



COUNCIL REPORT

DATE: June 27, 2023
CATEGORY: Consent
DEPT.: Public Works
TITLE: **Fire/Police Training and Classroom Facility at Fire Station 5, Projects 18-41 and 20-35—Various Actions**

RECOMMENDATION

1. Adopt the Addendum to the Mitigated Negative Declaration, including the Initial Study and Mitigation Monitoring Program, in accordance with the California Environmental Quality Act Guidelines for Fire/Police Training and Classroom Facility at Fire Station 5, Design, Project 18-41.
2. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$100,000 from the 2018 Shoreline Series A Bond Proceeds from Northbound Shoreline/101 Off-Ramp Realignment, Construction, Project 20-37, to Fire/Police Training and Classroom Facility at Fire Station 5, Design, Project 18-41.
3. Acting in its capacity as Board of Directors of the Shoreline Regional Park Community, transfer and appropriate \$800,000 from 2018 Shoreline Series A Bond Proceeds from Northbound Shoreline/101 Off-Ramp Realignment, Project 20-37, to Fire Station 5 Classroom/Training, Construction, Project 20-35.
4. Authorize the City Manager or designee to amend the professional services agreement with Perkins Eastman Architects, D.P.C., for Fire/Police Training and Classroom Facility at Fire Station 5, Design, Project 18-41, to add \$75,000 for a not-to-exceed amount of \$338,000.
5. Approve plans and specifications for Fire/Police Training and Classroom Facility at Fire Station 5, Projects 18-41 and 20-35, and authorize staff to advertise the project for bids.
6. Authorize the City Manager or designee to award a construction contract to the lowest responsive responsible bidder if the bid is within the project budget of \$6,975,000.

BACKGROUND

Fire Station No. 5 is located at 2195 North Shoreline Boulevard in the North Bayshore Area and was opened for service in December 2011. The original concept plan for the construction of Fire

Station No. 5 included a Fire/Police training facility at the site; however, because of budgetary constraints, that portion of the project did not go forward. On [April 24, 2018](#), the City Council approved a professional services agreement with Perkins Eastman Architects, D.P.C. (PEA), and authorized staff to proceed with the design of the building for the Fire/Police Training and Classroom at Fire Station No. 5. The consultants, in coordination with staff from the Police, Fire, Community Services, and Public Works Departments, have designed the building to maximize its functionality, usability, and site fitness to accommodate the desired programs and coordination with the existing fire station.

The new training and classroom facility will be used primarily by the Police Department for situational and operational training and for staging for Amphitheatre and North Bayshore events. The Police and Fire Departments will also use the facility to host training with both internal staff and personnel from other agencies. Parking will be provided in the adjacent Amphitheatre parking lot (Lot A), and events at the facility will be coordinated with the Community Services Department and Amphitheatre events. The facility will not be open for public use.

On May 15, 2019, staff presented the project to the Development Review Committee (DRC) for input. The DRC comments were incorporated in the Schematic Design. On [June 18, 2019](#), Council approved the project's Schematic Design and directed staff to complete design documents.

ANALYSIS

The project includes a new 3,225 square foot Fire/Police Training and Classroom Facility behind the existing Fire Station No. 5 (see Figure 1). The final design further refines all the elements of the Council-approved Schematic Design. The project is also designed to include a methane monitoring system under the building slab foundation in compliance with the requirements of the County of Santa Clara for projects on or near closed landfills.

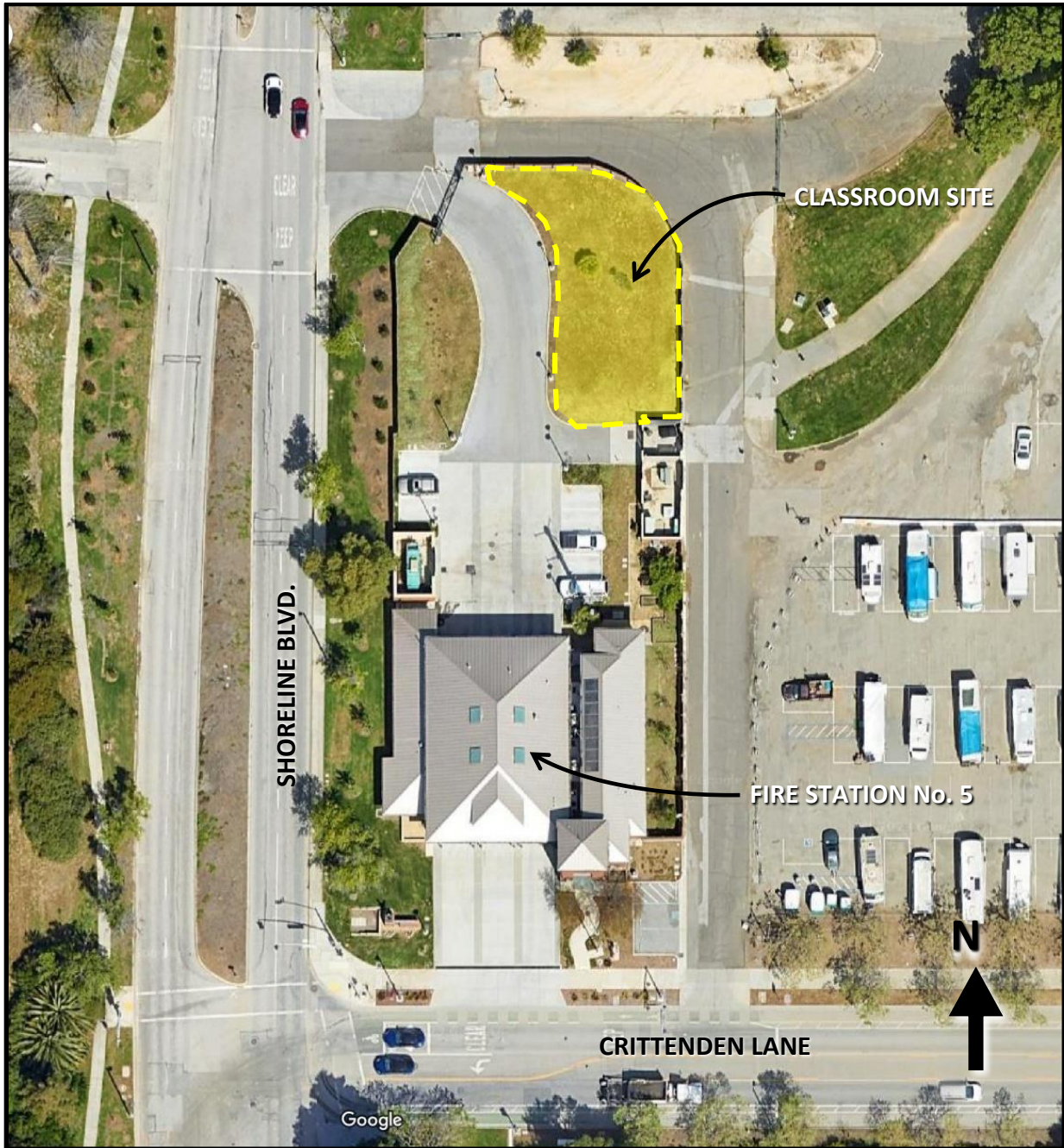


Figure 1: Fire Station No. 5 Site

To minimize construction impacts on the existing fire station operations, staff determined that a design-build modular building that was manufactured off-site would be the best approach. This would reduce the amount of on-site construction activity to minimal site work, placement of the modular building, and any necessary interior finishes of the modules.

In September 2021, the modular building design-build Request for Proposals (RFP) was advertised, and the City received responsive proposals from three vendors. On January 4, 2022, the modular building design-build purchase order was awarded to Meehleis Modular Buildings (MMB) as the lowest qualified bidder. MMB has since completed its modular building design in coordination with PEA's design of the site improvements. PEA has incorporated MMB's building plans into a site design package that provides the site utilities and improvements needed to support the new training/classroom building (see Figure 2).



Figure 2: Rendering of Training/Classroom Facility

Environmental Clearance

Burrowing Owl Foraging Area Mitigation, Enhancement and Monitoring Plan

On April 28, 2009, Council approved the adoption of the Mitigated Negative Declaration (MND), including the Initial Study and Mitigation Monitoring Program, in accordance with the California Environmental Quality Act (CEQA) guidelines for New Fire Station No. 5, Project 03-23, including the training and classroom facility. At the time the Initial Study was prepared in 2009, the proposed classroom site consisted of paved drive aisles and parking spaces. During the construction of the new fire station, the site was reconfigured, and the former paved parking area was removed to provide the classroom site shown in Figure 1. Since the classroom project was not constructed at that time, that portion of the site was left unimproved and became vegetated with natural grasses.

During design of the Fire/Police Training and Classroom Facility, it was brought to staff's attention that the classroom site now contained burrowing owl foraging habitat area. The quality of this foraging habitat is considered marginal due to the size of the site and location near an active fire station; however, the loss of the foraging area requires mitigation.

To address this, a Burrowing Owl Foraging Area Mitigation, Enhancement, and Monitoring Plan (Plan) has been prepared (Attachment 1) consistent with the 2012 Shoreline Burrowing Owl Preservation Plan. The Plan mitigates the loss of Western burrowing owl foraging habitat on the project site by establishing new and enhanced foraging habitat in a designated area within Shoreline at Mountain View, providing long-term monitoring to ensure the success of the Plan, and identifying procedures for determining whether the mitigations are meeting the expected success criteria. This Plan was developed in consultation with the California Department of Fish and Wildlife (CDFW). Once completed, the proposed mitigation site will provide significantly higher-quality habitat than the impacted site. The monitoring and reporting on the mitigation area will be incorporated into existing monitoring activities performed in Shoreline at Mountain View. The site and landscaping improvements required for the burrowing owl foraging habitat will be completed by spring 2024, before construction of the classroom project is completed.

Addendum to Mitigated Negative Declaration

Title 14, Section 15164 of the California Code of Regulations—Addendum to an EIR or Negative Declaration, allows a lead agency to issue an addendum to an existing MND or Environmental Impact Report (EIR) if certain conditions are met, including:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

- (b) An addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted Negative Declaration.
- (d) The decision-making body shall consider the addendum with the final EIR or adopted Negative Declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

The 530 acres of upland habitat area within the Shoreline at Mountain View area includes 438 upland acres which are known high-to-moderate-use burrowing owl habitat, and the species has been considered a "target species" in Shoreline at Mountain View for over 20 years.¹ The potential for burrowing owl habitat on the project site was known at the time the Initial Study was prepared, and the determination that the project would not result in any biological resource impacts was based on the absence of evidence of burrowing owl foraging activity on the site. Therefore, the subsequent use of the open, undeveloped classroom site for burrowing owl foraging activity is not considered "new information of substantial importance," which was not known at the time the 2009 Initial Study/MND was adopted.

In summary, none of the conditions in Section 15162 requiring preparation of a subsequent MND are met due to the following factors:

- The Shoreline at Mountain View area is a known habitat for burrowing owls, and the potential for burrowing owl habitat on the project site was known at the time the Initial Study was prepared.
- The City has an adopted Shoreline Burrowing Owl Preservation Plan and Burrowing Owl Foraging Area Mitigation, Enhancement, and Monitoring Plan consistent with the Preservation Plan, which have been incorporated into the Addendum to the Mitigated Negative Declaration.

Staff recommends that Council adopt the Addendum to the MND (Attachment 2).

¹ Trulio, Lynne, Ph.D., Higgins, Phillip, 2012 Shoreline Burrowing Owl Preservation Plan, October 1, 2012, p. 5.

Amendment to Perkins Eastman Architects Agreement

The integration of the MMB building into the site design required greater than anticipated time and effort on the part of PEA, inclusive of addressing Green Building Code requirements. As a result, the majority of the additional services allowance was exhausted. Staff anticipates that additional services will be needed during bidding and construction to address site conditions and other unforeseen needs. Therefore, staff recommends increasing the additional services allowance for as-needed services, for a total amendment of \$75,000. The amendment results in a total contract amount not-to-exceed \$338,000.

Public Art

Staff met with the Visual Arts Committee (VAC) in August and September 2019 to review public art options for this project. At that time, the VAC chose not to move forward with an advertisement for artists for this project due to concerns that the project area would not be visible to the public. Staff will return to the VAC to review alternative locations for this project's public art funding to be applied in the Shoreline at Mountain View area in fall 2023. Per the Public Art Policy at the time the project funding was established, the public art component of this project was budgeted at 1% of construction costs. Council updated the Public Art Policy in February 2022 to increase the allocation of public art to 2% of the estimated construction costs for projects over \$1 million. Consistent with the updated Council Policy, staff increased the public art budget included in Project 20-35 to 2% of construction costs.

Next Steps

Should Council approve staff's recommendations, construction will commence in fall 2023 to have the site ready for delivery of the modular classroom building.

FISCAL IMPACT

The total project cost estimate for Project 18-41 is \$744,000 and Project 20-35 is \$6,975,000, as detailed below. Fire/Police Training and Classroom Facility at Fire Station 5, Design, Project 18-41, is funded with \$644,000 from the Shoreline Regional Park Community (SRPC) Fund. Fire Station 5 Classroom/Training, Construction, Project 20-35, is funded with \$2,852,000 from the SRPC Fund and \$3,323,000 from SRPC Bond Proceeds, for a total project funding of \$6,175,000. An increase in appropriations of \$900,000 is requested to fully fund the project.

	Project 18-41 Design	Project 20-35 Construction
Construction (including contingency)		\$5,396,000
Foraging Habitat Mitigation (including contingency)		165,000
Consultant Services	\$398,000	45,000
City Project Management	105,000	130,000
Construction Management, Inspection, and Testing		290,000
Public Art		108,000
Fixtures, Furnishing, and Equipment (FFE)		160,000
Permits, Utilities, and Miscellaneous	110,000	65,000
Project Contingency	86,000	190,000
<hr/>		
Subtotal	\$699,000	\$6,549,000
City Administration	<u>45,000</u>	<u>426,000</u>
TOTAL PROJECT COST ESTIMATE	\$744,000	\$6,975,000
CURRENT APPROVED BUDGET	\$644,000	\$6,175,000
BUDGET SHORTFALL	\$100,000	\$800,000

The budget shortfall is due to unexpected additional mitigation requirements, anticipated rise in construction cost due to inflation, increased public art costs due to policy changes, and additional associated engineering and management costs not originally anticipated. Based on the estimated project budget shortfall, staff recommends increasing the budget by an additional \$100,000 for Project 18-41 and \$800,000 for Project 20-35, both from 2018 Shoreline Series A Bond Proceeds currently allocated to Northbound Shoreline/101 Off-Ramp Realignment, Project 20-37, to provide for more timely use of the bond funds. If the recommended funding adjustment is granted, the total project budgets will be increased to \$744,000 for Project 18-41 and \$6,975,000 for Project 20-35.

CONCLUSION

With Council approval of staff’s recommendations, the Fire/Police Training and Classroom Facility at Fire Station No. 5 will proceed into construction. This project will complete the original plans for Fire Station No. 5 and provide a vital resource for both the Police and Fire Departments.

ALTERNATIVES

1. Do not adopt the Addendum to the MND and direct staff to revise the addendum.
2. Do not approve the requested funding or the plans and specifications and direct staff to reduce the scope of the project to within available funds or defer the project.
3. Provide other direction.

PUBLIC NOTICING—Agenda posting.

Prepared by:

Naveen Govind
Senior Project Manager

David O. Printy
Principal Project Manager

Reviewed by:

Edward Arango
Assistant Public Works Director/
City Engineer

Approved by:

Dawn S. Cameron
Public Works Director

Audrey Seymour Ramberg
Assistant City Manager

NG-DOP/LL/1/CAM
933-06-27-23CR
202170

- Attachments:
1. Burrowing Owl Foraging Area Mitigation, Enhancement, and Monitoring Plan
 2. Addendum to Adopted Mitigated Negative Declaration and 2009 MND/IS

cc: APWD—Arango, PPM, SPM—Govind, SMA—Doan, SMA—Goedicke, F/c (18-41, 20-35)