulton, and Stanislaus Streets (the "Met block") in downtown Fresno. The CUP authorizes construction of an eighty-five unit residential and commercial mixed use development on the subject property. Vesting Tentative Tracts T-6059 and T-6060 propose common lot air space subdivisions for condominium purposes on portions of the property. The project includes demolition of an existing accessory building, vacations of portions of existing public street rights-of-way and installation and construction of both public and private facilities and infrastructure in accordance with the standards, specifications and policies of the City of Fresno. Approval of the Reimbursement Agreement will facilitate implementation of a portion of the Project

An analysis has been performed pursuant CEQA Guidelines §15162 to determine whether subsequent environmental review is required for the Reimbursement Agreement. Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the project, which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, there are no changes to the project.
2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, there have been no changes in circumstances.
3. There is no new information, which was not known and could not have been known at the time of the previous Mitigated Negative Declaration that the project will have significant effect not discussed in the Mitigated Negative Declaration.

## **LOCAL PREFERENCE**

Local preference does not apply because this is not a competitive bid. This is a funding mechanism only.

## **FISCAL IMPACT**

The project cost to construct off-site improvements abutting frontages of the project, is being primarily funded by Measure "C" TOD dollars in the amount of \$225,527. There will be no impact to the General Fund.

Attachment: Reimbursement Agreement