



# *City Council Agenda*

City of Campbell, 70 N. First St., Campbell, California

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## **REGULAR MEETING OF THE CAMPBELL CITY COUNCIL**

Tuesday, February 4, 2020 - 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

### **CALL TO ORDER**

### **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

### **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

### **COMMUNICATIONS AND PETITIONS**

### **ORAL REQUESTS**

NOTE: This portion of the meeting is reserved for persons wishing to address the City Council on any matter not on the agenda. Persons wishing to address the Council are requested, but not required to complete a Speaker's Card. Speakers are limited to two (2) minutes. The law generally prohibits the Council from discussion or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Requests.

### **COUNCIL ANNOUNCEMENTS**

### **CONSENT CALENDAR**

1. **Minutes of City Council Special Meeting of January 14, 2020**  
Recommended Action: Approve the special meeting minutes of January 14, 2020.
2. **Minutes of City Council Regular Meeting of January 21, 2020**  
Recommended Action: Approve the regular meeting minutes of January 21, 2020.
3. **Approving Bills and Claims**  
Recommended Action: Approve the of bills and claims in the amount of \$229,451.28.
4. **Investment Report- Quarter Ending, December 2019**  
Recommended Action: That the Investment Report for the quarter ending December 2019, be noted and filed.
5. **Proposal for Closure of East Campbell Avenue and Fee Waiver Request for**

**the Downtown Campbell Business Association's Winter Wonderland Event on Sunday, February 23, 2020 (Resolution/Roll Call Vote)**

Recommended Action: It is recommended that the City Council adopt a resolution approving the temporary closure of East Campbell Avenue and the issuance of a Special Event Permit for the Downtown Campbell Business Association's Winter Wonderland event subject to restrictions and conditions as described in the resolution and waive associated fees for such closure.

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

**NOTE:** Members of the public may be allotted up to two (2) minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of five (5) minutes for opening statements and up to a total of three (3) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

6. **Introduction of Ordinance to Amend Title: 18, Chapter 18 of the Campbell Municipal Code to Prohibit the Use of Natural Gas for Warm Air Heating and Water Heating in All New Residential Living Units, Thereby Reducing the Amount of Greenhouse Gas Produced by Each Unit (Ordinance/Roll Call Vote)**

Recommended Action: That the City Council introduce an Ordinance Amending Title 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units.

7. **Public Hearing to Consider the Application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to Allow Construction of a 161,870 Square Foot Four-Story Office Building, a 146,478 Square Foot Five-Story Parking Garage (With One Level of Underground Parking), Additional Surface Parking, and On-Site Open Space on Property Located at 1700 Dell Avenue (Resolutions/Roll Call Vote)**

Recommended Action: That the City Council take the following actions: 1) adopt a resolution denying a Zoning Map Amendment; 2) adopt a resolution denying a Planned Development Permit with Site and Architectural Review; and 3) adopt a resolution denying a Tree Removal Permit.

**UNFINISHED BUSINESS**

8. **Resolution Authorizing Issuance of Request for Proposals for the New Police Operations Building and the Campbell Library Improvements Design Services and Authorizing the City Manager to Award Consultant Services Agreements (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution that authorizes 1) staff to issue separate Request for Proposals (RFP's) for the New Police Operations Building and the Campbell Library Improvements design services for the Measure O Program, and 2) the City Manager to negotiate and award consultant services agreements; and provide staff guidance on the City Council's

involvement in the consultant selections process.

## **COUNCIL COMMITTEE REPORTS**

### **9. Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

## **ADJOURN**

**IMPORTANT NOTICE:** Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection with the agenda packet in the lobby of City Clerk's Office, 70 N. First Street, Campbell, CA 95008, during normal business hours. These materials will also be available on the City website at <https://www.ci.campbell.ca.us/agendacenter> with the agenda packet following the last item of the agenda, subject to staff's ability to post the documents prior to the meeting. All documents not posted prior to the meeting will be posted the next business day.

In compliance with the Americans with Disabilities Act, listening assistive devices are available for all meetings held in the City Council Chambers. If you require accommodation, please contact the City Clerk's Office, (408) 866-2117, at least one week in advance of the meeting.

# CITY COUNCIL MINUTES

City of Campbell, 70 N. First St., Campbell, California



## SPECIAL MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, January 14, 2020 – 1:00 p.m.

Campbell Community Center

Room E-42

One W. Campbell Ave., Campbell, CA 95008

This City Council meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

### CALL TO ORDER, ROLL CALL

The City Council of the City of Campbell convened this day in the special meeting place, the Campbell Community Center, Room E-42, located at One W. Campbell Avenue Campbell, California to discuss City Council/City Manager roles, responsibilities, and protections.

### ROLL CALL

Attendee Name	Title	Status
Susan M. Landry	Mayor	Present
Elizabeth 'Liz' Gibbons	Vice Mayor	Present
Rich Waterman	Councilmember	Present
Anne Bybee	Councilmember	Present
Paul Resnikoff	Councilmember	Present

### PUBLIC COMMENT

Susan Blake, Campbell resident, spoke about the City of Campbell's Statement of Values and its relation to the agendized discussion.

### AGENDA ITEMS

1. **Discussion on City Council/City Manager Government Roles, Responsibilities, and Protections**

Recommended Action: That the City Council discuss the City Council/City Manager roles, responsibilities, and protections.

City Manager Loventhal gave a brief introduction of the item.

Attorney with Liebert Cassidy Whitmore, Richard Bolanos, gave a brief introduction of the discussion.

Councilmembers and attorney, Richard Bolanos, discussed the City Council/City Manager roles, responsibilities, and protections.

**ADJOURN**

Mayor Landry adjourned the meeting at 4:05 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Susan M. Landry, Mayor

\_\_\_\_\_  
Wendy Wood, City Clerk

Minutes Acceptance: Minutes of Jan 14, 2020 12:00 AM (CONSENT CALENDAR)

# CITY COUNCIL MINUTES

City of Campbell, 70 N. First St., Campbell, California



## REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, January 21, 2020 7:30 p.m.

City Hall Council Chamber – 70 N. First Street

The City Council Regular Meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3) with Mayor Susan M. Landry from the location at the Capital Hilton, Business Center, 16<sup>th</sup> & K Streets, NW, Washington, DC 20036. The teleconference location shall be accessible to the public for the open session portion of the meeting pursuant to Government Code Section 54953(b)(3).

This City Council meeting was duly noticed pursuant to open meeting requirements of the Ralph M. Brown Act (G.C. Section 54956).

This meeting was recorded and can be viewed in its entirety at [www.cityofcampbell.com/agendacenter](http://www.cityofcampbell.com/agendacenter).

### CALL TO ORDER

The City Council of the City of Campbell convened this day in the regular meeting place, the City Hall Council Chamber, 70 N. First St., Campbell, California.

### ROLL CALL

Attendee Name	Title	Status
Susan M. Landry	Mayor	Remote
Elizabeth 'Liz' Gibbons	Vice Mayor	Present
Rich Waterman	Councilmember	Present
Anne Bybee	Councilmember	Present
Paul Resnikoff	Councilmember	Present

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Gibbons.

### SPECIAL PRESENTATIONS AND PROCLAMATIONS

There were no special presentations or proclamations.

### COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

## **ORAL REQUESTS**

Carol Hoffman, Civic Improvement Commission Chair, spoke about the Beautification Grant Program and encouraged more people to apply before the January 31 deadline.

## **COUNCIL ANNOUNCEMENTS**

The City Council Measure O RFP Ad Hoc Committee has been working with staff to refine the draft RFPs for design consultant services. The proposed drafts were anticipated to be considered by the City Council at tonight's meeting. However, the draft RFP's are still being finalized and it is now anticipated that the Council will consider authorizing the issuance of the RFP's at the February 4 meeting.

Santa Clara County residents are urged to apply for service on the Civil Grand Jury. For more information, please contact the Santa Clara County Superior Court at [www.CGJ@scscourt.org](mailto:www.CGJ@scscourt.org).

Bike to the Future is here. Bike to the Future is a scholarship competition run by Silicon Valley Clean Energy in which high school students design and build an electric bike to compete in challenges testing efficiency, innovation, and design. For more information, or to sign up online, please visit [www.SVCleanenergy.org](http://www.SVCleanenergy.org).

The Civic Improvement Commission is currently accepting applications for the Beautification Grant Program. Applications will be accepted through January 31. For more information, please visit [www.campbellca.gov](http://www.campbellca.gov).

The City of Campbell's Youth Job Fair is scheduled for Friday, January 31, from 3:30 p.m. to 5:00 p.m. at the Campbell Community Center in the Orchard City Banquet Hall. High school juniors 16 and older are invited to attend. For more information, please visit [www.campbellca.gov](http://www.campbellca.gov).

The 43<sup>rd</sup> annual Valentine Fun Run is scheduled for 9:00 a.m. Saturday, February 8, at Campbell Park. The deadline to pre-register for this event is Friday, January 31. For more information, please visit [www.campbellca.gov](http://www.campbellca.gov).

Celebrate Campbell's rich heritage at the Early Settlers Day event at the Orchard City Banquet Hall, on Monday, February 17, at noon. Pre-registration is required and lunch will be served. For more information, please contact Dan Furtado at (408) 378-3506.

The AARP Foundation is providing free income tax assistance from February 4 through April 14 at the Community Center's Adult Center. This service is available for low to moderate-income adults and families ages 18+. For more information, please visit [www.campbellca.gov](http://www.campbellca.gov).

The City of San Jose is partnering with the National Council on Aging to offer the Aging Mastery Program for Caregivers. This 12-week program is designed to educate caregivers about the impacts of caregiving and provide tools to stay healthy. There are

limited spots available. For more information, please visit [www.sjregistration.com](http://www.sjregistration.com).

## **CONSENT CALENDAR**

Vice Mayor Gibbons asked if any Councilmember or anyone in the audience wished to remove any item from the Consent Calendar.

The Consent Calendar was considered as follows:

1. **Minutes of City Council Regular Meeting of December 17, 2019**  
Recommended Action: Approve the regular meeting minutes of December 17, 2019.

This action approves the regular meeting minutes of December 17, 2019, with a correction on page eight to change the word delegate to dignitary.

2. **Approving Bills and Claims**  
Recommended Action: Approve the bills and claims in the amount of \$2,861,335.58.

This action approves the bills and claims in the amount of \$2,861,335.58 as follows: bills and claims checks dated December 9, 2019, in the amount of \$183,553.74; payroll checks dated December 12, 2019, in the amount of \$84,860.37; bills and claims checks dated December 16, 2019, in the amount of \$441,695.19; bills and claims checks dated December 23, 2019, in the amount of \$1,909,518.49; payroll checks dated December 26, 2019, in the amount of \$73,695.11; and bills and claims checks dated January 6, 2020, in the amount of \$168,012.68.

3. **Memorandum of Understanding Between the County of Santa Clara and the City of Campbell for Crime Laboratory Major Case Work (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution authorizing the City Manager to execute the Memorandum of Understanding regarding services provided by the Santa Clara County Crime Lab related to the investigation and prosecution of criminal cases, authorize the City Manager to execute future amendments and/or agreements, and to authorize staff to incorporate the program's annual expenses into the appropriate fiscal year's budget.

Resolution 12547 authorizes the City Manager to execute the Memorandum of Understanding regarding services provided by the Santa Clara County Crime Lab related to the investigation and prosecution of criminal cases, authorizes the City Manager to execute future amendments and/or agreements, and authorizes staff to incorporate the program's annual expenses into the appropriate fiscal year's budget.

**M/S: Resnikoff/Bybee - that the City Council approve the consent calendar**

with a correction to item one, page eight of the minutes, to change the word delegate to dignitary. Motion was adopted by the following roll call vote:

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Bybee
<b>AYES:</b>	Landry, Gibbons, Waterman, Bybee, Resnikoff

**PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES**

**4. Public Hearing – Resolution Directing the Community Development Director to Proceed with Abatement of Hazardous Vegetation (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution directing the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Agricultural Commissioner’s Office.

This is the time and place for a public hearing to direct the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Agricultural Commissioner’s office.

Senior Planner Fama presented the staff report dated January 21, 2020.

Vice Mayor Gibbons declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

There being no one wishing to be heard, Vice Mayor Gibbons closed the public hearing.

**M/S: Resnikoff/Waterman - that the City Council adopt Resolution 12548 directing the Community Development Director to proceed with the abatement of hazardous vegetation by the Santa Clara County Agricultural Commissioner’s Office. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Waterman
<b>AYES:</b>	Landry, Gibbons, Waterman, Bybee, Resnikoff

**5. Appeal of Massage Establishment Permit Revocation – Bascom Massage Located at 3495 S. Bascom Avenue, Campbell, California (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution that rejects the appeal of the revocation of the Massage Establishment Permit for Bascom

Minutes Acceptance: Minutes of Jan 21, 2020 7:30 PM (CONSENT CALENDAR)

Massage and its owner Peiran Xu.

This is the time and place for a public hearing to hear an appeal of a massage establishment permit revocation for Bascom Massage located at 3495 S. Bascom Avenue, Campbell, California.

City Clerk Wood swore in all testifying parties.

Police Sergeant White presented the staff report dated January 21, 2020.

Vice Mayor Gibbons declared the public hearing open and asked if there was anyone in the audience wishing to be heard.

James Cai, appellant’s attorney, presented his case on behalf of his client Peiran Xu, owner of Bascom Massage.

Campbell resident requested to speak on this item.

City Clerk Wood swore him in to allow him to testify.

Campbell resident stated concerns with the business and agrees with the staff’s recommendation to revoke the massage establishment.

James Cai, appellant’s attorney, gave closing remarks in response to concerns brought up by the previous speaker and spoke about the establishment.

There being no one else wishing to speak, Vice Mayor Gibbons closed the public hearing.

After discussion, **M/S: Resnikoff/Waterman - that the City Council adopt Resolution 12549 rejecting the appeal of the revocation of the Massage Establishment Permit for Bascom Massage and its owner Peiran Xu. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff
<b>SECONDER:</b>	Waterman
<b>AYES:</b>	Landry, Gibbons, Waterman, Bybee, Resnikoff

- 6. **Public Hearing to Consider the Appeals of Herb Weinman, Catherine Clock, and Mary Broxon, Appealing the Planning Commission Approval of a Conditional Use Permit with Site and Architectural Review, Tree Removal Permit, and Environmental Review to Allow Construction of a 4,554 Square Foot Fast-Food Restaurant with an 84-Seat Interior Dining Area, a 16-Seat Outdoor Dining Area, a 19-Vehicle Drive-Through Lane with Outdoor Activities (Drive-Up Window), and Associated Site, Lighting, Parking, Refuse Collection, and Landscaping Improvements (PLN2018-206); a Tree**

Minutes Acceptance: Minutes of Jan 21, 2020 7:30 PM (CONSENT CALENDAR)

**Removal Permit to Allow Removal of Protected On-Site Trees (PLN2018-207); and Adoption of a Mitigated Negative Declaration (PLN2018-206), for Property Located at 2060 S. Bascom Avenue in the C-2 (General Commercial) Zoning District (Resolutions/Roll Call Vote)**

Recommended Action: That the City Council deny the appeals, thereby upholding the Planning Commission's decision to approve the project, subject to the following Resolutions and Conditions of Approval: resolution adopting a Mitigated Negative Declaration; resolution approving a Conditional Use Permit with Site and Architectural Review to allow construction of a 4,554 square-foot fast-food restaurant with an 84-seat interior dining area, a 16-seat outdoor dining area, a 19-vehicle drive-through lane with outdoor activities (drive-up window), and associated site, lighting, parking, refuse collection, and landscaping improvements (PLN2018-206); and resolution approving a Tree Removal Permit to allow removal of protected on-site trees (PLN2018-207).

This is the time and place for a public hearing to consider the appeals of Herb Weinman, Catherine Clock, and Mary Broxon, appealing the Planning Commission approval of a Conditional Use Permit with Site and Architectural Review, Tree Removal Permit, and environmental review to allow construction of a 4,554 square foot fast-food restaurant with an 84-seat interior dining area, a 16-seat outdoor dining area, a 19-vehicle drive-through lane with outdoor activities (Drive-Up Window), and associated site, lighting, parking, refuse collection, and landscaping improvements (PLN2018-206); a Tree Removal Permit to allow removal of protected on-site trees (PLN2018-207); and adoption of a Mitigated Negative Declaration (PLN2018-206), for property located at 2060 S. Bascom Avenue in the C-2(General Commercial) Zoning District.

Community Development Director Kermoyan presented the staff report dated January 21, 2020.

Public Works Director Capurso gave a brief presentation on the traffic impact analysis.

Council asked questions relating to traffic.

Mark Spencer, Principal Transportation Engineer for W-Trans, and primary author of the traffic impact analysis for the proposed project provided clarification on the calculations for the analysis.

Vice Mayor Gibbons declared the public hearing open and called up appellants Catherine Clock and Mary Broxon for their five-minute opening statement.

Catherine Clock stated that they would have Dave Pogue speak for their five minutes.

Dave Pogue, Campbell resident gave a slide presentation on traffic issues with an existing Chick-fil-A restaurant, spoke about concerns with queuing, and stated

that the site is not appropriate for this use.

Herb Weinman, appellant, spoke about issues with the drive-through near residential and commented on concerns with the increase of trash and traffic in the neighborhood.

Miriam Montesinos, attorney with Pelosi Law Group, representing Chick-fil-A, commented on two legal factors for Council consideration; stating that only the operation can be considered, not the operator; and that there needs to be substantial evidence that the Planning Commission erred in making their decision.

Patrick Ahrens, representative from Assemblymember Evan Low's office, spoke in opposition of the project on behalf of Assemblymember Evan Low, stating concerns with traffic, noise, emissions, and the social-cultural history of the business.

Kevin Lee, representative from Santa Clara County Supervisor Dave Cortese's office, spoke on behalf of Supervisor Dave Cortese stating concerns with traffic, queuing, and requested that the Council oppose this project.

David Ronca, Campbell resident, spoke in support of Chick-fil-A and commented positively on the business.

Maria Smith, Campbell resident, spoke about the Dry Creek Neighborhood Association and the lack of follow-up with the Chick-fil-A representatives in regards to meetings.

William Seelig, Campbell resident, spoke about using Denny's restaurant for toastmaster meetings, commented on concerns with traffic, and stated that he is against this project.

Howard Applegate, Campbell resident, showed a video of traffic at an existing Chick-fil-A and commented on traffic concerns.

Joelle Lambert, Campbell resident, commented on concerns with traffic in neighborhoods and requested that Council deny the proposal.

Annie Pogue, Campbell resident, commented on traffic on Bascom Avenue and stated concerns with suggested mitigations.

Diego Certa, Campbell resident, commented on impacts Chick-fil-A could have on the community, spoke about Denny's wanting to stay in their current location, and stated concerns with drive-through businesses.

Bryson Santaguida, Campbell resident, commented on several findings and stated that this project does not meet the mandatory findings for approval.

John Nourse, San Jose resident, spoke about gross sales for Chick-fil-A and stated several reasons this project should be denied.

Devika Sagar, current franchisee of the Denny's restaurant, stated that they plan on staying at the location and commented on the groups that meet at Denny's on a regular basis.

Jean Lund, Campbell resident, commented on concerns with traffic and neighborhood integrity and asked that Council vote no on this proposal.

Mark Broxon, Campbell resident, commented on issues with Chick-fil-A and urged Council to turn down this project.

Maria Matteis, Campbell resident, commented on the efforts of the community group supporting the appeal and asked Council to vote to uphold the appeal.

Arthur Low, Sunnyvale resident, spoke against the Chick-fil-A being in the location where Denny's is currently, and commented on being a patron of Denny's for the past 15 years.

Patrick Murphy, Campbell resident, spoke about parking and traffic concerns and submitted his comments for the record.

Kevin Makley, Campbell resident, stated that he is in opposition of the Chick-fil-A and commented on the letters submitted from Supervisor Dave Cortese and Assemblymember Evan Low.

Joe Hernandez, Campbell resident, former Planning Commissioner, and former City Councilmember, commented on the use, stating that this use is not consistent with the General Plan and it is not the right business for the site.

Will Wong, North San Jose Chick-fil-A owner, spoke about the business and a leadership development intern program he started to help aspiring entrepreneurs.

John Lewis, Campbell resident, spoke about traffic and safety concerns in the neighborhood near the proposed project.

Diane Zimmerman, Campbell resident, spoke about being a patron of the Denny's restaurant and would like the Denny's to stay in its current location.

Sergio Lopez, Campbell resident, commented on the Denny's restaurant being a good community partner and stated that he is opposing the project.

Matt Dapoleto, Campbell resident, commented on Chick-fil-A and stated that he is against this project.

Wayne Firsty, Campbell resident, spoke about the number of vehicle trips in

relation to peak hours.

Michael Denton, Milpitas resident, stated that he is a local organizational leader in his city and commented on the benefits Chick-fil-A has brought to his city and community.

George Tretyakov spoke about the Chick-fil-A representative's comments, stated that Denny's is a fixture in the community, and commented on Chick-fil-A's political history with the LGBTQ+ community.

JoElle Hernandez, Campbell resident, commented on concerns with traffic crossing over Bascom Avenue to turn onto Campbell Avenue and stated that the traffic study does not address this concern.

Gene Haun, Campbell resident, commented on traffic going on to the neighborhood streets and stated that he does not support this location for this business.

Audrey Kiehtreiber, Campbell resident and President of the San Tomas Area Community Coalition (STACC), spoke about concerns with parking and urged Council to consider the overall effects to the surrounding area.

Sahil Sagar, current employee of Denny's, spoke about Chick-fil-A, commented on working at Denny's, and asked Council to look at the impacts this project will have on the community.

Catherine Clock, appellant, commented on concerns with traffic and the impacts navigational apps will have on the neighborhood.

Mary Broxon, appellant, spoke about issues with the proposed project, stated several policies in the General Plan that the project does not follow, and asked that the Council vote to oppose the project.

Kim Moynier, Campbell resident, stated that she opposes the Chick-fil-A project and commented that there are several people in the audience that did not speak but are also opposed to the project.

Dave Pogue spoke on behalf of appellants Catherine Clock and Mary Broxon and provided closing remarks, recapping the concerns raised in regards to this project.

Miriam Montesinos, attorney with Pelosi Law Group, representing Chick-fil-A, provided closing remarks clarifying her previous statement, listed the changes made to the project by the applicant based on previous feedback, and encouraged Council to uphold the Planning Commission approval and deny the appeals.

There being no one else wishing to speak, Vice Mayor Gibbons closed the public hearing.

Vice Mayor Gibbons called for a brief recess.

Council reconvened at 10:55 p.m.

Council discussed concerns with the project related to traffic, queuing, and parking.

After further discussion, **M/S: Landry/Bybee - that the City Council continue this item with direction to staff to bring back a resolution with the appropriate findings to approve the appeal and deny the project to Council on February 18, 2020. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Landry
<b>SECONDER:</b>	Bybee
<b>AYES:</b>	Landry, Gibbons, Waterman, Bybee, Resnikoff

**NEW BUSINESS**

**7. 2020 City Council Meeting Schedule (Resolution/Roll Call Vote)**

Recommended Action: That the City Council adopt a resolution approving the 2020 City Council meeting schedule.

Mayor Landry requested that the August 4 meeting be moved to Monday, August 3, instead of canceling it; the November 3 meeting be moved to Monday, November 2; proposed two additional meetings, one on September 29 and one on June 30, and hold the January 5 meeting in 2021.

Vice Mayor Gibbons asked if anyone in the audience wished to speak on this item.

Steve Saunders, Campbell resident, submitted a speaker card indicating that he would like Study Session dates included on the calendar.

Council discussed the proposed changes.

After discussion, **M/S: Resnikoff/Waterman - that the City Council adopt Resolution 12550 approving the 2020 City Council meeting schedule with a change to move the November 3, 2020 meeting, to November 2, 2020. The motion was adopted by the following roll call vote:**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Resnikoff

Minutes Acceptance: Minutes of Jan 21, 2020 7:30 PM (CONSENT CALENDAR)

**SECONDER:** Waterman  
**AYES:** Landry, Gibbons, Waterman, Bybee, Resnikoff

**COUNCIL COMMITTEE REPORTS**

8. **Council Committee Reports**

Recommended Action: Report on committee assignments and general comments.

This item was continued.

**ADJOURN**

Vice Mayor Gibbons adjourned the meeting at 11:55 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Susan M. Landry, Mayor

\_\_\_\_\_  
Wendy Wood, City Clerk

Minutes Acceptance: Minutes of Jan 21, 2020 7:30 PM (CONSENT CALENDAR)



*City  
Council  
Report*

Item: 3  
Category: CONSENT CALENDAR  
Meeting Date: February 4, 2020

**TITLE: Approving Bills and Claims**

**RECOMMENDED ACTION**

Approve the of bills and claims in the amount of \$229,451.28.

**DISCUSSION**

The bills and claims that have been audited and approved by staff for payments made as noted below:

<u>Type</u>	<u>Check Date</u>	<u>Amount</u>
Payroll	January 09, 2020	\$24,792.60
Bills & Claims	January 13,2020	\$204,658.68
	<b>Total</b>	<b>\$229,451.28</b>

**FISCAL IMPACT**

Adequate funding was available to cover all expenses as listed.

Prepared by:

Carolina Vargas, Accounting Clerk

Reviewed by:

Norite Vong, Finance Manager

Approved by:



Brian Loventhal, City Manager



*City  
Council  
Report*

Item: 4  
Category: CONSENT CALENDAR  
Meeting Date: February 4, 2020

**TITLE: Investment Report- Quarter Ending, December 2019**

**RECOMMENDED ACTION**

That the Investment Report for the quarter ending December 2019, be noted and filed.

**DISCUSSION**

The City invests primarily in the State of California Local Agency Investment Fund (LAIF) and US Government Agency securities to preserve the safety of the City's surplus funds while achieving a reasonable return on its portfolio. The City's strategy is one of buy-and-hold in which a portion of the portfolio is invested in fixed income securities of varying maturities that provides sufficient cash flow to meet the City's operational needs.

During the quarter ending December 31, 2019, the investment portfolio decreased by \$1.3 million primarily due to cash flow requirements for operations. The City had five (5) securities totaling \$8.7 million called while reinvesting in a new \$2.0 million FHLB 3-year at a 1.875% interest rate with the remainder reinvested into LAIF pending available investment options considered. So far, \$6 million has been reinvested in new issues during January.

All investments are made in accordance with the City's established Investment Policy or as authorized pursuant to bond covenants. Presented within this report are the following:

- Investment balance & earnings-Qtr ending, Dec 2019
- Summary of investments by type- Qtr ending Dec, 2019
- List of investments by institution- Qtr ending Dec, 2019
- Reconciliation of pooled cash as of Qtr ending Dec, 2019
- Summary of Total Cash Invested as Qtr ending Dec, 2019
- Monthly Schedule of Investments as of Qtr ending Dec, 2019
- Cash flow projections for January 2020 thru June 2020
- Actual Receipts and Disbursements- Qtr ending Dec, 2019

<b>Investment Balance and Earnings - Quarter ending 12/31/2019</b>						
Bal. at Beg. of Quarter 10/01/19	Purchases/ Deposits	Maturities/ Withdrawals	Bal. at End of Quarter Qtr ending 12/31/2019	Interest Earned Qtr ending 12/31/2019	Interest Earned YTD	% of Interest Earned YTD/Budget
\$ 35,551,166	\$ 14,535,581	\$ (15,795,101)	\$ 34,291,646	\$ 186,893	\$ 392,568	70%

<b>Summary of Investments by Type - Quarter ending 12/31/2019</b>						
<b>Description</b>	<b>Current Quarter Qtr ending 12/31/2019</b>	<b>% of Total Portfolio</b>	<b>Prior Quarter 9/30/2019</b>	<b>% of Total Portfolio</b>	<b>Prior Year 12/31/2018</b>	<b>% of Total Portfolio</b>
L.A.I.F.	\$ 26,291,351	76.67%	\$ 19,355,771	54.44%	\$ 15,402,507	41.70%
Agencies	\$ 7,000,000	20.41%	13,747,500	38.67%	19,496,750	52.79%
Corporate Notes	1,000,000	2.92%	1,000,000	2.81%	2,031,100	5.50%
Money Market (BNY Mellon)	295	0.00%	1,447,896	4.07%	268	0.00%
<b>Total</b>	<b>\$ 34,291,646</b>	<b>100.00%</b>	<b>\$ 35,551,166</b>	<b>100.00%</b>	<b>\$ 36,930,625</b>	<b>100.00%</b>

### Cash Flow

The cash flow projection reflects there are sufficient funds available to meet the City of Campbell's anticipated expenditures for January, 2020 through June, 2020. (See Exhibit-II).

<b>List of Investments by Institution - Quarter ending 12/31/2019</b>				
<b>Institution</b>	<b>Cost</b>	<b>% of Total Portfolio</b>	<b>Market Value</b>	<b>Diff. Bet. Cost &amp; Market</b>
L.A.I.F	\$ 26,291,351	76.67%	\$26,337,894	\$ 46,543
Federal National Mortgage Assn. (FNMA) *	2,000,000	5.83%	1,999,040	\$ (960)
Federal Home Loan Bank (FHLB) *	2,000,000	5.83%	1,998,540	\$ (1,460)
Federal Farm Credit Bank (FFCB)*	2,000,000	5.83%	2,000,040	\$ 40
Federal Home Loan Mortgage Corp (FHLMC) *	1,000,000	2.92%	1,000,140	\$ 140
Ally Bank	250,000	0.73%	252,981	\$ 2,981
Capital One Bank	250,000	0.73%	252,981	\$ 2,981
Capital One National Association	250,000	0.73%	252,981	\$ 2,981
Goldman Sachs Bank	250,000	0.73%	252,981	\$ 2,981
BNY Mellon-Money Market Fund **	295	0.00%	295	\$ -
	<b>\$ 34,291,646</b>	<b>100.00%</b>	<b>\$34,347,873</b>	<b>\$ 56,227</b>

\* The City intends to hold treasury/agency securities to maturity or until they are called, as a result this is a paper gain and/or loss that will not be realized. In a rising interest rate environment, as we are experiencing, unrealized losses are expected.

\*\* Cash with fiscal agent held for debt service payments.

<b>Reconciliation of Pooled Cash per Ledgers to Investment Report</b>	
<b>Quarter ending 12/31/2019</b>	
Balance per ledger - Qtr Ending Quarter ending 12/31/2019	\$ 34,103,565
Quarter ending 12/31/2019 Activity to be Journalized	188,081
Adjusted General Ledger Balance	<u>\$ 34,291,646</u>
Balance per Investment Report	<u>\$ 34,291,646</u>

<u>Summary of Total Cash Invested</u>			
<u>Description</u>	<u>Current Quarter Qtr ending 12/31/2019</u>	<u>Prior Quarter 09/30/19</u>	<u>Prior Year 12/31/18</u>
Cash on Deposit***	\$ 1,796,601	\$ 2,162,332	\$ 853,232
Investments	34,291,646	35,551,166	36,930,625
<b>Total Cash and Investments</b>	<b>\$ 36,088,247</b>	<b>\$ 37,713,498</b>	<b>\$ 37,783,857</b>
% of Total Cash Invested	95.02%	94.27%	97.74%
***needed to cover 1.4M in outstanding checks			

Prepared by:   
 John Formale, Accountant

Reviewed by:   
 Will Fuentes, Finance Director

Approved by:   
 Brian Loventhal, City Manager

**Attachment:**

- Quarterly Schedule of Investments
- Cashflow Projection
- Actual Receipts and Disbursements

City of Campbell  
 Quarterly Schedule of Investments  
 December-19

	10/1/2019 Beginning Balance	Purchases/ Deposits	Maturities/ Calls/ Withdrawals	12/31/2019 Ending Balance	% of Type	% of Assets	Par Value	* Market Value	Maturity Date	Remain Days To Mat	Interest Rate (Annual)	Interest Earned to Maturity	# of Days i Month	Int.Recv. Beginning Balance	Interest Earned This Qtr	Interest Received This Qtr	Int.Recv. Ending Balance	Interest Received To Date	Interest Bal. to Maturity
Local Agency Investment Fund (L.A.I.F.)	19,355,771	12,535,580	(5,600,000)	26,291,351	100.00%	76.67%	26,291,351	26,337,894	N/A	N/A	2.043%	N/A	31	116,948	130,848	135,580	112,216	928,836	N/A
<b>Gov't Securities (Custodian-BNY Bank)</b>																			
Fed. Farm Credit Bank (FFCB)_Fixed* CALLED*	1,997,500		(1,997,500)	-	0.00%	0.00%		CALLED OCT-19	10/17/22	-	2.280% S	227,001	31	19,442	2,345	21,787	0	90,187	(90,187)
Fed. Farm Credit Bank (FFCB)_Fixed	2,000,000			2,000,000	28.57%	5.83%	2,000,000	2,000,040	09/12/22	986	1.940% S	194,106	31	1,913	9,780		11,693	77,600	116,506
Fed. Home Loan Mortgage (FHLMC)	1,000,000			1,000,000	14.29%	2.92%	1,000,000	1,000,140	07/29/22	941	2.200% S	66,060	31	5,545	5,545		11,091	-	66,060
Fed. Nat'l Mtg. Assoc. (FNMA)_Fixed	2,000,000			2,000,000	28.57%	5.83%	2,000,000	1,999,040	05/25/21	511	1.750% S	175,096	31	14,671	8,822	17,500	5,993	122,500	52,596
Fed. Home Loan Mortgage (FHLMC)	2,000,000		(2,000,000)	-	0.00%	0.00%	-	-	12/29/21	-	2.000% S	180,055	31	10,203	9,797	20,000	0	99,989	-
Fed. Home Loan Mortgage (FHLMC)*CALLED*	2,000,000		(2,000,000)	-	0.00%	0.00%	-	CALLED OCT-19	07/23/21	-	2.000% S	159,562	31	7,570	2,430	10,000	0	89,444	(89,444)
Fed. Home Loan Bank (FHLB)_Fixed*CALLED*	2,000,000		(2,000,000)	-	0.00%	0.00%	-	CALLED OCT-19	10/25/22	-	2.060% S	206,113	31	17,778	2,822	20,600	0	82,400	(82,400)
Fed. Home Loan Bank (FHLB)_Fixed	750,000		(750,000)	-	0.00%	0.00%	-	CALLED NOV-19	12/29/20	-	2.125% S	95,712	31	5,151	2,818	7,969	0	51,778	-
Fed. Home Loan Bank (FHLB)_Fixed		2,000,000		2,000,000	28.57%	5.83%	2,000,000	1,998,540	11/21/22	1,056	1.875% S	112,603	31	-	6,267		6,267	-	112,603
Subtotal-Gov't Securities	13,747,500	2,000,000	(8,747,500)	7,000,000	100.00%	20.41%	7,000,000	6,997,760			2.066%	1,416,308		82,274	50,625	97,856	35,043	613,898	85,734
<b>Corporate Notes</b>																			
Ally Bank	250,000			250,000.00	25.00%	0.73%	250,000.00	252,981	08/08/22	951	2.150%	16,140	31	898	1,355		2,253	-	16,140
Capital One Bank	250,000			250,000.00	25.00%	0.73%	250,000.00	252,981	08/08/22	951	2.150%	16,140	31	898	1,355		2,253	-	16,140
Capital One National Association	250,000			250,000.00	25.00%	0.73%	250,000.00	252,981	08/08/22	951	2.150%	16,140	31	898	1,355		2,253	-	16,140
Goldman Sachs Bank	250,000			250,000.00	25.00%	0.73%	250,000.00	252,981	08/08/22	951	2.150%	16,140	31	898	1,355		2,253	-	16,140
Subtotal-Corporate Notes	1,000,000	-	-	1,000,000	100.00%	2.92%	1,000,000	1,011,924			2.152% *	64,560		3,593	5,419	-	9,012	-	64,560
<b>Investments under the management of contracted parties:</b>																			
<b>Trustee: BNY Mellon</b>																			
2016 Lease Revenue COI	8		(8)	0.40	0.14%	0.00%	0	0	N/A	N/A	0.932%	N/A	31	-	-	-	0	41	N/A
2016 Lease Revenue Bond Payment	651,917	0	(651,785)	133	44.95%	0.00%	133	133	N/A	N/A	0.025%	N/A	31	-	-	-	0	78	N/A
2016 SA Refunding Debt Service/TARB	795,970	0	(795,808)	162	54.92%	0.00%	162	162	N/A	N/A	0.018%	N/A	31	-	-	-	0	97	N/A
Subtotal-Trust A/C	1,447,896	1	(1,447,601)	295	100.00%	0.00%	295	295			0.330%	-		(0)	-	-	0	216	-
<b>Total Portfolio</b>	<b>35,551,166</b>	<b>14,535,581</b>	<b>(15,795,101)</b>	<b>34,291,646</b>	<b>100.00%</b>	<b>34,291,646</b>	<b>34,347,873</b>			<b>Wgt Avg</b>	<b>2.055%</b>	<b>1,480,868</b>		<b>202,814</b>	<b>186,893</b>	<b>233,436</b>	<b>156,271</b>	<b>1,542,951</b>	<b>150,294</b>

Investment Portfolio Increased / (Decreased) by: \$ (1,259,520) Weighted Average to Maturity = 355.2 Days

Note:	Portfolio Balance		% of Total Cash Invested		Month	Wgt Avg	Rate/Annual Yield		Actual Interest Earned		Actual Interest Received		
	Month	FY 19-20	FY 18-19	FY 19-20			FY 18-19	FY 19-20	FY 18-19	FY 19-20	FY 18-19	FY 19-20	FY 18-19
S - Semi-Annual	July	\$ 37,153,023	\$ 41,883,972	96.08%	96.63%	July	Wgt Avg	2.221%	1.913%	71,624	68,042	213,192	\$ 106,112
Q - Quarterly	August	36,153,773	39,583,979	92.21%	95.02%	August	Wgt Avg	2.244%	1.935%	71,548	65,053	8,813	31,757
M - Monthly	September	35,551,166	39,379,998	94.27%	98.79%	September	Wgt Avg	2.239%	1.960%	62,503	60,888	23,384	19,400
	October	32,741,644	36,030,621	95.88%	95.72%	October	Wgt Avg	2.147%	1.986%	66,934	60,757	187,966	142,912
	November	34,241,645	35,030,622	96.13%	90.86%	November	Wgt Avg	2.088%	2.014%	57,926	58,759	17,500	62,675
	December	34,291,646	36,930,625	95.02%	97.74%	December	Wgt Avg	2.055%	2.077%	62,033	65,002	27,969	35,928
	January		41,918,924		95.56%	January	Wgt Avg		2.132%		76,885		108,300
	February		39,018,924		91.89%	February	Wgt Avg		2.145%		66,171		31,750
	March		40,177,910		95.35%	March	Wgt Avg		2.166%		74,607		19,400
	April		40,991,265		92.08%	April	Wgt Avg		2.181%		75,777		165,509
	May		41,610,165		96.89%	May	Wgt Avg		2.198%		83,919		52,625
	June		43,610,167		96.72%	June	Wgt Avg		2.202%		83,462		15,000
	<b>Average</b>	<b>\$ 35,022,149</b>	<b>\$ 39,680,598</b>	<b>Average 94.93%</b>	<b>Average 95.27%</b>	<b>Average</b>	<b>2.166%</b>	<b>2.076%</b>	<b>392,568</b>	<b>839,322</b>	<b>478,825</b>	<b>791,368</b>	

Per Governmental Code requirements, this schedule of Investments icomplies with the City of Campbell's Investment Policy, and there are adequate funds available to meet the budgeted expenditures for the next six months.

\* Market prices are obtained from the monthly investment statements of the various institutions or the City's third-party custodian, BNY Mellon Bank.

Attachment: Quarterly Schedule of Investments (Investment Report- Quarter Ending, December 2019)

## Cash Flow Projections for the Month of January 2020

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center/Dev. Leases/Rentals	230,000	1	Outstanding Checks	1,410,445
10	Environmental Services Fees	50,000	3	Bills & Claims-PR vendors' checks	73,695
10	Franchise Fees	175,000	6	Bills & Claims	168,012
10	Property Taxes	4,500,000	9	Bills & Claims-PR vendors' checks	24,793
10	Other Taxes	80,000	13	Bills & Claims	204,659
10	Licenses and Permits	170,000	20	Bills & Claims	750,000
17	Fines/Forfeitures/Penalties	35,000	23	Bills & Claims-PR vendors' checks	30,000
17	Investment Interest	115,000	27	Bills & Claims	300,000
17	Intergovernmental--Other	300,000	31	Bills & Claims- Manual and Voids, Bank fees	(10,000)
17	Intergovernmental--Gas Taxes	135,000	9	Payroll- Regular	823,936
24	Intergovernmental--Successor Agency	900,000	23	Payroll- Regular	830,000
24	Charges for Current Services	500,000	3	Calpers - Employer contribution wire	164,721
24	Sales & Use Tax (incl. Meas.O)	1,400,000	13	Calpers - Health payment wire	170,908
24	Park Dedication Fees	32,000	26	Calpers - Employer contribution wire	165,000
24	Transient Occupancy Tax (monthly)	425,000	13	ICMA 401 & 457 contributions	87,786
31	Special Assessment	900,000	14	ICMA 401 & 457 contributions	56,248
	Sub-total (Receipts)	9,947,000		Sub-total (Expenditure)	5,250,203
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	-		Amount of expected revenue available for investment.	4,696,797
	Total	\$ 9,947,000		Total	\$ 9,947,000

**Note:**

The approximately \$26.3 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

Attachment: Cashflow Projection (Investment Report- Quarter Ending, December 2019)

### Cash Flow Projections for the Month of February 2020

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
3	Community Center/Dev. Leases/Rentals	204,227	1	Outstanding Checks	1,100,000
7	Environmental Services Fees	264,198	3	Bills & Claims	225,000
7	Franchise Fees	256,985	10	Bills & Claims	600,000
7	Property Taxes	47,532	17	Bills & Claims	215,000
7	Other Taxes	59,111	24	Bills & Claims	1,200,000
14	Licenses and Permits	87,792	7	Bills & Claims-PR vendors' checks	90,000
14	Fines/Forfeitures/Penalties	21,370	21	Bills & Claims-PR vendors' checks	45,000
14	Investment Interest	31,750	28	Bills & Claims- Manual and Voids	(5,000)
14	Motor Vehicle in Lieu	20,494	6	Payroll- Regular	1,100,000
21	Intergovernmental--Other	167,002	20	Payroll- Regular	825,000
21	Charges for Current Services	336,843	10	Calpers - Health payment wire	170,000
21	Sales & Use Tax (incl. Meas.O)	1,362,652	12	Calpers - Employer contribution wire	167,000
28	Transient Occupancy Tax (monthly)	448,505	24	Calpers - Employer contribution wire	167,000
28	Miscellaneous Receipts	17,255	7	ICMA 401 & 457 contributions	60,000
28	Misc Rec- JPA/798	37,500	21	ICMA 401 & 457 contributions	60,000
	Sub-total (Receipts)	3,363,216		Sub-total (Expenditure)	6,019,000
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	2,655,784		Amount of expected revenue available for investment.	-
	Total	\$ 6,019,000		Total	\$ 6,019,000

**Note:**

The approximately \$26.3 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

### Cash Flow Projections for the Month of March 2020

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
2	Community Center/Dev. Leases/Rentals	230,000	1	Outstanding Checks	1,200,000
5	Environmental Services Fees	100,000	2	Bills & Claims	200,000
5	Franchise Fees	550,000	6	Bills & Claims-PR vendors' checks	60,000
5	Property Taxes	1,300,000	9	Bills & Claims	300,000
12	Other Taxes	75,000	16	Bills & Claims	1,150,000
12	Licenses and Permits	230,000	20	Bills & Claims-PR vendors' checks	40,000
12	Fines/Forfeitures/Penalties	20,000	23	Bills & Claims	250,000
12	Investment Interest	20,000	30	Bills & Claims	250,000
19	Intergovernmental--Other	170,000	31	Bills & Claims- Manual and Voids	(5,000)
19	Intergovernmental--Gas Taxes	60,000	5	Payroll- Regular	825,000
19	Charges for Current Services	700,000	19	Payroll- Regular	825,000
19	Sales & Use Tax (incl. Meas.O)	1,310,000	10	Calpers - Health payment wire	170,000
26	Park Dedication Fees	10,000	12	Calpers - Employer contribution wire	167,000
26	Transient Occupancy Tax (monthly)	300,000	23	Calpers - Employer contribution wire	167,000
26	Miscellaneous Receipts	15,000	6	ICMA 401 & 457 contributions	60,000
26	Misc Rec- JPA/798	5,000	20	ICMA 401 & 457 contributions	60,000
	Sub-total (Receipts)	5,095,000		Sub-total (Expenditure)	5,719,000
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	624,000		Amount of expected revenue available for investment.	-
	Total	\$ 5,719,000		Total	\$ 5,719,000

**Note:**

The approximately \$26.3 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

## Cash Flow Projections for the Month of April 2020

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center/Dev. Leases/Rentals	230,000	1	Outstanding Checks	400,000
10	Environmental Services Fees	100,000	6	Bills & Claims	210,000
10	Franchise Fees	675,000	8	Bills & Claims-PR vendors' checks	75,000
10	Property Taxes	4,650,000	13	Bills & Claims	300,000
17	Other Taxes	75,000	13	Bills & Claims	85,000
17	Licenses and Permits	160,000	15	Bills & Claims-PR vendors' checks	40,000
17	Fines/Forfeitures/Penalties	30,000	20	Bills & Claims	970,000
24	Investment Interest	200,000	27	Bills & Claims	355,000
24	Intergovernmental--Other	310,000	30	Bills & Claims- Manual and Voids	(3,000)
24	Intergovernmental--Gas Taxes	140,000	2	Payroll- Regular	825,000
30	Charges for Current Services	500,000	16	Payroll- Regular	825,000
30	Sales & Use Tax (incl. Meas.O)	1,250,000	30	Payroll- Regular	825,000
30	Park Dedication Fees	15,000	8	Calpers - Health payment wire	175,000
30	Transient Occupancy Tax (monthly)	330,000	8	Calpers - Employer contribution wire	169,000
30	Misc Rec- JPA/798	260,000	22	Calpers - Employer contribution wire	169,000
			8	ICMA 401 & 457 contributions	60,000
			15	ICMA 401 & 457 contributions	60,000
	Sub-total (Receipts)	8,925,000		Sub-total (Expenditure)	5,540,000
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	-		Amount of expected revenue available for investment.	3,385,000
	Total	\$ 8,925,000		Total	\$ 8,925,000

**Note:**

The approximately \$26.3 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

Attachment: Cashflow Projection (Investment Report- Quarter Ending, December 2019)

## Cash Flow Projections for the Month of May 2020

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
1	Community Center/Dev. Leases/Rentals	230,000	1	Outstanding Checks	400,000
5	Environmental Services Fees	85,000	4	Bills & Claims	475,000
7	Franchise Fees	260,000	11	Bills & Claims	444,000
7	Property Taxes	120,000	18	Bills & Claims	780,000
7	Other Taxes	70,000	25	Bills & Claims	240,000
14	Licenses and Permits	220,000	15	Bills & Claims-PR vendors' checks	70,000
14	Fines/Forfeitures/Penalties	20,000	29	Bills & Claims-PR vendors' checks	50,000
14	Investment Interest	60,000	31	Bills & Claims- Manual and Voids	(12,000)
21	Intergovernmental--Gas Taxes	75,000	14	Payroll- Regular	825,000
21	Intergovernmental--VTA Meas. B	210,000	28	Payroll- Regular	825,000
21	Charges for Current Services	675,000	7	Calpers - Employer contribution wire	167,000
28	Sales & Use Tax (incl. Meas.O)	1,100,000	7	Calpers - Health payment wire	170,000
28	Transient Occupancy Tax (monthly)	360,000	21	Calpers - Employer contribution wire	167,000
31	Miscellaneous Receipts	670,000	15	ICMA 401 & 457 contributions	60,000
			29	ICMA 401 & 457 contributions	60,000
	Sub-total (Receipts)	4,155,000		Sub-total (Expenditure)	4,721,000
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	566,000		Amount of expected revenue available for investment.	-
	Total	\$ 4,721,000		Total	\$ 4,721,000

**Note:**

The approximately \$26.3 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

## Cash Flow Projections for the Month of June 2020

Date	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
2	Community Center/Dev. Leases/Rentals	230,000	1	Outstanding Checks	400,000
3	Environmental Services Fees	120,000	1	Bills & Claims	375,000
3	Franchise Fees	220,000	8	Bills & Claims	260,000
3	Property Taxes	2,500,000	15	Bills & Claims	100,000
10	Other Taxes	60,000	22	Bills & Claims	1,000,000
10	Licenses and Permits	225,000	29	Bills & Claims	360,000
10	Fines/Forfeitures/Penalties	15,000	12	Bills & Claims-PR vendors' checks	80,000
17	Investment Interest	15,000	26	Bills & Claims-PR vendors' checks	140,000
17	Intergovernmental--Other	150,000	11	Payroll- Holiday pay	200,000
17	Intergovernmental--Gas Taxes	80,000	11	Payroll- Regular	825,000
17	Intergovernmental--Successor Agency	800,000	25	Payroll- Regular	825,000
24	Charges for Current Services	450,000	11	CalPERS Health payment wire	170,000
24	Sales & Use Tax (incl. Meas.O)	1,400,000	11	Calpers - Employer contribution wire	170,000
24	Transient Occupancy Tax (monthly)	425,000	25	Calpers - Employer contribution wire	170,000
31	Miscellaneous Receipts	600,000	12	ICMA 401 & 457 contributions	60,000
			26	ICMA 401 & 457 contributions	60,000
			25	FY'20 CERBT funding wire	300,000
	Sub-total (Receipts)	7,290,000		Sub-total (Expenditure)	5,495,000
	Amount expected to be withdrawn from Investments to cover this month's expenditures.	-		Amount of expected revenue available for investment.	1,795,000
	Total	\$ 7,290,000		Total	\$ 7,290,000

**Note:**

The approximately \$26.3 million invested with the Local Agency Investment Fund (see Exhibit I) is highly liquid and available on any business day. It, therefore, can be reasonably estimated that sufficient funds are readily available to cover normal expenditures for the subsequent six-month period. More specifically, the monthly cash flow projection reflects that sufficient funds are available to meet the anticipated expenditures for the month.

Attachment: Cashflow Projection (Investment Report- Quarter Ending, December 2019)

## Actual Receipts &amp; Disbursements for the Month of October 2019

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	236,568	1	Outstanding Checks	525,512
F209, 4720, 21, 22, 24	Environmental Services Fees	50,397	7	Bills & Claims	506,691
4120-4125	Franchise Fees	167,833	10	Bills & Claims-PR vendors' checks	132,515
40XX, 4153	Property Taxes	746,399	14	Bills & Claims	1,310,253
4151,4152,4155	Other Taxes	66,336	21	Bills & Claims	1,409,354
42XX	Licenses and Permits	543,142	17	Bills & Claims-PR vendors' checks	87,339
43XX	Fines/Forfeitures/Penalties	25,469	28	Bills & Claims	509,312
4410,4431, 4450	Investment Interest	55,371	31	Manual cks, voids & bank fees	8,889
4510-4516	Intergovernmental--Gas Taxes	204,307	3	Payroll- Regular	813,443
other 45XX	Intergovernmental--Other	366,449	17	Payroll- Regular	801,177
46XX-47XX, excl 4725	Charges for Current Services	457,522	31	Payroll- Regular	810,511
4110-4115	Sales & Use Tax (incl. Meas.O)	1,298,626	9	CalPERS Health payment wire	171,707
F295,4920	Park Dedication Fees	27,069	9	CalPERS ER Contribution wire	166,222
4150	Transient Occupancy Tax (monthly)	482,899	24	CalPERS ER Contribution wire	169,896
48XX-49XX, excl F798	Miscellaneous Receipts	16,801			
48XX-49XX, only F798	Misc Rec- JPA/798	37,500			
	Sub-total (Receipts)	4,782,688		Sub-total (Expenditure)	7,422,821
	Amount withdrew from Investments to cover this month's expenditures.	2,640,133		Amount of expected revenue available for investment.	-
	Total	\$ 7,422,821		Total	\$ 7,422,821

Attachment: Actual Receipts and Disbursements (Investment Report- Quarter Ending, December 2019)

## Actual Receipts &amp; Disbursements for the Month of November 2019

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	231,469	1	Outstanding Checks	388,019
F209, 4720, 21, 22, 24	Environmental Services Fees	48,034	4	Bills & Claims	268,858
4120-4125	Franchise Fees	265,579	5	Bills & Claims-PR vendors' checks	131,967
40XX, 4153	Property Taxes	1,742,701	11	Bills & Claims	283,724
4151,4152,4155	Other Taxes	75,582	18	Bills & Claims	226,715
42XX	Licenses and Permits	299,465	18	Bills & Claims-PR vendors' checks	77,434
43XX	Fines/Forfeitures/Penalties	13,156	25	Bills & Claims	403,201
4410,4431, 4450	Investment Interest	41,441	31	Manual ecks, voids & bank fees	16,387
other 45XX	Intergovernmental--Other	153,816	14	Payroll- Regular	802,288
46XX-47XX, excl 4725	Charges for Current Services	317,068	27	Payroll- Regular	781,629
4110-4115	Sales & Use Tax (incl. Meas.O)	1,069,017	7	CalPERS Health payment wire	167,919
4150	Transient Occupancy Tax (monthly)	274,899	13	CalPERS ER Contribution wire	167,488
48XX-49XX, excl F798	Miscellaneous Receipts	80,311	20	CalPERS ER Contribution wire	173,109
48XX-49XX, only F798	Misc Rec- JPA/798	37,500			
	Sub-total (Receipts)	4,650,038		Sub-total (Expenditure)	3,888,737
	Amount withdrew from Investments to cover this month's expenditures.	-		Amount of expected revenue available for investment.	761,301
	Total	\$ 4,650,038		Total	\$ 4,650,038

Attachment: Actual Receipts and Disbursements (Investment Report- Quarter Ending, December 2019)

## Actual Receipts &amp; Disbursements for the Month of December 2019

Fund / Account	Revenue Description	Receipt Amount	Date	Expenditure Description	Payment Amount
4810, 4819	Community Center/Dev. Leases/Rentals	233,870	1	Outstanding Checks	550,502
F209, 4720, 21, 22, 24	Environmental Services Fees	46,638	2	Bills & Claims	900,508
4120-4125	Franchise Fees	277,477	3	Bills & Claims-PR vendors' checks	119,864
40XX, 4153	Property Taxes	2,212,622	9	Bills & Claims	183,554
4151,4152,4155	Other Taxes	46,844	12	Bills & Claims-PR vendors' checks	84,860
42XX	Licenses and Permits	188,406	16	Bills & Claims	442,195
43XX	Fines/Forfeitures/Penalties	21,227	23	Bills & Claims	1,923,008
4410,4431, 4450	Investment Interest	30,046	31	Manual cks, voids & bank fees	6,193
other 45XX	Intergovernmental--Other	152,253	5	Payroll- Holiday	173,994
4510-4516	Intergovernmental--Gas Taxes	178,280	12	Payroll- Regular	765,623
4571, 4572	Intergovernmental--VTA Meas. B	479,724	26	Payroll- Regular	847,489
46XX-47XX, excl 4725	Charges for Current Services	509,539	3	CalPERS ER Contribution wire	168,891
4110-4115	Sales & Use Tax (incl. Meas.O)	1,380,972	11	CalPERS Health wire	165,669
4150	Transient Occupancy Tax (monthly)	172,602	18	CalPERS ER Contribution wire	169,569
48XX-49XX, excl F798	Miscellaneous Receipts	25,637	31	401/457 Retirement plan contributions	57,649
48XX-49XX, only F798	Misc Rec- JPA/798	37,500			
	Sub-total (Receipts)	5,993,636		Sub-total (Expenditure)	6,559,568
	Amount withdrew from Investments to cover this month's expenditures.	565,932		Amount of expected revenue available for investment.	-
	Total	\$ 6,559,568		Total	\$ 6,559,568

Attachment: Actual Receipts and Disbursements (Investment Report- Quarter Ending, December 2019)



*City  
Council  
Report*

**Item:** 5  
**Category:** CONSENT CALENDAR  
**Meeting Date:** February 4, 2020

**TITLE:** Proposal for Closure of East Campbell Avenue and Fee Waiver Request for the Downtown Campbell Business Association's Winter Wonderland Event on Sunday, February 23, 2020 (Resolution/Roll Call Vote)

### **RECOMMENDED ACTION**

It is recommended that the City Council adopt a resolution approving the temporary closure of East Campbell Avenue and the issuance of a Special Event Permit for the Downtown Campbell Business Association's Winter Wonderland event subject to restrictions and conditions as described in the resolution and waive associated fees for such closure.

### **BACKGROUND**

The Downtown Campbell Business Association (DCBA) has coordinated the Annual Carol of Lights event for many years. This event was scheduled to take place on Saturday, December 7, 2019, however, the DCBA canceled the event due to a significant weather system. After the cancelation, DCBA began planning for a future event to host in lieu of Carol of Lights.

### **DISCUSSION**

Similar to the Carol of Lights event, the DCBA plans to offer "Winter Wonderland", a safe and family-friendly post-holiday event. Families will have the ability to enjoy hot cocoa, cider, popcorn, bounce houses, a petting zoo, arts and crafts, as well as a snow area. This event is new but will follow the set-up and program of the Carol of Lights with the exception of Santa pictures.

Similar to the Creepy Crawly event held in October, the DCBA proposes to host the event on Sunday, February 23, 2020 from 4:00 p.m. to 7:00 p.m. The DCBA requests the Farmers Market street closure (on East Campbell Avenue from Third Street to Railway Avenue) be continued into the evening hours to encompass their adapted downtown Winter Wonderland event.

This event will be free to the public and can be considered a "community spirit" event with no alcohol sold or fundraising aspects. The event is made possible by volunteers.

The City Council has recognized the significance of providing assistance and other City support for downtown special events, parades, and celebrations that benefit the broader Campbell community. The effort of the DCBA to host the Winter Wonderland event is similar in nature to the Bunnies and Bonnets Parade, Creepy Crawly and Carol of Lights event and meant to build community comradery.

## FISCAL IMPACT

In March of 2011 Council adopted a Fee Waiver Policy establishing the level of fee waivers for "Community Spirit Events" to be 100% of fees waived and 100% of staff cost waived. The total City cost for this event is estimated at approximately \$3,671.00 (includes fees, equipment, and staffing cost); therefore the 100% fee waiver will result in a loss to the City of approximately \$3,671.00 in fee revenue.

Prepared by:



Lauren Merriman, Recreation Supervisor

Reviewed by:



Regina Maurantonio, Recreation & Community Services Director

Approved by:



Brian Loventhal, City Manager

### Attachment:

- a. Winter Wonderland RESOLUTION 2020
- b. Application for Winter Wonderland 2.23.20
- c. Winter Wonderland 2020 - Special Events Fee Waiver Request

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF CAMPBELL  
AUTHORIZING THE ISSUANCE OF A SPECIAL EVENT PERMIT TO THE  
DOWNTOWN CAMPBELL BUSINESS ASSOCIATION FOR THE WINTER  
WONDERLAND EVENT

WHEREAS, after due consideration of all the evidence presented the City Council did find as follows:

1. The event sponsor, the Downtown Business Association, is a local civic, non-profit institution;
2. The dates and hours of operation for the event shall be as follows:  
  

Sunday, February 23, 2020                      4:00p.m. – 7:00 p.m.;
3. The event will be located along E. Campbell Avenue between Railway Avenue and Third Street;
4. The event will consist of safe and family-friendly event that will bring families to Downtown Campbell for a post-holiday celebration;
5. The Downtown Campbell Business Association has presented a similar event annually for the last 10+ years as the Carol of Lights;

WHEREAS, based on the foregoing findings of fact, the City Council further finds and concludes:

1. The Special Event will not disrupt to an unreasonable extent, the movement of traffic or create any safety hazard as a result of such other traffic being stopped or diverted;
2. Sufficient Police service can be provided to assure proper traffic control and the orderly conduct of the special event;
3. The streets and roads over which the Special Event will be conducted are sufficient size and construction to safely accommodate the number of participants and the size, height and weight of any vehicles or equipment participating in the event;
4. The Special Event will not interfere with any other public events to be conducted on the same day;
5. The Special Event is not likely to cause injury to persons or property or create an unreasonable disturbance of the peace;
6. The cumulative impact of this Special Event will not create an undue strain on public resources;

7. The Winter Wonderland event constitutes one-time event in the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell does hereby grant a Special Event Permit to the Downtown Business Association to hold the Winter Wonderland Event at the location set forth in the findings of this Resolution, subject to the following conditions of approval:

**Conditions of Approval**

- 1. The applicant shall be subject to the insurance requirements set forth in Chapter 11.30 of the Campbell Municipal Code;
- 2. The event shall comply with all applicable policies and ordinances of the City of Campbell;

PASSED AND ADOPTED THIS 4<sup>th</sup> day of February 2020, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

\_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk

Attachment: Winter Wonderland RESOLUTION 2020 (DCBA Winter Wonderland Event)

### City of Campbell Special Events Application

Event Title: DCBA Winter Wonderland Event

Type of Event:  Festival  Run  Walk  Athletic Event  Other (Specify Below)

Specify: DTown Campbell Family Social Event

Event Date/Times:  
Setup Start Day/Date 2/23/20 Start Time 130 AM/PM PM

Event Start Day/Date 2/23/20 Start Time 400 AM/PM PM

Event End Day/Date 2/23/20 End Time 700 AM/PM PM

Cleanup End Day/Date 2/23/20 End Time 800 AM/PM PM

Estimated Attendance 3000 Admission Charged?  Yes  No

Alcoholic Beverages Served?  Yes  No If Yes List the Types: \_\_\_\_\_

Facility Requested/Event Location: (Please list a specific facility or street names where the event will be held)  
E. Campbell Ave  
Between 3rd Street & Railroad tracks outside of  
Blue Hill Pizza

**Organizer Contact Information:** (This information will be used by City staff to contact you.)

ORGANIZATION NAME DCBA NON PROFIT ID# \_\_\_\_\_  
CONTACT PERSON Carol Poveya DAY PHONE # 408 896-6349  
MAILING ADDRESS P.O. Box 673 EVE. PHONE # \_\_\_\_\_  
CITY/STATE/ZIP Campbell, Ca 95009 EMAIL DCBAboard@aimail.com  
ALTERNATE CONTACT Chris Yamashita DAY PHONE # 408-458-0421  
EVE. PHONE # \_\_\_\_\_

**Public Contact Information:** (This will be the information posted for the public to obtain event information.)

PHONE # \_\_\_\_\_ EMAIL \_\_\_\_\_  
WEBSITE ADDRESS WWW.DOWNTOWNCAMPBELL.COM

**LIABILITY RELEASE**

NOTICE: THIS IS A LEGAL DOCUMENT WHICH LIMITS OUR LIABILITY. PLEASE READ CAREFULLY! BY SIGNING THIS DOCUMENT YOU STATE THAT: 1) YOU ASSUME ALL RISK OF INJURIES FROM PARTICIPATION IN THIS ACTIVITY; AND 2) YOU RELEASE THE CITY OF CAMPBELL, ITS OFFICERS, EMPLOYEES, AND AGENTS FROM ALL LIABILITY ARISING OUT OF PARTICIPATION IN THIS ACTIVITY.

**I. ASSUMPTION OF RISK:** As representative of the organization indicated above, we expressly assume the risk of all liability for accidents, injury, loss and/or damage to persons or property that may arise from the use of the above named facility. We agree that the City of Campbell does not guarantee the construction, condition, or safety of the facilities or equipment, nor the supervision of the activity by its officers, employees, and agents.

**II. RELEASE OF LIABILITY:** In consideration for the opportunity to make use of this facility and the service provided by the City of Campbell, we (on behalf of ourselves, our heirs, assigns and legal representatives) release the City of Campbell, the Campbell Redevelopment Agency, their officers, employees, and agents from any liability whatsoever arising out of our participation in or presence at the above described activity. We expressly absolve the City of Campbell, the Campbell Redevelopment Agency, their officers, employees and agents of liability for any negligence on their part, unless they are the sole negligent parties.

Carol Poveya 1/15/2020  
Signature of Applicant Date

\_\_\_\_\_  
Approval Signature Date

Attachment: Application for Winter Wonderland 2.23.20 (DCBA Winter Wonderland Event)

City Council  
City of Campbell  
70 N. First Street  
Campbell, CA 95008

Downtown Campbell Business Association  
PO Box 673  
Campbell, CA 95009

January 20, 2020

Re: Special Events Fee Waiver for Winter Wonderland

To Honorable Mayor and Campbell City Council Members:

The Downtown Campbell Business Association (DCBA) requests a Fee Waiver for the 2020 Winter Wonderland event to be held on Sunday, February 23, 2020 from 4:00 pm to 7:00 pm, closing the streets in the Campbell Downtown District.

The DCBA is a non-profit organization comprised of volunteers from the Downtown Campbell Business District, working in relation with local organizations, like Home Church, The Campbell Rotary, Delphi Academy and the Campbell Recreation and Parks Department, among others to enhance the local business, residential and social community.

This past December, our Carol of Lights event was postponed due to inclement weather. We hope not to make waste of our resources that came together in the past to make Carol of Lights such a success. We hope to offer the community another opportunity to celebrate the season in Downtown Campbell via Winter Wonderland. The DCBA plans to close the streets to incorporate family activities and entertainment. This event is made possible solely by community volunteers; there is no financial revenue from sales of products or services during this event. A Fee Waiver will help ensure that the local and greater community can safely celebrate in Downtown Campbell. Thank you for your consideration for a fee waiver.

Sincerely,



Chris Yamashita  
Vice President  
Downtown Campbell Business Association



*City  
Council  
Report*

**Item:** 6  
**Category:** PUBLIC HEARINGS AND  
 INTRODUCTION OF  
 ORDINANCES  
**Meeting Date:** February 4, 2020

**TITLE:** Introduction of Ordinance to Amend Title: 18, Chapter 18 of the Campbell Municipal Code to Prohibit the Use of Natural Gas for Warm Air Heating and Water Heating in All New Residential Living Units, Thereby Reducing the Amount of Greenhouse Gas Produced by Each Unit (Ordinance/Roll Call Vote)

**RECOMMENDED ACTION**

That the City Council introduce an Ordinance Amending Title 18, Chapter 18 of the Campbell Municipal Code to prohibit the use of natural gas for warm air heating and water heating in all new residential living units.

**DISCUSSION**

Background: In mid-2019, Silicon Valley Clean Energy began a program to encourage local governments to consider the adoption of building codes to limit or eliminate the use of natural gas. The program was designed with the goal to reduce the production of green-house gas emissions created by natural gas usage.

At the Council meeting of November 19, 2019, a presentation was made by John Supp, Account Service Manager, Silicon Valley Clean Energy. In his presentation, Mr. Supp presented information about the program and advantages of using electricity instead of natural gas. At the end of his presentation, he encouraged the Council to consider adoption of ordinances to limit or prohibit the use of natural gas. After Council discussion, staff was directed to prepare an ordinance prohibiting the use of natural gas appliances in new living units involving heating water and air handling units.

Amendment

The 2019 Energy Code is amended to prohibit the use of natural gas for warm air heating and water heating in all new residential living units.

Discussion

The ordinance, if adopted, will not have any effect on existing homes or businesses. It does not prohibit the use of natural gas but limits the use in all new residential living units going forward. It does not prohibit natural gas for cooking, fireplaces or pool heaters.

The efforts of Silicon Valley Clean Energy have influenced a number of cities to adopt similar ordinances that limit the use of natural gas as opposed to prohibiting the use altogether.

Adoption of this ordinance amending Chapter 18 of the Campbell Municipal Code will reduce the production of 'green house' gas in new residential units.

In the determination of new residential units, 'remodels and additions' that are determined to be 'new dwellings using portions of existing structure' will be considered new living units.

### **FISCAL IMPACT**

There is no significant fiscal impact from this ordinance.

### **ALTERNATIVES**

1. Do not adopt proposed ordinance changes.
2. Provide direction for other local amendments to the State Building Code.

Prepared by:



Bill Bruckart, Building Official

Reviewed by:



Paul Kermoyan, Community  
Development Director

Approved by:



Brian Loventhal, City Manager

**Attachment:**

a. Ordinance

ORDINANCE NO. \_\_\_\_\_

**BEING AN ORDINANCE OF THE CITY OF CAMPBELL  
AMENDING TITLE 18, Chapter 18.18 OF THE CAMPBELL  
MUNICIPAL CODE.**

After notification and public hearing, as specified by law and after presentation by the Building Official, proponents and opponents, the hearing was closed.

After due consideration of all evidence presented, the City Council of the City of Campbell does ordain as follows:

**SECTION ONE:** New Residential Living Units: Campbell Municipal Code Section 18.18.20 is hereby added to read as follows:

All newly constructed residential living units shall be prohibited from using natural gas or any other carbon-based gas for the purpose of water heating and warm air heating systems in the living unit. This ordinance does not prohibit the use of natural gas for other purposes in the living unit.

**SECTION TWO:** The changes to Title 18 in 18.18.020 are made to affect the reduction of carbon dioxide in new living units in the City of Campbell. By elimination of natural gas for water heating and warm air heating in new living units, Campbell will slow the effects of climate change and reduce local production of greenhouse gas.

**SECTION THREE:** This Ordinance shall become effective thirty (30) days following its passage and adoption and shall be published, one time within fifteen (15) days upon passage and adoption in the Campbell Express, a newspaper of general circulation in the City of Campbell, County of Santa Clara.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020, by the following roll call vote:

- AYES: COUNCILMEMBERS:
- NOES: COUNCILMEMBERS:
- ABSENT: COUNCILMEMBERS:
- ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

Attachment: Ordinance (Amend Title 18, Chapter 18)

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

Attachment: Ordinance (Amend Title 18, Chapter 18)



*City  
Council  
Report*

Item: 7  
 Category: PUBLIC HEARINGS AND  
 INTRODUCTION OF  
 ORDINANCES  
 Meeting Date: February 4, 2020

**TITLE:** Public Hearing to Consider the Application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to Allow Construction of a 161,870 Square Foot Four-Story Office Building, a 146,478 Square Foot Five-Story Parking Garage (With One Level of Underground Parking), Additional Surface Parking, and On-Site Open Space on Property Located at 1700 Dell Avenue (Resolutions/Roll Call Vote)

**RECOMMENDED ACTION**

That the City Council take the following action: 1) adopt a resolution denying a Zoning Map Amendment; 2) adopt a resolution denying a Planned Development Permit with Site and Architectural Review; and 3) adopt a resolution denying a Tree Removal Permit.

**ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), the City determined that the proposed project could result in potentially significant environmental impacts and therefore prepared an Environmental Impact Report (EIR). Links to the Draft EIR, Final EIR, and associated Mitigated Monitoring and Reporting Program (MMRP) are provided in **Attachment d**. The Final EIR (FEIR) may be viewed at City Hall (Planning Division counter) and the Campbell Library during normal business hours, as well as online under [Environmental Public Notices](#).

According to the FEIR, one impact is created that cannot be mitigated. This impact is related to the morning and evening peak hours under Cumulative plus Project conditions, whereby the queue on the San Tomas Expressway/SR 17 southbound off-ramp right-turn lane would extend to 26 vehicles, which is two vehicles more than the estimated storage capacity. The proposed mitigation measure would have been to widen the westbound (off-ramp) approach at the southbound ramp intersection to include a second right turn lane, resulting in two left-turn lanes, one through shared left-turn lane, and two right-turn lanes where the existing right-turn lane would be extended. However, the Draft EIR found that any improvements to this intersection would best be implemented as part of regional transportation planning efforts, not as part of an individual project or plan. Given the need for inter-jurisdictional approval and the lack of

Caltrans/VTA budget for such an improvement, the project's impact was considered to be significant and unavoidable.

A second transportation and circulation impact was also identified within the FEIR, but corrected information revealed that no impact would occur resulting in the conclusion that only one environmental impact would occur without proper mitigation.

If the City Council agrees with the Planning Commission's December 10, 2019 findings that the project does not satisfy the required findings for approval (**Attachment e**), the Project is Statutorily Exempt pursuant to California Public Resource Code Section 21080(b)(5), in that the project will be rejected or disapproved by the City. In that case, the City Council is not required to certify the FEIR. However, if the City Council determines that the project may be approved, the City Council should certify the FEIR and adopt all feasible mitigation measures contained in the document including the need to approve a Statement of Overriding Consideration for the transportation impact that cannot be mitigated.

A brief summary of the potential environmental impacts is provided in the Planning Commission December 10, 2019 staff report (**Attachment f**).

## PROJECT DATA

General Plan Designation: *Research and Development*

Existing Zoning Designation: C-M (Controlled Manufacturing)

Proposed Zoning Designation: P-D (Planned Development)

Net Lot Size: 4.46 acres (194,121 square feet)

	<u>Proposed</u>	<u>Required under C-M zoning<sup>1</sup></u>
Building Height:	75 feet	45 feet Maximum in C-M zone <sup>2</sup>
<b>Building Sq. Ft. / (FAR):</b>	<b>161,870 sq. ft. (83%)</b>	<b>40% Maximum in C-M Zone<sup>3</sup></b>
Parking:	736 stalls	720 Stalls Required <sup>4</sup>
Setbacks:		
Front (Office Building):	~38 feet	20 feet Minimum
Right (Office Building):	~67 feet	10 feet Minimum

<sup>1</sup> While the applicant is requesting flexible development standards under the P-D ordinance, the required development standards under the existing C-M zoning is provided as a benchmark reference.

<sup>2</sup> Pursuant to [CMC Section 21.18.050](#), parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, or similar structures and roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment that do not provide additional floor space may be erected above the height limit.

<sup>3</sup> Pursuant to [CMC Section 21.10.070.E](#), the planning commission shall have the authority to increase the F.A.R. for a specific use at a specific location when it determines that circumstances warrant an adjustment.

<sup>4</sup> Office uses require one (1) stall per 225 square feet of office area

Left (Parking Garage):	~10 feet	10 feet Minimum
Rear (Parking Garage):	~41 feet	10 feet Minimum



## DISCUSSION

**Project Site:** The project is located adjacent to the corner of Knowles Drive and Dell Avenue, on the City's southern border with Los Gatos. Access to the project site is provided via SR-85, Winchester Boulevard, Knowles Drive, and Dell Avenue. The project site is bounded by the Los Gatos Creek and the Los Gatos Creek Trail to the east and a mix of commercial, office, and light industrial uses to the north, west, and south. The 4.5-acre project site is within the Controlled Manufacturing (C-M) Zoning District with a corresponding *Research and Development* General Plan land use designation. Currently, the site is developed with a 71,620 square foot office building (36.8% FAR) and surface parking lot that would be demolished to accommodate the proposed project.

**Project Scope:** The applicant proposes to redevelop the 4.5-acre project site located at 1700 Dell Avenue with a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage with underground parking (515 stalls), and an on-site surface parking lot (221 stalls) for a total of 736 parking stalls (**Attachment h**). The project also proposes an on-site public open space area in the northeastern corner of the lot. The applicant is requesting a Zoning Map Amendment to change the zoning from C-M (Controlled Manufacturing) to P-D (Planned Development) since the project does not comply with the minimum height and floor area development standards of the C-M Zoning District.

Background: The subject property is located in an area where the City Council initiated the preparation of an Area Plan in May 2012. This Plan was referred to as the Dell Avenue Area Plan (DAAP), which could have established a new comprehensive long-term vision for the entire 100-plus acre C-M (Controlled Manufacturing) zoning district. The DAAP included up to a 1.5 floor area ratio (FAR), other increased development allowances, open space creation, and improved pedestrian/bicycle connectivity throughout the entire area. However, in December 2016, the City Council did not approve the DAAP because of the environmental impacts associated with such allowances. Rather, they decided to postpone the Plan's preparation to determine if a more comprehensive development vision within the future General Plan update could be established.

On July 18, 2017, a pre-application review of a conceptual proposal to develop the subject property was reviewed by the City Council. While the Council was open to considering a zone change, they expressed concern with limiting such approval to only the subject property. They also felt that the building was too tall, parking needed to comply with the City standards, the floor area was too much for the site, greater open space was desired, and tree preservation efforts needed improvement. Lastly, it was reiterated of the importance for the applicant to work with the neighborhood to reach an acceptable compromise with realistic community benefits.

On October 10, 2017, the Planning Commission conducted a pre-application review of the project which included three alternative site designs (**Attachment e**). The Planning Commission disagreed with the Council that altering the zoning district was the appropriate approach to allow site development and expressed the need for a broader vision for the area (e.g., an Area Plan), retention of trees, a greater public benefit, the need for smaller FAR, and a lower building height.

Formal Application Review: The Planning Commission reviewed the formal submittal and corresponding Environmental Impact Report at their December 10, 2019 public hearing. The project consists of a 161,870 square foot building with a detached 146,478 square foot five-story structure with underground parking (515 stalls) and surface parking (221 stalls) spread throughout the property. This project is a smaller version from the City Council reviewed 197,007 square foot building with 788 parking stalls (**Attachment f**) reviewed on July 18, 2017.

The applicant's request to rezone the property to Planned Development was viewed as inconsistent with the General Plan, given its vision set forth in Appendix B (Relationship of the General Plan Land Use Categories with Zoning Categories) where the City established a .40 FAR when the General Plan and Environmental Impact Report was prepared. The Commission determined that the applicant's approach essentially ignores the need to have zoning ordinance provisions that are aligned with the General Plan. Ignoring the General Plan's vision in order to incrementally benefit individual property owners would not reflect the aspirations of the community.

The Commission felt that development of the area should be contemplated as a comprehensive plan, rather than on an individual basis so that projects developed over the next 20 years will contribute to a cohesive neighborhood that was deliberately contemplated. The purpose of creating development standards through a comprehensive plan is to promote compatibility with surrounding uses.

Without a comprehensive plan for the area, the Commission found it difficult to determine whether this individual development proposal would be in harmony with community desires. Given the need for more comprehensive planning in the area and the need to follow the City's more global development objectives, the Planning Commission recommended denial of the proposed project with a 4-2 vote (Commissioners Hines and Buchbinder dissenting). The minutes of the Planning Commission meeting are attached for review (**Attachment g**).

The Planning Commission recognized that the City does not have an obligation to approve a rezoning to Planned Development if the proposal does not meet the following findings for such Zoning Map amendment:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and all applicable development agreements, area plans, neighborhood plans, and specific plan(s); and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project.

If the Council agrees with the Planning Commission recommendation, the site should be developed according to the C-M zoning standards (40% FAR and 45-foot height limit). In this case, the Council should review the attached findings for denial (**Attachments a - c**) and provide direction to staff if additional findings or changes to the proposed findings are needed.

### **Alternative Recommendation**

If the Council disagrees with the Planning Commission's recommendation, the Council could direct staff to return with Resolutions approving the requested entitlements and provide staff with specific findings for approval for the requested Zoning Map Amendment, Planned Development Permit, and Tree Removal Permit, supported by substantial evidence in the record to the satisfaction of the City Attorney.

Additionally, when determining whether to approve a project with significant and unavoidable environmental impacts, CEQA requires the City to balance the economic, legal, social, technological, or other region-wide or statewide environmental benefits of a proposed project against its unavoidable environmental risks. If the City Council believes that the benefits of the proposed project outweigh the unavoidable adverse

environmental effects (i.e., the impacts are “acceptable”), the Council should provide staff with the specific reasons to adopt a Statement of Overriding Considerations regarding the single environmental impact that has no mitigation as identified in the FEIR.

Prepared by:



Paul Kermoyan, Community Development  
Director

Reviewed by:



Paul Kermoyan, Community  
Development Director

Approved by:



Brian Loventhal, City Manager

**Attachment:**

- a. PLN2017-381 ~ 1700 Dell Ave (Zoning Map Amendment) - Denial
- b. PLN2017-381 ~ 1700 Dell Ave (PD Permit) - Denial
- c. PLN2017-381 ~ 1700 Dell Ave (TRP) - Denial
- d. Links to DEIR, FEIR, MMRP
- e. PC Study Session PRE2017-01 ~ 1700 Dell
- f. PC Report 12-10-19
- g. Draft PC Minutes, 12-10-19
- h. Project Plans, 9-30-19

**RESOLUTION NO. \_\_\_\_\_**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL DENIES A ZONING MAP AMENDMENT TO AMEND THE CAMPBELL ZONING MAP DESIGNATION FROM C-M (CONTROLLED MANUFACTURING) to P-D (PLANNED DEVELOPMENT) FOR PROPERTY LOCATED AT **1700 DELL AVENUE**. FILE NO.: PLN2017-381

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council finds as follows with regard to the denial of a Zoning Map Amendment (PLN2017-381):

Environmental Finding

1. A Final Environmental Impact Report (FEIR) was prepared for the proposed project in accordance with the California Environmental Quality (CEQA). However, the FEIR need not be certified since the City Council denial of the proposed project is Statutorily Exempt pursuant to California Public Resource Code Section 21080(b)(5).

Evidentiary Findings

1. The proposed project includes an application for a Zoning Map Amendment, Planned Development Permit, and Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to allow construction of a 161,870-square-foot four-story office building, a 146,478-square-foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue in the City of Campbell.
2. The subject property is located at the corner of Knowles Drive and Dell Avenue within a developed area of the City and adjacent to the City's southern border with Los Gatos. Local access to the project site is provided via SR-85, Winchester Boulevard, Knowles Drive, and Dell Avenue.
3. Abutting land uses include the Los Gatos Creek Trail and Los Gatos Creek to the east and a mix of commercial, office, and light industrial uses to the north, west, and south.
4. The 4.5-acre project site is currently developed with a 71,620-square-foot office building and a surface parking lot. As of May 2018, roughly one third of the office space in the existing office building is occupied. The existing building is irregularly shaped and has areas that are single story, two stories, and three stories. Access to the property is gained via two driveway entrances on the western and southern

portions of the site along Dell Avenue. The project site was developed with the existing building in 1975 and has operated as an office building since its initial construction. The building is located (approximately) within the middle of the project site with surface parking to the north, west, and south of the building.

5. The project site is designated by the Campbell General Plan Land Use Diagram as *Research and Development*.
6. The project site is not subject to an Area Plan or Design Guidelines.
7. The project site is currently designated by the Campbell Zoning Map as C-M (Controlled Manufacturing).
8. The General Plan provides a comprehensive vision for the City's various neighborhoods. In the subject neighborhood, the General Plan contemplated a development intensity of 0.40 F.A.R. (Appendix B, Page B-1 of the General Plan).
9. The proposal to change the zoning to Planned Development (P-D) is inconsistent with the General Plan, given its vision set forth in Appendix B land use limitations.
10. The proposed Zoning Map Amendment to rezone the property from C-M (Controlled Manufacturing) to P-D (Planned Development) is requested to allow flexible development standards under the Planned Development Zoning District since the proposed project does not conform to the floor area and height standards of the existing Controlled Manufacturing Zoning District.
11. Development of the area should be contemplated as a comprehensive plan, rather than on an individual basis so that projects developed over the next 20 years will contribute to a cohesive neighborhood that was deliberately contemplated.
12. Complying with the General Plan from the start will result in a compliant and anticipated development.
13. Rezoning this property to P-D independent from the current zoning of the adjacent properties would create an inconsistent development environment.
14. The proposed project is inconsistent with General Plan Strategy LUT-9.1c (Land Use Objectives and Redevelopment Plans) to permit only those uses that are compatible with land use objectives and redevelopment plans since the project is inconsistent with the Controlled Manufacturing Zoning District.
15. The recommendation to deny the proposed project would be consistent with General Plan Land Use Strategy LUT-5.2e (Reduction of Development Intensity) since denial of a floor area ratio that exceeds 0.40 helps to ensure development compatibility with surrounding properties.

16. When flexible development standards are permitted under the P-D designation, the resulting project should be consistent with site characteristics and shall aid in the harmonious development of the immediate area.
17. The only Planned Development property in the Dell Avenue is a C-P-D (Condominium Planned Development) zoned property. The C-P-D zoning district was established to allow the conversion of existing commercial and industrial structures to commercial and industrial condominiums so that individual businesses in a single building could be owned by individual owners. In the subject project, the proposed Planned Development would be for an individual property owner rather than for multiple owners.
18. The subject property and the proposed project would be the only building in the entire Dell Avenue area that is three or more stories in height.
19. Approving this project would be inconsistent with General Plan Policy LUT-5.7 which encourages site and architectural design that is sensitive to surrounding uses and Policy LUT-9.3 which promotes site planning that is compatible with surrounding development, public spaces and natural resources.
20. The recommendation to deny the proposed project would not be consistent with Policy LUT-9.3 (Design and Planning Compatibility) since the proposed site planning is incompatible with surrounding development and natural resources such as the Los Gatos Creek.
21. The proposed zoning map amendment would be detrimental to the public interest since a rezoning of the property from C-M (Controlled Manufacturing) to P-D (Planned Development) would occur without the benefit of a comprehensive plan to aid in the harmonious development of the immediate area and ensure compatibility with adjacent land uses.
22. The proposed project would be detrimental to the public interest since the Planned Development would not achieve compatibility with other properties as new development or redevelopment occurs.

Based upon the foregoing findings of fact, the City Council further finds and concludes that:

1. The proposed amendment is inconsistent with the goals, policies, and actions of the General Plan;
2. The proposed amendment would be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and

3. The parcel is not physically suitable for the requested zoning designation(s) and anticipated land uses/project.

THEREFORE, BE IT RESOLVED that the City Council denies a Zoning Map Amendment to amend the Campbell Zoning Map designation from C-M (Controlled Manufacturing) to P-D (Planned Development) for property located at **1700 Dell Avenue**.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

Attachment: PLN2017-381 ~ 1700 Dell Ave (Zoning Map Amendment) - Denial (Dollinger Properties Zoning Map Amendment)

**RESOLUTION NO. \_\_\_\_\_**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL DENYING A PLANNED DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A 161,870 SQUARE FOOT FOUR-STORY OFFICE BUILDING, A 146,478 SQUARE FOOT FIVE-STORY PARKING GARAGE (WITH ONE LEVEL OF UNDERGROUND PARKING), ADDITIONAL SURFACE PARKING, AND ON-SITE OPEN SPACE ON PROPERTY LOCATED AT **1700 DELL AVENUE**. File No. PLN2017-381.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council finds as follows with regard to the denial of a Planned Development Permit (PLN2017-381):

Environmental Finding

1. A Final Environmental Impact Report (FEIR) was prepared for the proposed project in accordance with the California Environmental Quality (CEQA). However, the FEIR need not be certified since the City Council's decision to deny the proposed project is Statutorily Exempt pursuant to California Public Resource Code Section 21080(b)(5).

Evidentiary Findings

1. The proposed project includes an application for a Zoning Map Amendment, Planned Development Permit, and Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to allow construction of a 161,870-square-foot four-story office building, a 146,478-square-foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue in the City of Campbell.
2. The subject property is located at the corner of Knowles Drive and Dell Avenue within a developed area of the City and adjacent to the City's southern border with Los Gatos. Local access to the project site is provided via SR-85, Winchester Boulevard, Knowles Drive, and Dell Avenue.
3. Abutting land uses include the Los Gatos Creek Trail and Los Gatos Creek to the east and a mix of commercial, office, and light industrial uses to the north, west, and south.
4. The 4.5-acre project site is currently developed with a 71,620-square-foot office building and a surface parking lot. As of May 2018, roughly one third of the office space in the existing office building is occupied. The existing building is irregularly

shaped and has areas that are single story, two stories, and three stories. Access to the property is gained via two driveway entrances on the western and southern portions of the site along Dell Avenue. The project site was developed with the existing building in 1975 and has operated as an office building since its initial construction. The building is located (approximately) within the middle of the project site with surface parking to the north, west, and south of the building.

5. The project site is designated by the Campbell General Plan Land Use Diagram as *Research and Development*.
6. The project site is not subject to an Area Plan or Design Guidelines.
7. The project site is currently designated by the Campbell Zoning Map as C-M (Controlled Manufacturing).
8. The proposed Planned Development is requested to allow flexible development standards under the Planned Development zoning district since the proposed project does not conform to the floor area and height standards of the existing Controlled Manufacturing zoning district.
9. Development of the area should be contemplated as a comprehensive plan, rather than on an individual basis so that projects developed over the next 20 years will contribute to a cohesive neighborhood that was deliberately contemplated.
10. Complying with the General Plan from the start will result in a compliant and anticipated development.
11. Rezoning this property to P-D independent from the current zoning of the adjacent properties would create an inconsistent development environment.
12. The proposed project is inconsistent with General Plan Strategy LUT-9.1c (Land Use Objectives and Redevelopment Plans) to permit only those uses that are compatible with land use objectives and redevelopment plans since the project is inconsistent with the Controlled Manufacturing Zoning District.
13. The recommendation to deny the proposed project would be consistent with General Plan Land Use Strategy LUT-5.2e (Reduction of Development Intensity) since denial of a floor area ratio that exceeds 0.40 helps to ensure development compatibility with surrounding properties.
14. When flexible development standards are permitted under the P-D designation, the resulting project should be consistent with site characteristics and shall aid in the harmonious development of the immediate area.
15. The only Planned Development property in the Dell Avenue is a C-P-D (Condominium Planned Development) zoned property. The C-P-D zoning district

was established to allow the conversion of existing commercial and industrial structures to commercial and industrial condominiums so that individual businesses in a single building could be owned by individual owners. In the subject project, the proposed Planned Development would be for an individual property owner rather than for multiple owners.

16. The subject property and the proposed project would be the only building in the entire Dell Avenue area that is three or more stories in height.
17. Approving this project would be inconsistent with General Plan Policy LUT-5.7 which encourages site and architectural design that is sensitive to surrounding uses and Policy LUT-9.3 which promotes site planning that is compatible with surrounding development, public spaces and natural resources.
18. The recommendation to deny the proposed project would not be consistent with Policy LUT-9.3 (Design and Planning Compatibility) since the proposed site planning is incompatible with surrounding development and natural resources such as the Los Gatos Creek.
19. The proposed zoning map amendment would be detrimental to the public interest since a rezoning of the property from C-M (Controlled Manufacturing) to P-D (Planned Development) would occur without the benefit of a comprehensive plan to aid in the harmonious development of the immediate area and ensure compatibility with adjacent land uses.
20. The proposed project would be detrimental to the public interest since the Planned Development would not achieve compatibility with other properties as new development or redevelopment occurs.

Based upon the foregoing findings of fact, the City Council further finds and concludes that:

1. The proposed development would not result in a more desirable environment and use of land than would be possible under the C-M zoning district classification;
2. The proposed development would be incompatible with the general plan and will not aid in the harmonious development of the immediate area;
3. The proposed development would be detrimental to the welfare of the neighborhood or of the city as a whole.

THEREFORE, BE IT RESOLVED that the City Council denies a Planned Development Permit for construction of a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at **1700 Dell Avenue**.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

Attachment: PLN2017-381 ~ 1700 Dell Ave (PD Permit) - Denial (Dollinger Properties Zoning Map Amendment)

**RESOLUTION NO. \_\_\_\_\_**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL DENYING A TREE REMOVAL PERMIT TO ALLOW REMOVAL OF PROTECTED ON-SITE TREES FOR PROPERTY LOCATED AT **1700 DELL AVENUE**. FILE NO.: PLN2017-381

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council finds as follows with regard to the denial of a Tree Removal Permit (PLN2017-381):

Environmental Finding

1. A Final Environmental Impact Report (FEIR) was prepared for the proposed project in accordance with the California Environmental Quality (CEQA). However, absent an affirmative decision on the Proposed Project, the FEIR need not be certified since the City Council's action to recommend denial is Statutorily Exempt pursuant to California Public Resource Code Section 21080(b)(5).

Evidentiary Findings

1. The proposed project includes an application for a Zoning Map Amendment, Planned Development Permit, and Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to allow construction of a 161,870-square-foot four-story office building, a 146,478-square-foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue in the City of Campbell.
2. The subject property is located at the corner of Knowles Drive and Dell Avenue within a developed area of the City and adjacent to the City's southern border with Los Gatos. Local access to the project site is provided via SR-85, Winchester Boulevard, Knowles Drive, and Dell Avenue.
3. Abutting land uses include the Los Gatos Creek Trail and Los Gatos Creek to the east and a mix of commercial, office, and light industrial uses to the north, west, and south.
4. The 4.5-acre project site is currently developed with a 71,620-square-foot office building and a surface parking lot. As of May 2018, roughly one third of the office space in the existing office building is occupied. The existing building is irregularly shaped and has areas that are single story, two stories, and three stories. Access to the property is gained via two driveway entrances on the western and southern portions of the site along Dell Avenue. The project site was developed with the existing building in 1975 and has operated as an office building since its initial construction. The building is located (approximately) within the middle of the project site with surface parking to the north, west, and south of the building.

City Council Resolution No. \_\_\_\_\_  
1700 Dell Avenue  
Denial of Tree Removal Permit (PLN2017-381)

5. The project site is designated by the Campbell General Plan Land Use Diagram as *Research and Development*.
6. The project site is not subject to an Area Plan or Design Guidelines.
7. The project site is currently designated by the Campbell Zoning Map as C-M (Controlled Manufacturing).
8. By separate action, the City Council has denied a Zoning Map Amendment and a Planned Development Permit for construction of a 161,870-square-foot four-story office building, a 146,478-square-foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space. Without construction of the project the application for a Tree Removal Permit is an inoperative entitlement request as the existing property improvements will be maintained.

Based upon the foregoing findings of fact, the City Council further finds and concludes that:

Tree Removal Permit Findings (CMC Sec. 21.32.080.A.5):

1. The retention of the trees *neither* restricts the economic enjoyment of the property nor creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has not demonstrated to the satisfaction of the City Council that there are no reasonable alternatives to preserve the trees due to the number of site constraints of the subject property.

**THEREFORE, BE IT RESOLVED** that the City Council denies a Tree Removal Permit to allow removal of protected on-site trees (PLN2017-381) on property located at **1700 Dell Avenue** in the C-M (Controlled Manufacturing) Zoning District.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:  
 NOES: COUNCILMEMBERS:  
 ABSENT: COUNCILMEMBERS:  
 ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

Attachment: PLN2017-381 ~ 1700 Dell Ave (TRP) - Denial (Dollinger Properties Zoning Map Amendment)

Document Links for 1700 Dell Avenue

- [Draft Environment Impact Report EIR \(DEIR\) - Volume 1](#)
- [Draft Environmental Impact Report \(DEIR\) - Volume 2](#)
- [Final Environment Impact Report \(DEIR\)](#)
- [Mitigation Monitoring and Reporting Program \(MMRP\)](#)

# MEMORANDUM



Community Development Department  
Planning Division

**To:** Chair Rich and Planning Commissioners **Date:** September 26, 2017  
**From:** Cindy McCormick, Senior Planner  
**Via:** Paul Kermoyan, Community Development Director  
**Subject:** Pre-Application (PRE2017-01) Study Session – 1700 Dell Avenue

## PURPOSE

The purpose of this study session is to present a preliminary application (PRE2017-01) and plans for a conceptual commercial development at 1700 Dell Avenue. The study session is required pursuant to Campbell Municipal Code Chapter 21.41 for projects exceeding 20,000 square feet of building area. Pre-application comments are intended to inform an applicant of potential concerns during the early design stages. The pre-application process does not result in any binding comments or decisions and is considered ancillary to a formal land use application.

## PROJECT SUMMARY

The subject property is a 197,000 square foot lot located on Dell Avenue, west of the Los Gatos Creek Trail and adjacent to the City's southern border with Los Gatos (**Attachment 1**). The pre-application is for a 5-story office building and 5-story parking structure (plus one story underground) in the Dell Avenue area. The conceptual plans illustrate a building height of 75 feet plus a 14.5 foot mechanical equipment screen for a maximum height of 89.5 feet. The total proposed floor area is 197,000 square feet (100% FAR), not including the parking structure.

## BACKGROUND

### City Council Study Session

On July 18, 2017 the City Council held a study session (reference Memo, **Attachment 2**) to discuss the proposal (reference Minutes, **Attachment 3**) as a matter of policy practice since they will be the ultimate decision maker for this type of proposal. During the study session several residents provided comments on the preliminary drawings with concerns primarily focused on the proposed height, floor area, parking, open space, and tree removal (also see **Attachment 4**). While no maximum acceptable height or floor area was discussed by the Council, the general consensus (with the exception of Council Member Cristina) was that the building was too large and too tall. The Council also indicated that the proposed parking was insufficient and there was not enough open space proposed. The applicant was asked to design three conceptual alternatives to assist the Planning Commission's pre-application review.

## DISCUSSION

**Development Standards:** The 197,000 square foot property is located in the C-M (Controlled Manufacturing) zoning district and has a Research and Development General Plan land use designation. However, the conceptual plans are inconsistent with the floor area and height standards of the C-M zoning district. While the applicant has the ability to apply for a rezoning of the property to P-D (Planned Development), the P-D process should not be used to completely bypass the development standards for the benefit of the applicant.

If the P-D zoning is pursued, the applicant will need to demonstrate that such map change is required for public necessity, convenience, and the general welfare<sup>1</sup>. If a public benefit is found to exist, the applicant would then need to demonstrate that any development standard flexibility that is allowed through a P-D permit will achieve a better design and optimal open space than would be allowed under the C-M zoning district designation.

If a public benefit is not found to exist, a P-D rezoning should not be allowed and the site should be developed according to the C-M zoning standards (e.g., 40% FAR and 45-foot height limit). The purpose of creating development standards is to promote compatibility with surrounding uses. Rezoning this property to P-D independent from the current zoning of the adjacent properties could create an inconsistent development environment. While the General Plan includes language that supports developing guidelines that would allow higher floor areas in the Dell Avenue area (Strategy LUT-5.5c), the City's recent attempt to create such guidelines have been set aside following review and comments from the public and the City Council. On December 6, 2016, the City Council directed staff to stop work on the Dell Avenue Area Plan (DAAP)<sup>2</sup> and use the documents as resource materials for the Envision Campbell General Plan update. Given public reaction to the DAAP it may be difficult to demonstrate that a public benefit exists for a Planned Development rezoning at this time.

Likewise, a variance is not warranted because there does not appear to be any exceptional circumstances applicable to the subject property (i.e. size, shape, topography), nor does it appear that the C-M standards would result in a practical difficulty or unnecessary physical hardship. Thus, the granting of a variance in this case could be viewed as a grant of special privilege inconsistent with the limitations on other properties classified in the C-M zoning district and the greater Dell Avenue area.

Given the applicant's resistance to provide an alternative design that lowers the height and floor area, it is important that the Planning Commission provide explicit feedback to the applicant on whether a zone change to Planned Development (PD) could be supported and if so, how much flexibility might be appropriate given the current C-M zoning for surrounding parcels. Alternatively, the Planning Commission's feedback may be to retain the C-M zoning until such time that an Area Plan for the Dell Avenue area has been adopted.

<sup>1</sup> Campbell Municipal Code Section 21.60.020.A (Purpose of General Plan/Zoning map amendments).

<sup>2</sup> The DAAP and the associated Environmental Impact Report will be used as resource documents under the broader discussion of the Envision Campbell General Plan update.

**Site Layout and Landscaping:** The C-M zoning district requires a minimum setback of 20 feet in the front and 10 feet on each side and rear. The applicant will also be required to dedicate approximately 10 feet of right-of-way to accommodate street improvements (e.g., sidewalk, curb, and gutter) along Dell Avenue. The proposal shall include a minimum of 20 square feet of landscaping for each parking space and a minimum of one (1) tree per eight (8) parking spaces spread throughout the entire parking lot, including a minimum five-foot planter strip along the property boundary. As illustrated below, the applicant has indicated that the conceptual plans meet the minimum landscape requirements given the proposed parking. The applicant has provided three conceptual site plans as requested by the City Council on July 18<sup>th</sup>.



#### Alternative #1

**Landscape:** 30,995 sq. ft. (35 sq. ft. per stall)  
 ~16% of site area

**Trees:** 110 trees (1 tree per 8 stalls)

#### Alternative #2

33,910 sq. ft. (39 sq. ft. per stall)  
 ~17% of site area

119 trees (1 tree per 7.4 stalls)

#### Alternative #3

34,977 sq. ft. (40 sq. ft. per stall)  
 ~18% of site area

119 trees (1 tree per 7.4 stalls)

Alternative 1: This alternative includes a 7,000 square foot open space area in the northwestern front corner of the lot adjacent to Dell Avenue (**Attachment 5**).

Alternative 2: Alternative #2 relocates the public open space area to the northeastern rear corner of the lot closer to the Los Gatos Creek trail. Alternative #2 also relocates the trail access corridor from the northerly boundary to the southerly boundary of the site (**Attachment 6**).

Alternative 3: Like the previous option, this alternative relocates the public open space area to the rear of the lot and relocates the trail access corridor to the southerly boundary of the site. Alternative #3 also repositions the office building closer to the southwestern corner of the site, providing more landscape screening of the parking garage from the perspective of the street. Alternatives #2 and #3 also preserve existing trees by incorporating a wider landscape buffer between the parking lot and the creek trail (**Attachment 7**).

Although the applicant submitted three alternatives, the conceptual designs are generally the same except for the placement of open space.

**Building Design:** The Land Use Element of the General Plan briefly discusses building design; noting that “[n]ew development and improvements can be compatible with surrounding development if careful attention is paid to scale, materials, colors, building height and form, and design details. The General Plan encourages high quality building designs that are architecturally attractive and are compatible with or enhance the surrounding development.

As currently illustrated, the 5-story building would be designed of glass, simulated wood slats, and charcoal grey, silver, and white metal panels. While the contemporary design is consistent with new office buildings recently approved in other areas of the City of Campbell, the proposed height (discussed further below) would be significantly taller than any other building in the Dell Avenue area, thereby introducing an incompatible building type not envisioned for this area.



View from Dell Avenue @ Knowles

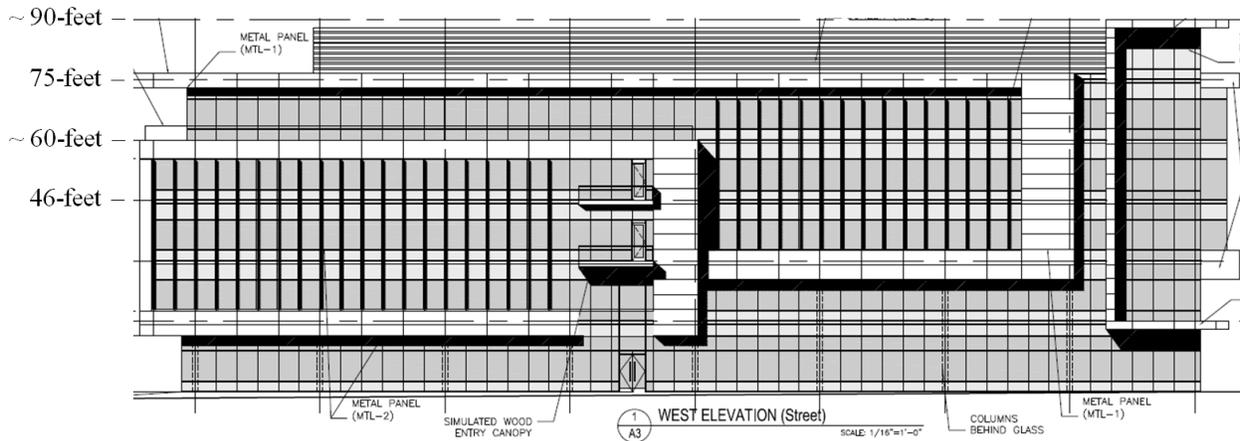


View from Hwy 17 / Creek Trail

Height, floor area, setbacks, and lot size are all contributing factors to the perception of building mass. Likewise, a large building surrounded by hardscape will have more aesthetic impacts on the surrounding area than a centrally located building surrounded by an optimal amount of landscaping. Without a subsequent increase in landscaping and open space amenities beyond the minimum requirements, an increase in floor area ratio (FAR) and/or height above the permitted maximum could create massing issues.

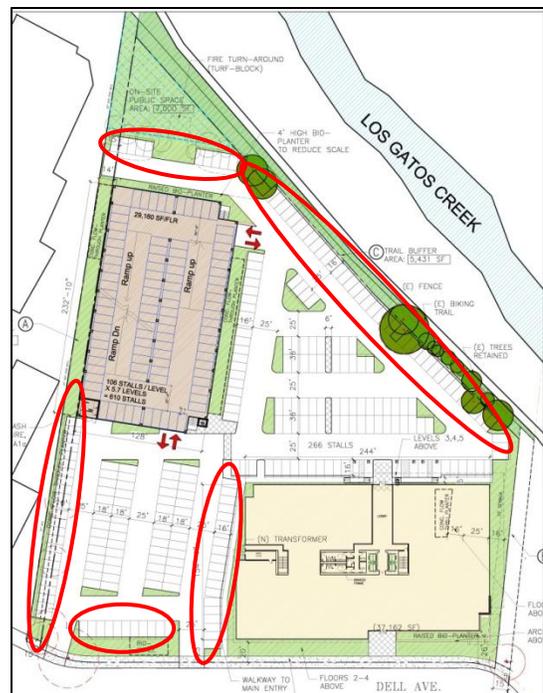
**Height:** The maximum height allowed in the C-M zoning district is 45 feet. All three alternatives propose a 75-foot tall office building with a 14.5 foot mechanical equipment screen for a height of 89.5 feet. While members of the Council were receptive to some flexibility regarding height, it was clear that 75 feet was considered too tall by most of the Council. While no targets were set by the Council, staff encouraged the applicant to consider presenting an alternative with a maximum height of 60 feet. However, rather than provide alternative elevations with a lower height, the applicant is requesting feedback on the current proposal.

The image on the following page shows the height of the office building at each floor level with each floor contributing approximately 15-feet to the overall height. Thus, if the building were decreased by one or two stories, the height would decrease from approximately 75 feet to 60 feet and 45 feet respectively, not including the mechanical screen. Reducing the height would also reduce the floor area which would in turn reduce the required parking, as discussed further below.

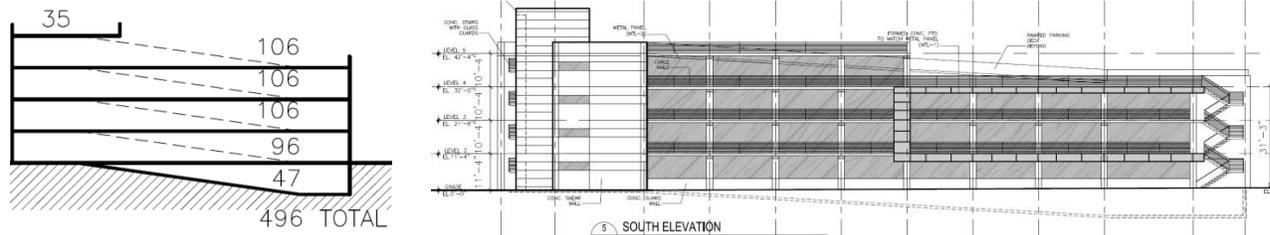


**Floor Area:** The maximum FAR allowed in the C-M zoning district is 40%. Authority has been granted to the Planning Commission to allow a FAR increase for a specific use at a specific location when it determines that circumstances warrant an adjustment. The Community Development Director has interpreted this provision to mean that small increases could be allowed given certain site constraint situations. This interpretation is also supported by the General Plan (Appendix B) whereby a 40% FAR was anticipated for the C-M zone district area (**Attachment 8**). Another question that remains is if parking garage actually counts towards the FAR. While some members of the City Council expressed a preference for counting a percentage of the parking garage as floor area, Appendix B in the General Plan seems to imply that non-residential parking garages should not be counted as floor area.

All three alternatives propose a floor area of 197,000 square feet (100% FAR). Reducing the floor area of the building would achieve consistency with the current zoning district development standards for the area where 40% FAR is the maximum allowed. Reducing the floor area would also be consistent with Appendix B of the General Plan which identifies a 40% limitation. There are a variety of ways to reduce the FAR. One way is to reduce the number of floors of the building. This method would not only reduce the building size and prominence, it would also reduce the amount of required parking to support the use. Another way is to place the required parking beneath the building. This would equally reduce the development's prominence by allowing more open space on the ground level (e.g., around the buildings as illustrated in the image to the right). The applicant could also pursue a subdivision of the 197,000 square foot property given that the minimum lot size is 40,000 square feet. While the floor area allowance would not increase, the floor area could be spread out amongst multiple buildings rather than condense it to one large building. Parking could then be shared amongst the multiple buildings through a reciprocal parking agreement.

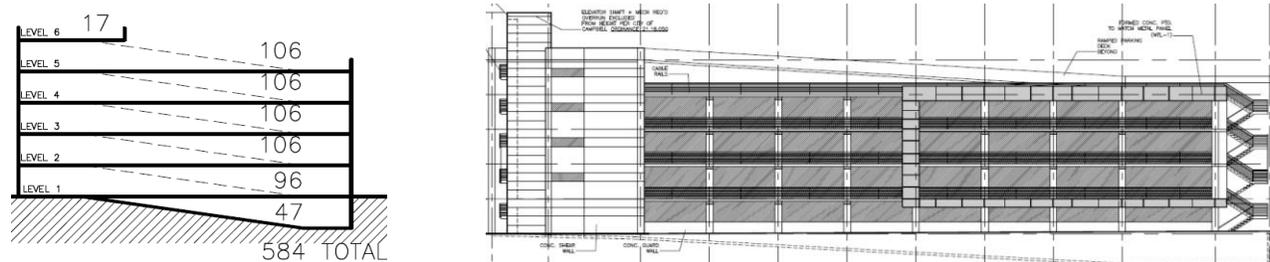


**Parking:** The minimum parking standard is one (1) space for each 225 square feet of gross floor area which is equal to 876 parking spaces for a 197,000 square foot building. Parking areas shall not be located within the 20-foot front setback area along Dell Avenue. The conceptual plans presented to the City Council on July 18<sup>th</sup> (see first image below) illustrated a 4-story parking structure (plus one story underground) with 496 spaces plus 292 on-grade parking spaces; 88 spaces fewer spaces than required for the 197,000 square foot office building.

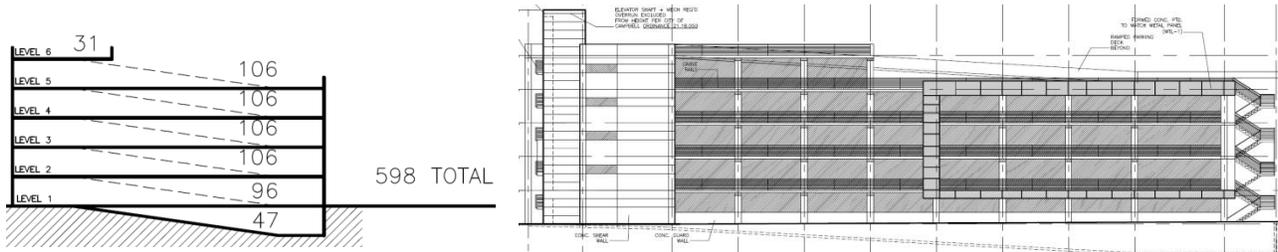


In response to concerns regarding the parking deficiency, the applicant added an additional story to the garage. Under each of the three alternatives, the parking garage has been slightly modified to include additional parking on the upper story, while reducing the surface parking. In each scenario, the total parking has increased by approximately 100 spaces as described below.

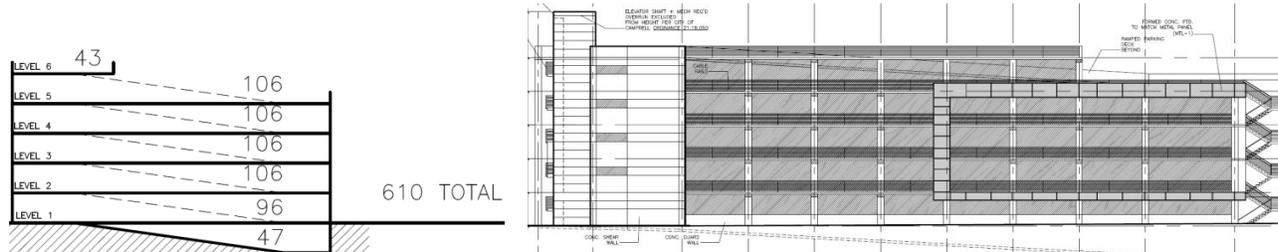
**Alternative 1 Parking:** Alternative #1 includes 584 parking garage spaces plus 292 on-grade parking spaces for a total of 876 parking spaces (one per 225 sq. ft.).



**Alternative 2 Parking:** This option includes 598 parking garage spaces plus 278 on-grade parking spaces for a total of 876 parking spaces (one per 225 sq. ft.).



**Alternative 3 Parking:** Alternative #3 includes 610 parking garage spaces plus 266 on-grade parking spaces for a total of 876 parking spaces (one per 225 sq. ft.).



Attachment: PC Study Session PRE2017-01 ~ 1700 Dell (Dollinger Properties Zoning Map Amendment)

## PLANNING COMMISSION FEEDBACK

Considering massing, architectural style, and façade treatment (e.g., colors and materials), individual members of the Commission should identify which alternative, or discreet components of an alternative, has informed their impressions. The following questions may help prompt the Planning Commission’s feedback:

- Is a Planned Development rezoning appropriate?
  - If not, what other options might be supported? (e.g., a Development Agreement that clearly results in a public benefit)
  - If so, what is the public benefit? and how would it result in a more desirable project than would be possible under the C-M zoning designation?
    - How much (if any) of an increase above the 40% maximum FAR is appropriate?
    - How much (if any) of an increase above the 45 foot height limit is appropriate?
    - How might an increase in floor area or height be justified? e.g., through an equivalent increase in landscaping for each additional percent of FAR above 40%, or a community benefit that furthers the goals of the General Plan and serves the Dell Avenue area (e.g., a rooftop or waterfront café).
- Should the parking standard of one (1) space per 225 square feet of floor area be adhered to, or is a parking reduction supported if there is an accompanying parking study that demonstrates the site will be adequately parked?
- Should the above grade parking structure (or a portion thereof) be included in the floor area calculation?
- Should more of the parking be placed underground such that the surface parking lot can be redesigned to include more landscaping and open space?
- Is the landscape requirement of 20 square feet of landscaping for each parking space and a minimum of one (1) tree per eight (8) parking spaces sufficient, or is an increase in landscaping needed to justify an increase in floor area or height?

## PUBLIC OUTREACH

Although a Study Session does not require formal noticing, staff mailed a meeting notice to property owners within 300 feet of the subject property. The City also reached out to the San Tomas Area Community Coalition.

## NEXT STEPS

As currently proposed, the project will require a Zoning Map Amendment (to rezone the property as Planned Development (P-D) and a P-D Permit to allow flexibility with regard to zoning district standards. The project will require an Initial Study under CEQA to review a variety of environmental factors including traffic, parking, circulation, and water quality. Upon completion of the Initial Study, staff will determine what level of CEQA is appropriate (e.g.,

Mitigated Negative Declaration or Environmental Impact Report). The draft CEQA document will be completed and provided to the public for comment prior to a formal Public Hearing before the Planning Commission.

Attachments:

1. Location Map
2. City Council July 18, 2017 Study Session Memo
3. City Council July 18, 2017 Study Session meeting minutes
4. Public Comments
5. Alternative #1
6. Alternative #2
7. Alternative #3
8. Appendix B



ITEM NO. \_\_

**CITY OF CAMPBELL • PLANNING COMMISSION  
Staff Report • December 10, 2019**

**PLN2017-381  
(ZMA, P-D  
Permit, TRP)  
PLN2018-148  
(CEQA)  
Dollinger  
Properties**

Public Hearing to consider the application of Dollinger Properties for a Zoning Map Amendment, Planned Development Permit, and Tree Removal Permit (PLN2017-381), and Final Environmental Impact Report (PLN2018-148) to allow construction of a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at **1700 Dell Avenue**.

### STAFF RECOMMENDATION

That the Planning Commission take the following actions:

1. Adopt a Resolution recommending denial of a Zoning Map Amendment;
2. Adopt a Resolution recommending denial of a Planned Development Permit with Site and Architectural Review; and
3. Adopt a Resolution recommending denial of a Tree Removal Permit.

### ENVIRONMENTAL DETERMINATION

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City has determined that the proposed project could result in potentially significant environmental impacts and that an Environmental Impact Report (EIR) would be required.

The City held a public scoping meeting on July 10, 2018 to solicit comments from the public regarding the scope of the EIR. Following the CEQA required scoping meeting and comment period, the City's environmental consultant completed a Draft EIR to provide an assessment of the potential environmental consequences of approving the proposed project. The Draft EIR was posted and circulated for a 48-day public review and comment period beginning April 25, 2019. The Planning Commission also held a Public Hearing on June 11, 2019 to receive comments on the [Draft EIR](#), prior to the comment period ending on June 12, 2019.

On December 4, 2019, a Final EIR was prepared with responses to comments received on the Draft EIR ([Attachment 4](#)). The Final EIR also contains corrections and clarifications to the text and analysis of the Draft EIR, where warranted. The Final EIR may be viewed at City Hall (Planning Division counter) and the Campbell Library during normal business hours, as well as online under [Environmental Public Notices](#) and on the City's [1700 Dell Avenue Project website](#).

All persons, including public agencies and members of the public, who commented on the Draft EIR were notified of the Final EIR availability and the December 10<sup>th</sup> Planning Commission Public Hearing. The Planning Commission will review the project and provide a

recommendation to the City Council. The public will also be notified of the tentative January 21, 2020 City Council Public Hearing, at least 10 days in advance. If the City Council determines that the project may be approved, the City Council will certify the Final EIR and adopt all feasible mitigation measures identified in the EIR and may also require other feasible mitigation measures as conditions of approval. However, the City Council may also find that the project does not satisfy the required findings for approval and reject the project on that basis. In that case, the City Council is not required to certify the Final EIR.

**Mitigation Monitoring:** CEQA requires that public agencies adopt a program, identifying all required mitigation measures to be implemented, the responsible party, and implementation timing. This document is known as a Mitigation Monitoring and Reporting Program (MMRP). The following represents a brief summary of the required mitigation measures proposed by the Final EIR. For a complete list, please review the MMRP (**Attachment 5**).

**Air Quality:** The project shall implement all of the Bay Area Air Quality Management District's best management practices for reducing construction emissions of uncontrolled fugitive dust (coarse inhalable particulate matter [PM<sub>10</sub>] and fine inhalable particulate matter [PM<sub>2.5</sub>]). The construction contractor shall use construction equipment with fitted with Level 2 Diesel Particulate Filters (DPF) or higher emissions standards for all equipment of 50 horsepower or more and shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.

**Biological Resources:** The parking, circulation, and landscape plans for the proposed project shall be revised and redesigned in conformance with the *Guidelines and Standards for Land Use Near Streams* including: replacement of one parking stall with additional landscaping; effective screening of nighttime lighting; tree retention; plant selection; and plant placement, as further provided in the Mitigation Monitoring and Reporting Program. Prior to site clearance, the project applicant shall retain a qualified biologist to conduct preconstruction nesting bird surveys if tree removal would occur during the nesting season (February 1 to August 31), No surveys are required before vegetation disturbance between September 1 and January 31, outside of the nesting season. Prior to building construction, the project applicant shall submit a Bird Collision Reduction Plan for City review and approval, following a peer review by an independent consulting biologist, selected by the City.

In addition to the above design modifications, other options to consider for glazing treatment under the required Plan shall include the following:

- Uniformly cover the interior or exterior of clear glass surface with patterns (e.g., dots, stripes, decals, images, abstract patterns). Patterns can be etched, fritted, or on films and shall have a density of no more than 2 inches horizontally, 4 inches vertically, or both (the “two-by-four” rule for coverage).
- Install paned glass with fenestration patterns with vertical and horizontal mullions following the “two-by-four” rule for coverage.

- Install external screens over non-reflective glass (as close to the glass as possible) for birds to perceive windows as solid objects.
- Install UV-pattern reflective glass (visible to birds), laminated glass with a patterned UV-reflective coating, or UV-absorbing and UV-reflecting film on the glass.
- Install decorative grilles, screens, netting, or louvers, with openings following the “two-by-four” rule for coverage.
- Install awnings, overhangs, sunshades, or light shelves directly adjacent to clear glass that is recessed on all sides.

**Cultural Resources:** The mitigation measures require immediate suspension of all activity in the immediate vicinity of the suspected resources if archaeological, human burial, or skeletal elements are encountered during excavation or construction. In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. As provided in the mitigation measures, the appropriate parties (e.g., archeologist, paleontologist, coroner) shall be notified and retained as necessary to ensure that all discovered cultural resources are properly treated.

**Hazards and Hazardous Materials:** Prior to the disturbance of any suspect asbestos-containing materials and/or lead-based paint, a certified consultant shall conduct a comprehensive survey to determine if the suspect materials are present. If such materials are identified, a licensed abatement contractor shall be consulted and demolition activities shall be conducted in compliance with abatement recommendations.

**Noise:** The project sponsor and contractors shall: prepare a Construction Noise Control Plan; notify all off-site businesses and residents within 300’ of the project site of the planned construction activities including construction hours and estimated construction duration; post a clearly visible sign at the job site entrance that includes permitted construction days and hours as well as City and contractor telephone numbers for questions or complaints (taking appropriate corrective action); utilization of the best available noise control techniques; utilization of hydraulically or electrically powered tools wherever possible; proper placement and muffling of stationary noise sources; selection of haul routes that avoid the greatest amount of sensitive use areas; and posted signs that reinforce the prohibition of unnecessary engine idling.

**Transportation and Traffic:** The Draft EIR recommended two mitigation measures for transportation related impacts but found that both of those impacts could not be mitigated and would therefore be significant and unavoidable. The first impact was related to the morning and evening peak hours under Cumulative plus Project conditions, whereby the queue on the San Tomas Expressway/SR 17 southbound off-ramp right-turn lane would extend to 26 vehicles, which is two vehicles more than the estimated storage capacity. The proposed mitigation measure would have been to widen the westbound (off-ramp) approach at the southbound ramp intersection to include a second right turn lane, resulting in two left-turn lanes, one through shared left-turn lane, and two right-turn lanes where the existing right-turn lane would be extended. However, the Draft EIR found that any improvements to this intersection would best be implemented as part of regional transportation planning efforts, not as part of an individual

project or plan. Given the need for inter-jurisdictional approval and the lack of Caltrans/VTA budget for such an improvement, the project's impact was considered to be significant and unavoidable. The second impact would occur during the evening peak hour under Existing plus Project conditions and cause the freeway segment of southbound SR 85 from Saratoga Avenue to Winchester Boulevard to deteriorate from LOS E to F. Similarly, a mitigation measure to add travel lanes and capacity to southbound SR 85 from Saratoga Avenue to Winchester Boulevard is not contemplated or budgeted and is therefore considered to be significant and unavoidable.

Staff Note: On November 27, 2019, the City received a letter from the applicant, challenging the findings of the Draft EIR Chapter 4.13 (Transportation and Traffic), stating “there is substantial evidence to support a conclusion that impacts are not in fact significant.” (**Attachment 6**). In particular, the applicant has stated the following:

- Based on a review of the LOS calculations for the San Tomas Expressway/SR 17 Southbound Ramp intersection, there are problems with the assumptions used in the analysis that ultimately resulted in the reporting of an erroneous level of service of F for this intersection. With the free-right turn lane accounted for, this intersection is forecast to have acceptable traffic operations under all scenarios, including cumulative plus project conditions.
- Based on a review of the DEIR it appears that the analysis erroneously utilized data from the 2016 CMP Monitoring Report instead of the most recent 2017 CMP Monitoring Report. According to this Report, the SR 85 segment from Saratoga Avenue to Winchester Boulevard already operates at LOS F and therefore the applicable impact threshold is a volume increase of one percent or more to the freeway's capacity. Based on a review of the Draft EIR project trip generation and distribution assumptions, there is no expectation that the proposed project could possibly add 44 vehicles (the triggering significance threshold) to this segment of SR 85.

In response, the City's Traffic Consultant provided a memorandum addressing those comments (**Attachment 7**).

With regard to the first comment, the Consultant has stated that the assumption to apply an “overlap” right turn for the movement coming from the southbound SR 17 off-ramp is consistent with the assumptions applied by both the County of Santa Clara and the VTA as part of their CMP Monitoring Program. Moreover, the sample calculations provided by Abrams Associates did not apply the default saturation flow rates as specified by the VTA LOS Guidelines (2003). As such, the sample calculations provided by Abrams Associates understate the LOS and delay. Therefore, the analysis of this intersection has been reviewed and confirmed as correct as reported in the DEIR.

In response to comment #2, the Consultant explained that the new 2017 CMP Monitoring Report was adopted by the VTA Board on June 7, 2018 and was posted online after the start of the DEIR analysis but prior to the EIR NOP date of July 2, 2018. However, the Consultant agreed to revise the findings of the Draft EIR such that this would no longer be considered a significant impact pursuant to the new 2017 CMP Monitoring Report.

Therefore, there is one significant and unavoidable impact, not two, identified in the Final EIR.

Project Alternatives: As required by CEQA, the EIR analyzed three alternatives to the proposed project. The purpose of this analysis is to determine whether there is a feasible way to achieve the basic objectives of the project, while avoiding or substantially lessening the project's significant effects. There is no ironclad rule governing the nature or scope of the alternatives; however the EIR is not required to consider alternatives which are infeasible or unreasonable.

- **No Project Alternative:** Under the No Project Alternative, the proposed project would not be developed and conditions on-site would remain as they are. The existing office building would continue to operate and the building would be fully occupied, potentially resulting in about 318 employees. Parking would be provided by the existing surface parking lot.
- **Existing Zoning Alternative:** The Existing Zoning Alternative is intended to illustrate the environmental effects that could occur if the project conforms to the currently applicable C-M (Controlled Manufacturing) development standards (e.g., 45-foot height limit and .40 floor area ratio). The existing zoning alternative would reduce the level of vehicular traffic (and associated air quality emissions, greenhouse gas (GHG) emissions, and noise) generated by the proposed project. This alternative would also allow the owner to develop 77,648 square feet of building area (not including a parking garage) which is 6,028 square feet more than what currently exists on-site.
- **Reduced Intensity Alternative:** The Reduced Intensity Alternative is intended to avoid the project's significant and unavoidable traffic impacts by reducing the size of the proposed office building accordingly. Under the Reduced Intensity Alternative, the maximum office building square footage would be 64,748; approximately 17% smaller than the Existing Zoning Alternative and 60% smaller than the proposed project.

As discussed in the EIR, the Reduced Intensity Alternative would, in comparison to the proposed project, result in fewer air quality, noise, and transportation and traffic impacts. Therefore, the Reduced Intensity Alternative is considered the environmentally superior alternative. Identification of the environmentally superior alternative is an informational procedure and the selected alternative may not be the alternative that best meets the goals or needs of the project applicant or the City of Campbell. The Reduced Intensity Alternative would meet most of the project objectives but would not maximize the project site's development potential and would not generate as many employment opportunities.

These alternatives are discussed further in the EIR.

## PROJECT DATA

<b>General Plan Designation:</b>	<i>Research and Development</i>
<b>Existing Zoning Designation:</b>	C-M (Controlled Manufacturing)
<b>Proposed Zoning Designation:</b>	P-D (Planned Development)
<b>Net Lot Size:</b>	4.46 acres (194,121 square feet)

<b>Building Height:</b>	75 feet	45 feet Maximum in C-M zone <sup>1,2</sup>
<b>Building Sq. Ft. / (FAR):</b>	161,870 sq. ft. (83%)	40% Maximum in C-M Zone <sup>1,3</sup>
<b>Parking:</b>	736 stalls	720 Stalls Required <sup>4</sup>
<b>Setbacks</b>	<u>Proposed</u>	<u>Required under C-M zoning<sup>1</sup></u>
Front (Office Building):	~38 feet	20 feet Minimum
Right (Office Building):	~67 feet	10 feet Minimum
Left (Parking Garage):	10 feet	10 feet Minimum
Rear (Parking Garage):	~41 feet	10 feet Minimum

## DISCUSSION

**Project Site:** The project is located adjacent to the corner of Knowles Drive and Dell Avenue, on the City's southern border with Los Gatos. Access to the project site is provided via SR-85, Winchester Boulevard, Knowles Drive, and Dell Avenue. The project site is bounded by the Los Gatos Creek and the Los Gatos Creek Trail to the east and a mix of commercial, office, and light industrial uses to the north, west, and south. The 4.5 acre project site is within the Controlled Manufacturing (C-M) Zoning District with a corresponding *Research and Development* General Plan land use designation. Currently, the site is developed with a 71,620 square foot office building and surface parking lot that would be demolished to accommodate the proposed project.



<sup>1</sup> While the applicant is requesting flexible development standards under the P-D ordinance, the required development standards under the existing C-M zoning is provided as a benchmark reference.

<sup>2</sup> Pursuant to [CMC Section 21.18.050](#), parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, or similar structures and roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment that do not provide additional floor space may be erected above the height limit.

<sup>3</sup> Pursuant to [CMC Section 21.10.070.E](#), the planning commission shall have the authority to increase the F.A.R. for a specific use at a specific location when it determines that circumstances warrant an adjustment.

<sup>4</sup> Office uses require one (1) stall per 225 square feet of office area

**Project Scope:** The applicant proposes to redevelop the 4.5-acre project site located at 1700 Dell Avenue with a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage with underground parking (515 stalls), and an on-site surface parking lot (221 stalls) for a total of 736 parking stalls (**Attachment 8**). The project also proposes an on-site public open space area in the northeastern corner of the lot. The applicant is requesting a Zoning Map Amendment to change the zoning from C-M (Controlled Manufacturing) to P-D (Planned Development) since the project does not comply with the minimum height and floor area development standards of the C-M Zoning District.

**Background:** The subject property is located in an area where the City initiated the preparation of an Area Plan, referred to as the Dell Avenue Area Plan (DAAP), which would have established a comprehensive long-term vision for the entire 100-plus acre C-M (Controlled Manufacturing) zoning district. The DAAP would have allowed up to 1.5 floor area ratio (F.A.R.) as well as other increased development allowances in a concise plan which was forward thinking. However, the City Council did not approve the DAAP because of the environmental impacts associated with such allowances. The importance of comprehensive planning is to realize a particular vision for a defined area. This is discussed further in this staff report.

Pre-application study sessions were held with the City Council and Planning Commission on July 18, 2017 and September 26, 2017 respectively, to review a preliminary proposal for a 197,000 square foot building (slightly larger than currently proposed). The preliminary staff report and project materials are available for public review through these links: [Planning Commission study session](#); [City Council study session](#). Additionally, the City Council study session was recorded and available for review through this link: [City Council study session](#).

In addition to Public Hearings related to the environmental review, a Site and Architectural Review Committee (SARC) meeting was held on October 22, 2019 to review the proposed site configuration (e.g., parking, landscaping, building setbacks) and architectural design of the project (e.g., height, floor area, building colors and materials). The two SARC members had the following comments:

- The lack of an Area Plan (i.e., DAAP) makes it difficult for the City to approve a project that meets the needs of this applicant and other property owners who want to improve their properties. The City should not look at this individual project in isolation of others.
- The lack of articulation results in a building that is too massive.
- The proposed building size is too large. The SARC did not provide a recommended floor area ratio (F.A.R.), but suggested the applicant consider reducing the building by at least one story. *Staff note:* This results in a building that is approximately 121,680 square feet in area (0.63 F.A.R.).
- The proposed landscaping is “great” and the additional trees proposed above the minimum requirement are a “public benefit”; however this does not justify approval of the proposed project.

## ANALYSIS

General Plan Designation: The subject property has a *Research and Development* land use designation; one of two industrial designations in Campbell (*Light Industrial* is the other). The City seeks to upgrade the function and appearance of these industrial areas by encouraging high quality development. The *Research and Development* designation accommodates campus-like environments for corporate headquarters, research and development facilities and offices, and including uses such as incubator-research facilities, testing, packaging, publishing and printing.

An important aspect of the General Plan is that it provides a comprehensive vision for the City's various neighborhoods. In the subject neighborhood, the General Plan contemplated a development intensity of 0.40 F.A.R. (Appendix B, Page B-1 of the General Plan). According to appendix B, the General Plan establishes intensity standards for each use classification. Maximum permitted ratio of gross floor area to net site area (F.A.R) is specified for non-residential uses.

When the DAAP was being contemplated, the process to adopt such a Plan would have involved a modification to the General Plan. However, the subject project is not amending the General Plan because the focus is on an individual parcel as compared to an entire neighborhood.

Zoning Designation: The site is currently located in the C-M (Controlled Manufacturing) zoning district. The C-M zoning district is intended to provide a stable environment conducive to the development and protection of specialized manufacturing, packaging, printing, publishing, testing, and research and development with associated administrative office facilities often providing a campus-like environment as a corporate headquarters.

Zoning Map Amendment: The applicant is requesting a rezoning of the property to P-D (Planned Development) since the proposal is inconsistent with the floor area and height standards of the C-M zoning district. The intent of the P-D zoning district is to provide flexibility from application of traditional development standards to allow developments that are more consistent with site characteristics while creating an optimum quantity and use of open space. Many of the City's pre-planned "Planned Development" zone districts are located in Area Plans where specific development standards exist. However, the City Code is silent on which standards apply when an individual property requests that their zoning be changed to Planned Development.

The City does not have an obligation to approve a rezoning to Planned Development if the proposal does not meet the following findings for all Zoning Map Amendments:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan and all applicable development agreements, area plans, neighborhood plans, and specific plan(s); and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and
3. The parcel is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project.

When determining whether the proposed Zoning Map Amendment, to rezone the property from C-M to P-D, is consistent with the goals, policies, and actions of the General Plan, the Commission should consider the following:

- Policy LUT-2.4: Jobs and Housing Balance: Maintain Campbell’s balance of jobs and housing units to encourage residents to work in Campbell, and to limit the impact on the regional transportation system.
- Policy LUT-5.1: Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- Policy LUT-5.3: Variety of Commercial and Office Uses: Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.
- Policy LUT-5.4: Industrial Neighborhoods: Safeguard industry’s ability to operate effectively, by limiting the establishment of incompatible uses in industrial neighborhoods and encouraging compatible uses.
- Policy LUT-5.5: Industrial Diversity: Promote a variety of industrial use opportunities that maintain diversified services and a diversified economic base.
- Strategy LUT-5.5a: Services in Industrial Areas: Encourage convenient retail and commercial services (restaurants and hotels) in industrial areas to support businesses, their customers and their employees.
- Strategy LUT-5.5b: Incubator Businesses: Maintain industrial space for small start-up and incubator businesses.
- Policy LUT-5.7: Industrial Areas: Industrial development should have functional and safe vehicular, bicycle and pedestrian circulation, good site and architectural design, be sensitive to surrounding uses, connect to public transit, and be energy efficient. New projects should contribute to the positive character of industrial areas and the overall image of the City.
- Strategy LUT-9.1c: Land Use Objectives and Redevelopment Plans: Permit only those uses that are compatible with land use objectives and redevelopment plans.

When considering the proposed project, the Commission should first determine whether a Zoning Map Amendment is appropriate. As provided in the background section of this staff report, the subject property is located in an area where the City initiated the preparation of an Area Plan that would have established a comprehensive long-term vision for the entire Dell Avenue area. Even though this Area Plan was rejected, the applicant decided to pursue a development on this individual lot inconsistent with the current zoning district development standards. Given the development standards are too limiting to their individual site-specific vision, the applicant’s approach is to request a zone change to Planned Development (P-D) since that zone district does not have development standards. Staff believes that this approach is

inconsistent with the General Plan, given its vision set forth in Appendix B land use limitations, and it essentially ignores the need to have a Zoning Ordinance. With this said, development of the area should be contemplated as a comprehensive plan, rather than on an individual basis so that projects developed over the next 20 years will contribute to a cohesive neighborhood that was deliberately contemplated.

The applicant has responded to staff's preference for an Area Plan over a P-D Permit by stating that "this position suggests that no property owner within the Dell Avenue corridor should seek to redevelop his or her property until the City has adopted a comprehensive plan". Given the lack of an existing Area Plan, the applicant goes on to say that "[i]n this interim period, P-D zoning is a perfect solution. It requires the City to undertake at least three levels of review of a P-D zoning plan before making a decision, and provides that the City can condition a plan in any manner necessary to ensure compliance with zoning, compliance with the City's general plan, and protection of the environment" (**Attachment 9**). Staff's response is that the City does not need to condition a project to achieve compliance with the General Plan. Complying with the General Plan from the start will result in a compliant and anticipated development.

Although staff recommends a project that conforms to the existing C-M Zoning District, the applicant has indicated that a conforming floor area (77,648 square feet) would not meet their fundamental project objectives to "redevelop the site with a regionally competitive business campus that can attract a 'marquee' tenant wishing to establish a headquarters or a key satellite office". The applicant points out that the minimum sized office building to achieve this objective is 150,000 square feet. The applicant goes on to say that "[i]n fact, if a 64,748 square foot office building sufficed, Dollinger Properties would not have undertaken the time and expense to design and apply for the Project now before the City (**Attachment 10**).

Given the need for more comprehensive planning in the area, staff is recommending denial of the proposed Planned Development. If the Planning Commission agrees with staff's recommendation to deny the application, the Commission should review the attached findings for denial (**Attachments 1 - 3**) and provide direction to staff if additional findings or changes to the proposed findings are needed. Staff will then forward the Planning Commission's recommendation to the City Council for a decision.

If the Commission disagrees with staff's recommendation, the following analysis is provided to help the Commission analyze the particular design elements of the project. Please be aware that the following analysis could also apply to a code conforming site development as well.

Planned Development Permits: In addition to the findings required for a Zoning Map Amendment, the following findings are required for approval of a Planned Development Permit:

1. The proposed development or uses clearly would result in a more desirable environment and use of land than would be possible under any other zoning district classification;
2. The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area;

3. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts which are consistent with the general plan designation of the property; and
4. The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole.

Planned Developments are typically associated with residential and mixed-use projects, as evidenced by the reference to residential units in the [P-D Zoning District's purpose statement](#) and findings for permit approval provided above. However, there are approximately five (5) P-D zoned parcels with a *Research and Development* land use designation in the McGlincy area. These properties are occupied by office, high-tech, and manufacturing uses in one-to-two story buildings that were built between 2000 and 2002.

The only Planned Development property in the Dell Avenue is actually a C-P-D (Condominium Planned Development) zoned property. The C-P-D zoning district was established to allow the conversion of existing commercial and industrial structures to commercial and industrial condominiums so that individual businesses in a single building could be owned by individual owners. The C-PD designation for this property was authorized in 1987 by the City Council (Ordinance 1667) and permitted a two-story business center in a building that was originally built in 1982 to convert to industrial condominiums. The only City zoning designation which allows multiple ownership on one lot is a C-PD. In the subject project, the proposed Planned Development would be for an individual property owner rather than for multiple owners.

Moreover, the project before the Planning Commission would be the only building in the entire Dell Avenue area that is three or more stories in height. When flexible development standards are permitted under the P-D designation, the resulting project should be consistent with site characteristics and shall aid in the harmonious development of the immediate area. The project before the Planning Commission does not meet this criteria and therefore should not be approved.

The placement of buildings in a Planned Development project shall also be designed with consideration to the surrounding natural landscaping. In this case, the project is located adjacent to the Los Gatos Creek. The General Plan recognizes the importance of protecting the City's natural resources as provided in the following General Plan strategies:

Amenities, Open Space and Community Linkages: The Open Space, Parks and Public Facilities Element seeks to provide a variety of open space land in the City including public, private, passive and active open space. Natural resources and amenities, such as the Los Gatos Creek Trail should be visible and accessible to the public, as open space and creeks provide recreational opportunities and visual relief from urban uses.

Strategy CNR-3.1a: Development Near Riparian Corridors: Cooperate with State, federal and local agencies to ensure that development does not cause significant adverse impacts to existing riparian corridors.

Strategy LUT-9.3f: Development Orientation: Orient new development toward public and private amenities or open space, in particular:

- Orient front entrances, living/office area and windows toward the amenity or open space.
- Orient high activity areas such as outdoor dining areas and plazas, and major pedestrian routes toward the amenity or open space.

Strategy LUT-9.3g: Pedestrian Amenities: Incorporate pedestrian amenities such as plazas, landscaped areas with seating, pedestrian walkways into new developments.

Strategy LUT-10.1c: Outdoor Common Areas: Encourage well designed and landscaped outdoor common areas for eating, relaxing, or recreation for new projects, and if feasible, when buildings are remodeled or expanded. When possible, the common outdoor areas should adjoin natural features.

Strategy LUT-10.1a: Natural Feature Retention: Encourage site design that incorporates or otherwise retains natural features such as mature trees, terrain, vegetation, wildlife and creeks.

Creek Trail Access: The City maintains a pedestrian pathway along the northerly property boundary between Dell Avenue and the Los Gatos Creek trail which provides access to the Los Gatos Creek trail. The pathway will remain in its current location.

Creek Setback: The Santa Clara Valley Water Resources Protection Collaborative<sup>5</sup> adopted *Guidelines and Standards for Land Use Near Streams* (“*Guidelines and Standards*”) for reviewing development proposals that are within 50 feet of the top of a stream bank. The southeast corner of the property falls within 50 feet of the top of bank to Los Gatos Creek, and is therefore subject to the *Guidelines and Standards*. While the Campbell City Council adopted the *Guidelines and Standards* in 2008, the Council did not adopt a required creek bank setback, leaving such setback to be determined on a case-by-case basis.

The *Guidelines and Standards* recommendations for the appropriate creek setback are vague, deferring to “jurisdictions to develop a riparian buffer of at least 40 - 150 feet from top of bank or outward dripline of riparian areas (whichever is greater)”<sup>6</sup>. Furthermore, the Santa Clara Valley Water District (“Valley Water”) “strongly advocates for maximizing the vegetated areas between the developed portions of the site to enhance the riparian corridor by maximizing the setback from the existing creek top of bank to any hardscape, roadways, or parking areas associated with the development”.

The Audubon Society has requested that the City require a 100-foot setback from the creek, given their concerns that the building will shade the creek and degrade its habitat. In response to this concern, the applicant has prepared a light and shadow study to analyze the potential shading impacts of the proposed building (**Attachment 11**). The shadow study found that no significant

<sup>5</sup> The Collaborative consists of the Santa Clara Valley Water District (“Valley Water”), Santa Clara County, 15 cities, business, agriculture, streamside property owner and environmental interests.

<sup>6</sup> Chapter 7, Model Enhanced Practices, Section 7B.1 (Riparian Corridor Protection Near Streams and Reservoirs), subsection A (Policy and Planning Work) for General Planning

impacts are anticipated as a result of the changes in shading from the new structures and landscape plantings proposed as part of the project. Although the project would reduce the duration of solar exposure along the creek around sunset, the project is not expected to diminish the health and vigor of riparian trees and shrubs along Los Gatos Creek. Shadow effects of the project are considered negligible and the shadow effects on the environment, wildlife, and the Los Gatos Creek would not meet the standards of significant adverse effects.

As currently proposed, the office building is approximately 90-feet from the top of the creek bank, while the parking garage is approximately 112 feet from the top of the bank. The applicant has replaced two (2) parking stalls (located near the creek trail) with landscaping so that the parking lot is now approximately 43 feet from the top of bank, consistent with the minimum 40 foot setback recommended by the *Guidelines and Standards*. The mitigation measures require a third parking space to be removed and replaced with landscaping which can easily be accommodated since the project's proposed parking exceeds the minimum requirement.

**Lighting:** In addition to recommendations regarding development setbacks, Valley Water has recommended that “lighting for the parking lot and open space areas near the rear of the site needs to be directed away from Los Gatos Creek and the riparian corridor.” Exterior lighting would be located on the outside of the building, outside and within the parking garage, in the parking lot, and along Dell Avenue, with modern style fixtures that complement the building architecture. All lighting fixtures shall comply with the City's Lighting Design Standards in terms of height (maximum 20-feet), shielding, and intensity. The applicant has prepared a Site Photometric Plan (sheet A1d of **Attachment 8**) that illustrates 0.1 foot candles at the edge of the property and 0.0 foot candles at the creek bank.

**Landscaping:** The General Plan Landscaping Policy (LUT 10.1) and its applicable supporting strategies are provided below. The overall intent is to utilize landscaping treatment as a means to improve the aesthetic quality and functional use of new development projects.

- Policy LUT-10.1: Landscaping: Encourage the retention and planting of landscaping to enhance the natural and built environment.
- Strategy LUT-10.1a: Natural Feature Retention: Encourage site design that incorporates or otherwise retains natural features such as mature trees, terrain, vegetation, wildlife and creeks.
- Strategy LUT-10.1e: Parking Lot Screening: Plant landscaping or build decorative walls at the interior and perimeter of parking areas as a visual screen.

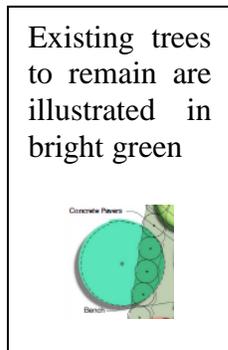
The project proposes 48,229 square feet of landscaping (~25% of the net site area), exceeding the City's minimum 10% requirement for C-M zoned properties. The landscaping is also proposed to comply with the State's Model Water Efficient Landscaping Ordinance (MWELO).

**Tree Removal and Tree Replacement:** Of the 26 protected trees currently onsite, the applicant proposes to retain 18 trees and remove the remaining eight (8) trees, as follows:

1. Tree #6 is a 13” Evergreen pear in fair condition with a large pruning wound at 7 feet.
2. Tree #7 is a 11.4” Evergreen pear in poor condition with poor pruning (split scar) at 6 feet.

3. Tree #8 is a 26.3” Canary Island pine in good condition with tree root expansion that is causing displacement of existing asphalt and curb work in the vicinity.
4. Tree #15 is a 27.3” Deodar cedar in good condition that should be retained but is within the sidewalk area.
5. Tree #16 is a 23.9” Deodar cedar in good condition that should be retained but is within the sidewalk area.
6. Tree #22 is a 17.8” Australian willow in poor condition with a trunk expansion that is causing severe asphalt cracking and heaving. The tree also has a codominant mainstem fork at 3 feet.
7. Tree #25 is a 16” Flowering pear cultivar (likely ‘Bradford’) in poor condition with tight forks noted at 8 feet.
8. Tree #26 is a 12.9” Flowering pear cultivar (likely ‘Bradford’) in poor condition with tight forks noted at 8 feet and bacterial fireblight infection expressed as twig and foliar dieback.

As provided above, the Arborist has indicated that the 27.3” Deodar cedar (#15) and the 23.9” Deodar cedar (#16) are both in good condition and should be preserved. Understanding that both of these trees are in conflict with the City required sidewalk, the Planning Commission may want to recommend that trees #15 and #16 be transplanted elsewhere on the property, rather than completely removed. Such transplanting has been successful in at least one other development project and could be successful here, subject to review by an Arborist. The landscape plan, illustrated below depicts the proposed new/replacement trees on the property. The project proposes sixty-four (64) 24” box trees to replace the eight (8) removed trees. While the City’s tree replacement standards require six (6) 24” box trees and two (2) 36” box trees, the Commission may find that the 58 additional 24” box trees are a sufficient replacement for the two (2) 36” box trees.



Public Improvements: The applicant will be required to dedicate 10 feet of the property's frontage as City right-of-way, to accommodate required street improvements along Dell Avenue (e.g., curb, gutter, and sidewalk). The applicant will also be required to dedicate a 10-foot public utilities easement (PUE) to accommodate relocated utility facilities (e.g., cabinets, vaults) outside of the future sidewalk area.

Site Circulation and Parking: The General Plan provides policies and strategies that encourage careful design of driveways, parking lots and circulation design:

- Strategy LUT-9.3m: Location of Service Areas: Locate parking areas, truck loading areas, drive-through lanes and drive-through windows away from streets, out of immediate public view, while minimizing land use conflicts and traffic impacts.
- Strategy LUT-11.1d: Bicycle and Pedestrian Connections in Development: Encourage new or redeveloping projects to provide logical bicycle and pedestrian connections on site, between parking areas, buildings, and street sidewalks and to existing or planned public right-of-way facilities and encourage pedestrian passages between street-front sidewalks and rear-lot parking areas. Ensure that the bicycle and pedestrian connections interface safely.
- Strategy LUT-12.1b: Driveways: Ensure that driveways are a sufficient distance from intersections.
- Strategy LUT-12.1c: Parking Lot Design: Design parking lots to minimize impacts on the street system by providing adequate sized driveways, sufficient queuing and efficient circulation.

The proposed project would retain the two existing driveways on Dell Avenue, which are sufficient to accommodate emergency vehicles. The project proposes 736 parking stalls, exceeding City Code requirements for 720 stalls (one stall for every 225 square feet of office space). The majority of the parking stalls (515) would be located in a 146,478 square foot five-story parking garage with underground parking, while the remainder of the parking stalls (221) would be located in an on-site surface parking lot. The project also proposes 37 bicycle stalls in compliance with Green Building Code Standards which requires a bicycle stall ratio equal to 5% of the vehicular parking.

It should be noted that reducing the floor area of the project would also reduce the required parking for the project and facilitate a decrease in the size of the parking garage (illustrated on page 17 of this report). This in turn would also enable the project to provide more open space and landscaping between the parking garage and the Los Gatos Creek and the Los Gatos Creek Trail as requested by the Audubon Society and Valley Water.

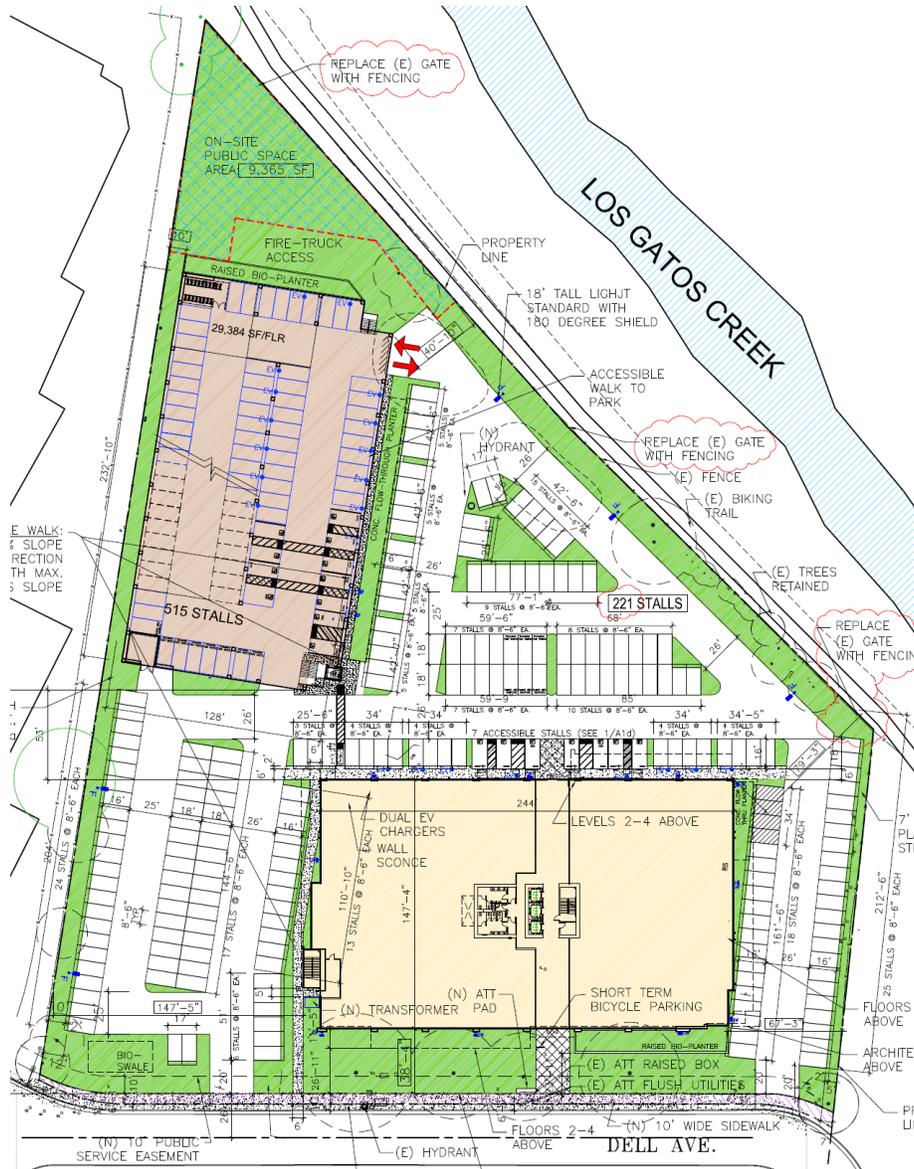
Building Placement: The following General Plan Strategies discuss building placement:

- Strategy LUT-5.3b: Minimal Setbacks: Design commercial and office buildings city-wide to have minimal setbacks from the sidewalk except to allow for pedestrian

oriented features such as plazas, recessed entryways, and wider sidewalks for outdoor cafes. Discourage parking areas between the public right-of-way and the front façade of the building.

Strategy LUT-9.3d: **Building Design:** Design buildings to revitalize streets and public spaces by orienting the building to the street, including human scale details and massing that engages the pedestrian.

The proposed office building would be located approximately 38 feet from the front property line and approximately 67 feet from the right-side property line. The parking garage would be located towards the rear of the property, 10 feet from the left side property line and approximately 41 feet from the rear property line. In this regard, the proposed building meets the benchmark setback requirements for the C-M zoning district.



Attachment: PC Report 12-10-19 (Dollinger Properties Zoning Map Amendment)

While the project is proposing an optimal amount of open space landscaping (48,229 square feet of landscaping where 19,412 square feet is required under the C-M zoning), the proposed height, floor area, and overall design of the project is inconsistent with the characteristics of the surrounding Controlled Manufacturing neighborhood. In addition to having only one C-PD zoned property in the Dell Avenue area for the purpose of establishing multiple condominium ownership on one parcel, the subject property has the only building in the Dell Avenue area that is over two stories in height, where only a portion of the building is three stories in height. However, the applicant is not interested in reducing the height or floor area of the proposed building to conform to the C-M zoning. In this regard, the Commission should consider the following discussion points regarding building design, floor area, height, and site planning for the proposed project.

**Building Design:** The [General Plan](#) (Page LUT-32) acknowledges that new development and improvements can be compatible with surrounding development if careful attention is paid to building scale, height, floor area, materials, colors, and design details. Although the City does not have adopted commercial, office, or industrial design guidelines, the General Plan speaks to the promotion of high quality and attractive building design:

- Strategy LUT-5.5c: **Floor Area Ratio (FAR) Guidelines:** Develop guidelines for Industrial designated land use, including a provision that allows higher FARs for larger parcels that encourage research and development uses in the Dell and McGlincey neighborhoods<sup>7</sup>. [Not yet adopted]
- Strategy LUT-5.7a: **Industrial Design Guidelines:** Develop Industrial Design Guidelines with specific policies including, but not limited to the following: [Not yet adopted]
- Require varied, high-quality, finished construction materials such as glass, stucco, plaster, or brick. No exposed concrete block or flat sheet metal.
  - Enhance the street frontage of a building with landscaping and an emphasis on the office portion of the building.
  - Orient service activities such as loading docks to the rear of the site.
- Policy LUT-9.3: **Commercial Design Guidelines:** Establish commercial and mixed-use design guidelines to ensure attractive and functional buildings and site design, and to ensure compatibility with adjacent land uses. [Not yet adopted]
- Policy LUT-9.3: **Design and Planning Compatibility:** Promote high quality, creative design and site planning that is compatible with surrounding development, public spaces and natural resources.

<sup>7</sup> The City tried to implement this strategy through the preparation of the DAAP. However, that Plan was rejected given the resulting impacts associated with such intense developments. Plus, the City would have changed the General Plan to align with the projected intensity in a comprehensive manner.

Strategy LUT-9.3d: Building Materials: Encourage the use of long-lasting, high quality building materials on all buildings to ensure the long-term quality of the built environment.

As stated in the General Plan, new development and improvements needs to be compatible with surrounding development with careful attention paid to scale, height, floor area, etc. In this case, the proposed project would result in a building design that is inconsistent with existing developments in the surrounding C-M zone district. The Dell Avenue area comprises approximately 113 acres and is primarily occupied by buildings that are one- to two-stories tall with 15-foot or more floor heights to accommodate light industrial type activities (e.g., roll-up doors for shipping and receiving). Many buildings are emphasized horizontally rather than vertically and are utilitarian in character with minimal architectural features.

The proposed architectural style / design of both the office building and the parking garage is contemporary, in stark contrast to the buildings in the surrounding area. The proposed materials include a mix of *rust colored* corrugated metal, *desert iron* colored brick, simulated *ipe wood* cladding, *black* colored metal facia, and *charcoal* colored window mullions, as illustrated below. The building also contains a large amount of glazing, typical of office buildings designed with a contemporary architectural style (minimal glazing, articulation, etc.).



**Proposed Office Building**



**Proposed Parking Garage**

The amount of glazing proposed and its potential for creating bird strike impacts was raised as a concern by the Audubon Society. If the project were approved, the applicant would be required to submit a Bird Collision Reduction Plan for City review and approval, requiring that no more than ten (10) percent of façade surface area shall have non-bird-safe glazing, among other mitigation measures proposed by the Final EIR. The Final EIR also requires the SARC and the Planning Commission to review a draft of the Bird Collision Reduction Plan and modifications to the building design incorporating bird-safe design to allow for further comment and input.

If the Commission (and SARC) desires to review the draft Bird Collision Reduction Plan and design, the Commission should continue the hearing, to a date uncertain, to allow preparation of the plan and modifications. The mitigation measure for this additional review was not contemplated in the Draft EIR and therefore the applicant has not had time to prepare the document or redesign the project.

The quantity of glazing is also related to the massing of the building. A four-story building will likely have more potential for bird impacts than a two-story building with the same ratio of glazing. Building massing in terms of floor area and height are discussed next.

Floor Area: The maximum floor area ratio (F.A.R.) in the C-M zoning district is 0.40. However, the Planning Commission has the “authority to increase the F.A.R. for a specific use at a specific location when it determines that circumstances warrant an adjustment<sup>8</sup>.” While there is no threshold provided for how much additional floor area may be allowed or what the findings would be for approving such an increase, the Community Development Director has historically interpreted the additional floor area allowance to be for minor improvements necessary to satisfy changing State laws. However more recently, the Planning Commission has provided an interpretation that a low use building could be a prime recipient of added floor area. Given that interpretation, staff is unable to conclude that a 161,870 square foot building that will attract 719 employees could be considered low use.

For P-D zoned properties, recent practice has been to reference the development standards of the equivalent zoning to the underlying General Plan designation, as a starting benchmark for determining the appropriate development standards. The proposed 161,870 square foot building has an F.A.R. of 0.83, which is more than double the 0.40 F.A.R. General Plan allowance and C-M zoning district benchmark. In simplest terms, and without revised architectural renderings, eliminating the fourth story would reduce the floor area from 161,870 to 121,680 square feet (0.63 F.A.R.), while eliminating both the third story (40,190 square feet) and the fourth story (42,690 square feet) would reduce the floor area to 78,890 square feet (0.41 F.A.R.). Furthermore, removing one or more stories of the building would reduce the height by approximately 15 feet (for each story), as discussed next.

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<sup>8</sup> CMC Section 21.10.070.E



The purpose of creating development standards through a comprehensive plan is to promote compatibility with surrounding uses. Without a comprehensive plan for the area, it is difficult to determine whether this individual development proposal is in harmony with community desires.

Approving this project would be inconsistent with General Plan Policy LUT-5.7 which encourages site and architectural design that is sensitive to surrounding uses and Policy LUT-9.3 which promotes site planning that is compatible with surrounding development, public spaces and natural resources.

Rezoning this property to P-D independent from the current zoning of the adjacent properties would create an inconsistent development environment.

Given public reaction to the DAAP it may be difficult to demonstrate that a public benefit exists for a Planned Development rezoning at this time. If a public benefit is not found to exist, a P-D rezoning should not be allowed, and the site should be developed according to the C-M zoning standards (40% FAR and 45-foot height limit).

### **Alternative Recommendations**

If the Planning Commission disagrees with staff's recommendation for denial, and understanding that the applicant does not intend to propose a project that complies with the Controlled Manufacturing development standards (the "existing zoning alternative"), the Commission could continue the Public Hearing and direct staff or the applicant as follows:

- A. Direct the applicant to return with a project that meets specific and objective criteria, provided by the Planning Commission, that would facilitate a recommendation of approval for each of the requested entitlements, including but not limited to the Zoning Map Amendment and Planned Development Permit; or
- B. Direct staff to return with Resolutions recommending City Council approval of all requested entitlements and provide staff with specific findings for approval.

Additionally, when determining whether to approve a project with significant and unavoidable environmental impacts, CEQA requires the City to balance the economic, legal, social, technological, or other region-wide or statewide environmental benefits of a proposed project against its unavoidable environmental risks. If the Planning Commission believes that the benefits of the proposed project outweigh the unavoidable adverse environmental effects (i.e., the impacts are "acceptable"), the Commission shall provide staff with the specific reasons, supported by substantial evidence in the record, to recommend a Statement of Overriding Considerations regarding the environmental impacts identified in the EIR.

### Attachments:

1. Resolution recommending denial of a Zoning Map Amendment;
2. Resolution recommending denial of a Planned Development Permit with Site and Architectural Review
3. Resolution recommending denial of a Tree Removal Permit.

4. Final Environment Impact Report (available at <https://www.ci.campbell.ca.us/DocumentCenter/View/15104/1700-Dell---Final-EIR>)
5. MMRP
6. Applicant Response to Traffic Impacts, 11-26-19
7. Consultant Response to Traffic Impacts, 12-4-19
8. Project Plans
9. Applicant Attorney letter, 10-22-19
10. Applicant Attorney letter, 9-12-19
11. Applicant Light and Shadow Study, 11-4-19

Additional Attachments

12. Applicant Attorney letter, 6-11-19
13. Applicant Market Analysis, 6-11-19
14. Applicant Landscaping letter, 8-9-19
15. Applicant Soil Sampling and Testing, 9-10-19
16. Applicant Response to Air Quality/GHG, 9-17-19
17. Applicant Bat Survey, 9-20-19
18. Applicant Response to Biological Impacts, 9-25-19

Prepared by:

  
 Cindy McCormick, Senior Planner

Approved by:

  
 Paul Kermoyan, Community Development Director

Commissioner Hines advised he had a 30-minute conversation with the developer discussing this project.

Commissioner Rivlin said he too had a 15-minute phone conversation with the developer as well as another call with a representative from the Audubon Society.

Commissioner Ostrowski she had discussed the project with the applicant before the first meeting on this item as she had previously disclosed.

Chair Rivlin read Agenda Item No. 4 into the record as follows:

4. **PLN2017-381 (PD)**      Public Hearing to consider the application of Dollinger  
**PLN2018-148 (EIR)**      Properties for Zoning Map Amendment, Planned  
    Development Permit, and Tree Removal Permit (PLN2017-  
    381), and Final Environmental Impact Report (PLN2018-  
    148) to allow construction of a 161,870-square-foot four-  
    story office building, a 146,478-square-foot five-story parking  
    garage (with one level of underground parking), additional  
    surface parking, and on-site open space on property located  
    at **1700 Dell Avenue**. Tentative City Council Meeting Date:  
    January 21, 2020. Project Planner: *Cindy McCormick,*  
    *Senior Planner*

Ms. Cindy McCormick, Senior Planner, provided the staff report.

Chair Rivlin asked if there were questions for staff.

Commissioner Buchbinder asked what Council rejected to in the DAAP.

Planner Cindy McCormick said that occurred about five years ago, prior to her joining the staff, so she would defer to Director Kermoyan.

Director Kermoyan:

- Said that was not a recent action.
- Advised that a former Community Development Director and the Economic Development Advisory Committee proposed the preparation of an area plan for the Dell Avenue area, known as the DAAP (Dell Avenue Area Plan).
- Reminded that the General Plan offers the broad vision of how neighborhoods should be intensified.
- Added that the Zoning Ordinance implements that vision by zone.
- Stated that an Area Plan for the Dell Avenue area would change the General Plan to allow greater density and establish specific development standards that are comprehensive and inter-connected.
- Said that the FAR was originally 1.5 and alternatively was reduced to .75.
- Stated that it was determined that the DAAP would have created all kinds of impacts and Council felt there was a lot of conflict with neighborhood opposition and what the City was trying to do.
- Advised that the Council elected to instead concentrate on the General Plan update.

Commissioner Buchbinder said that staff recommended no projects until a comprehensive plan for the area can be completed.

Director Paul Kermoyan:

- Said that staff wants to see a complete plan for this area of Dell Avenue including the perc ponds and see all parties work together to achieve a cohesive area.
- Added that piecemeal development doesn't work out.
- Concluded that most such areas as Dell have area plans.

Planner Cindy McCormick said that staff is not recommending that no development occur on this site but rather that development should be consistent with the current zoning, which in this case is C-M (Controlled Manufacturing).

Director Paul Kermoyan added that it should also be more efficiently designed.

Commissioner Krey asked for verification that there is currently no comprehensive effort for a plan for this area.

Director Paul Kermoyan said that the General Plan is the comprehensive plan. He reiterated that we should not go down the road of a piecemeal development of this area.

Commissioner Krey asked what the proposed setback is between this proposed building and the adjacent Los Gatos Creek Trail.

Planner Cindy McCormick said that the proposed setback complies with current setbacks as required.

Chair Rivlin said that he was already on the Planning Commission when a Study Session was held on this project at 1700 Dell Avenue. Was that input not shared with this application?

Planner Cindy McCormick said that staff has been very clear from the beginning and therefore it should not come as a shock to them.

Commissioner Colvill:

- Said that the site is currently zoned C-M (Controlled Manufacturing) and would support the type of structure that they want to create except for their overall proposed FAR and size of building.
- Added that the only way to achieve this project as they want it to be is to have the P-D (Planned Development) zoning applied.
- Asked if this assumption is correct.

Planner Cindy McCormick:

- Said that the applicant is here to provide their own presentation and economic analysis to support their proposed size for this building.
- Added that staff is saying that this project is too large and too tall and is inconsistent with the Dell area.

Director Paul Kermoyan:

- Added that the P-D Zoning serves as a mechanism for them to achieve what they want to do.
- Stated that it is a perfectly acceptable way to request their project.
- Reiterated that looking at these projects along Dell Avenue on a case-by-case basis is contrary to having a unified development plan – an area plan.
- Said that environmental impacts were the big problem that derailed the DAAP.

Commissioner Colvill said he would not prohibit this building except for its size and design. He would support what is allowed under the current C-M Zoning.

Commissioner Hines said that seven options were reference. Where are those seven options.

Director Paul Kermoyan:

- Advised that the seven options are included on Appendix E.
- Reported that the General Plan anticipates what build out would be.
- Stated that work began on the EIR (Environmental Impact Report) to analyze any environmental impacts derived with maximum build out. That work was done.

Planner Cindy McCormick said that findings for this proposal are very difficult to make.

Chair Rivlin opened the Public Hearing for Agenda Item No. 4.

Scott Akhern, Representing Dollinger Properties (owners of 1700 Dell Ave):

- Said that they are bringing the future to Campbell.
- Stated his intent to attract high-tech high income to Campbell.
- Pointed out that their building would only be 60 feet high while staff is saying 75 feet. Their architect will clarify that, and his land-use attorney is also present for questions.

Cliff Chang, Project Architect:

- Thanked the Commission for having them here today.
- Provided a PowerPoint slide of the project site plan that overlays what they are proposing over what is existing on this site.
- Said that their new building would be setback more than the existing building is set back from the Creek Trail.
- Said he would define this street as a good walkable street.
- Added that their proposed parking structure is situated at the back and far from the street.
- Reported that they will be providing a public-access park space on their site that will include seating and trees.
- Stated that since their initial submittal there have been approximately 12 revisions. The recently increased the green space (landscaping) in the front of the site.
- Added that there are existing Cypress trees that they will retain at the front that are all about 70 feet tall and will partially obscure their building as seen from the street. There are also trees at the border with the Creek Trail that will also be retained.

- Compared the existing building that is three-stories while theirs is four-stories. Their original submittal was for a five-story building scheme at 200,000 square feet.
- Stated that since they have reduced the height, size and materials. The current design represents a good collaborative effort.
- Reported that they have integrated the use of brick on the first two stories as well as corrugated-perforated metal (Core 10) that rusts lightly and then long-term retains its natural appearance. Wood paneling completes the palette and blending of materials.
- Said that their whole building is at 60 feet to the roof except for one side that has an approximately 15-foot high parapet to serve as a roof screen and would not be seen from Dell Avenue.
- Advised that their parking structure is proposed at five-stories and its design integrates with the office building quite well.
- Concluded that he is available for any questions about the project architectural design.

Sean Marciniak, Land Use Attorney for Dollinger Properties, Walnut Creek:

- Stated that he is a Land Use Attorney.
- Advised that the Dollinger project is consistent with the City of Campbell's General Plan.
- Reported that the project team was shocked when they saw the staff report for this meeting indicated that their project was not consistent.
- Opined that having the City suggest that they work with the property owners of other Dell Avenue parcels on developing a cohesive plan for Dell Avenue is a City Planning job not theirs.
- Informed that Dollinger has been waiting for five years now and haven't seen anything as far as area plan for Dell.
- Suggested that precedent already sets larger projects for larger properties. There are not many large properties in this area.
- Rhetorically asked if P-D (Planned Development) Zoning is inappropriate here? Answered that per his count there are 1,600 properties in Campbell with P-D Zoning.
- Stated that findings to support can be made. There is no reason to continue this hearing.

Scott Akhern, Dollinger Properties:

- Stated that they are excited to bring this project to Campbell. They plan to invest \$80 million in it.
- Reported that during the SARC meeting, the two Commissioners asked what economic impact this project could have for Campbell.
- Said that his answer is that it will create at least \$40 million in tax revenue for the City of Campbell. It will also result in job creation that will provide jobs for 3,100 people.
- Added that this project will provide an opportunity to attract high-tech, high-income users and employees to the community.
- Reminded that the building currently on this property is vacant.
- Said that this developer/property owner are willing and able to build a Class-A building for Campbell.
- Questioned whether they would have to wait the creation and adoption of an Area Plan for Dell Avenue? That might not happen for one or two more decades.
- Reiterated that they are excited to be here and are available for questions.

- Assured that they want to work with the Planning Commission and City staff. At this point the only issues are the proposed height and FAR. Everything else meets and/or exceeds the current Code.
- Added that they plan to plant two or three times the required trees on this property.
- Thanked the Commission for their time and said he looks forward to hearing the public comments this evening.

Chair Rivlin thanked Mr. Akhern for sharing his vision. He asked if there are any Commissioner questions for Mr. Akhern.

Commissioner Buchbinder asked Mr. Scott Akhern whether he has a tenant lined up for this building.

Mr. Scott Akhern:

- Replied that he has three potential high-tech tenants, but he cannot specifically disclose which ones at this stage.
- Assured that they are well known and recognized companies.
- Reported that Dollinger will both build and maintain this building and property for many years to come. They have already owned it for four plus years.

Commissioner Krey asked Mr. Akhern whether it is an option for them at all if the City asks them to reduce their proposed building by one floor/story.

Mr. Scott Akhern:

- Replied not at this time.
- Reported that they had a tenant lined up, he cannot say who, but lost that tenant.
- Stated that what they need is a building with 160,000 square feet of space.

Commissioner Colvill asked Mr. Akhern why he wants to change the zoning from C-M to P-D. He said that the current zoning works.

Mr. Scott Akhern said that at a Study Session with the City Council it was recommended that we go with the P-D route.

Commissioner Hines asked Mr. Akhern if he had considered purchasing adjacent properties in order to add to their footprint.

Mr. Scott Akhern:

- Replied that they haven't investigated purchasing adjacent sites in order to expand their project.
- Added that as it is it has taken them too long to get to you (the Planning Commission) tonight. It's taken about three years.

Chair Rivlin:

- Said that he has served on this Commission for three years now and sat through a Study Session on this project.
- Stated his appreciation for the levels they have gone through.

- Pointed out that staff's direction is that this project wont work.
- Asked Mr. Akhern if he would reconsider keeping to the existing C-M zoning and standards. What's his perspective on that?

Mr. Scott Akhern:

- Stated that it would not make sense to tear down a building and rebuild a smaller building on the site.
- Added that they build to market. That's why they are asking for a larger building.
- Said that while staff has said they wouldn't support our project, we are encouraged by others that there's a path. It will be difficult to do as we are the first to do it.

Chair Rivlin said he appreciated Mr. Akhern's vision.

Joanne Carroll, Resident on Walnut Drive:

- Said that this applicant says their project is 60 feet high but it's 75 feet high.
- Stated that this is a sensitive area. It is a riparian corridor and adjacent to the Los Gatos Creek Trail.
- Added that it's accessed via a two-lane road that's also curved.
- Declared that staff makes recommendations to approve projects not in compliance.
- Stated that once approved, it becomes the new standard.
- Called for a reduction in the proposed building height.
- Pointed out that the Final EIR for this project is 700 pages long.
- Complained that questions they had submitted were not addressed in the EIR.

Mr. Fionn Ruder, Resident on Michael Drive:

- Stated that he is a two-year resident of Campbell and works in construction.
- Advised that he is in full support of this project as it will create good union construction jobs.
- Reporting that he is currently commuting to Sunnyvale, which is a one hour drive each way.
- Said that this project will bring new business to the area.
- Suggested that the City not spend time on an area plan for Dell Avenue when this is an opportunity to enhance the Creek Trail and this part of town.

Ellen Dorsa, Resident on Walnut Drive:

- Said that the applicant has come up with a great remodel from their original design.
- Said that nothing was addressed in the EIR in terms of the aquifer.
- Stated her concerns about size and weight of this building so close to the Creek Trail. She is super concerned.

Jose F. Mexicano, Union Member, NCDCLIU:

- Urged this project be forwarded.
- Added he is here together with a few of other union members.

Alejandro Martinez, Union Member, NCDCLIU:

- Informed that he is a local resident and five-year union member.
- Stated that this project will bring well-paying jobs with benefits to this area.

- Added that such good wages with benefits would allow him to provide for his family.
- Said that local construction jobs would mean he could both live and work here.
- Concluded that this project would be a benefit for this community.

Mitchell Stermer, Resident on Walnut Drive:

- Said he is a 13-year Campbell resident.
- Thanked the Commission for their work.
- Stated that this building doesn't meet the specifications.
- Pointed out that earlier this evening a family was not allowed a Variance because their setback didn't meet standards.
- Said that the applicant trying to engender a fear of missing out on something is "bull\*\*\*\*",
- Opined that this developer is trying to see you something. What they're selling is not money or jobs but rather traffic.
- Asked the Commission to stick to their guns.

Mike Wiblett, Resident on Marilyn Drive:

- Told the Commission that this is the type of project that he would like to see.
- Added that it is much like placing high-density housing on Railway.
- Stated that this proposed building is beautiful for that area and change is not a bad thing.
- Concluded that this project is a step in the right direction.

Maggie Desmond, Campbell Resident:

- Announced that she is opposed to this project as a 49-year resident of Campbell.
- Stated that this developer failed to reduce the height.
- Said that this project should be denied as it would open the door to intensification of the Dell area.
- Opined that the audience is more familiar with the DAAP than the Planning Commissioners and staff here now.
- Said that the issues of circulation and traffic were not handled by the DAAP draft.
- Pointed out that this project would result in the tallest building in this area.
- Asked that they not be permitted to do so as it is important to be careful of this area.
- Suggested that another developer would want this site if this one doesn't get what they want.
- Stressed that the height is not acceptable.
- Added that staff has worked for two years with Dollinger.
- Asked the Commission to follow the staff report recommendation for denial.

Mr. Dashell, Local Audubon Society Representative:

- Said that he too is in strong support of the staff recommendation for denial as there should be no spot zoning along the vulnerable Los Gatos Creek Trail.
- Admitted that he was disappointed by the mitigation offered regarding native plants. They should be required.
- Said this area should be evaluated for impacts via an Area Plan.

Raja Pallela, Resident on W. Hacienda Avenue:

- Stated that this project offers an opportunity to make this area better.
- Said that right now Dell Avenue looks scary. He didn't feel safe walking there at all.
- Pointed out that a beautiful building like this set's precedent for this area. It would look beautiful.
- Added that with this building, good dining places would follow as well as other good buildings along Dell.
- Opined that all the nice things are on the Los Gatos side and ugly things on the Campbell side.
- Asked that the Commission not deny this project because it is too nice for this area.
- Said that there is development everywhere and development is good.

Ron Naymark, Dell Avenue Building Owner:

- Reported that he is the owner of a building located across the street from this project site and has been for the last 48 years.
- Said he knows this area well as he goes there every day.
- Stated that this Dollinger project is something that any city should be thankful for in order to draw high tech people to the area.
- Advised that over the last 25 years there has not been much change along Dell.
- Said that when the building at 1700 Dell Avenue (project site) was constructed he was responsible for that construction in 1974/75. The City was progressive at that time with people like Ralph Doetsch and Rusty Hammer leading the City.
- Pointed out that most of the buildings along Dell Avenue are concrete tilt-up structures that are there for decades. The owners are not going to change those buildings given the way things are in this area right now.
- Stated that it is a bogus argument that smaller companies would be lost with the construction of this building.
- Asked that the Commission reconsider and rethink in the real world.
- Said that this area used to be nice but is currently heading down as nothing is being done there.
- Said it is important to have the right buildings with the right people occupying them.

Chair Rivlin closed the Public Hearing for Agenda Item No. 4.

Commissioner Buchbinder:

- Said that there are existing issues. This project is currently outside of the provisions of the General Plan and there is no area plan for Dell.
- Reminded that the current General Plan is 20 years old now and work on its update have been ongoing for four years now.
- Called it a failure on the part of the City to adopt a plan and then place this in our laps. Predecessors failed to create a plan for this area with ideas for mitigating traffic.
- Said that broadly thinking, we should try to see how to make this work.
- Recounted that he commutes 10-miles one way to work in Sunnyvale for his high-tech job.
- Said we are on the edge of our mandate, but the General Plan gives us little to work with.

Commissioner Ostrowski:

- Agreed this is a difficult decision.
- Stated that the building's design has gone a long way but still doesn't meet the underlying zoning for P-D (Planned Development) or C-M (Light Industrial).
- Reminded that the P-D zoning is intended to offer small exceptions but not the drastic doubling of FAR. That goes contrary to zoning.
- Said that there are no such high FAR and heights.
- Cautioned that as a City we need to look at what to do with this area.
- Reiterated that P-D zoning only offers very small changes to Zoning Codes.

Commissioner Hines asked staff if offering a Variance is another option. How can this project be made to work with the General Plan?

Planner Cindy McCormick:

- Said that Dollinger chose the P-D route.
- Stated that it is very difficult to approve a Variance. There are required State findings such as the site is a unique property. This parcel is flat so it's not unique compared to other properties. Another finding is that the Variance would not be granting a special privilege. That too is not met.

Commissioner Hines asked staff what the FAR was for the recent Trojan Storage project on McGlincy.

Planner Cindy McCormick said that the FAR for that project was high, but it was supportable due to the low traffic impact that would come with that use and site.

Commissioner Hines:

- Said he was very concerned about the Dell area. He has visited in many times in the last 10 to 12 years now and sees a lot of wildlife there.
- Agreed that this area needs to bring in business, but it must also be the right type of business. Tech is one type that draws.
- Added that he understands this building is being constructed on spec but there is a need for high-tech office space. There is also value in a building that size.
- Suggested going for a continuance to get something that meets the requirements for business in that area.
- Pointed out that most recently, many of the uses along this area have been fitness, which is not the intended use long term. This property is currently unused.
- Stated that the economic gain having this building in Campbell is tremendous.
- Said that we must come up with a way to make this work whether it be as a P-D development or via a Variance process.
- Concluded that he would rely on staff to advise which process is better.

Commissioner Colvill asked staff what type of project is allowed.

Planner Cindy McCormick explained that if a proposed project conforms to the zoning and General Plan, staff generally recommends approval.

Commissioner Colvill:

- Referenced a letter from Sean Marciniak dated October 27, 2019 and commented to Mr. Marciniak in the audience that this Commission spends time on each item it considers.
- Added that work on the General Plan Update (Envision Campbell) is currently underway. The DAAP (Dell Avenue Area Plan) was one idea but it was set aside.
- Stated that allowing this project as proposed could lead to further requests for such large projects with extended heights and FAR.
- Questioned how much of our town is developed by developers like Dollinger. He doesn't think they're an entity with limitless money.
- Said that their project could be a great benefit with the right mitigations.
- Clarified that he appreciates developers, but this is a problematic request that he has a hard time agreeing on.
- Admitted that he is more comfortable with the C-M (Controlled Manufacturing) land use designation over P-D (Planned Development). He would recommend that.
- Stated he has a hard time approving plans as they are but admitted that he also has not been on the Planning Commission long enough to understand how to articulate how he has come to his impressions about the project.
- Said that we can't make everyone happy but should work together to get something approved.

Commissioner Hines asked the proposed FAR.

Planner Cindy McCormick replied 87 percent.

Commissioner Hines asked if a Variance is proper.

City Attorney William Seligmann advised the Commission that the C-M Zoning allows the Planning Commission the authority to increase the allowable FAR. There is still some flexibility that is up to the Commission to interpret.

Planner Cindy McCormick said that the height would have to be brought down to a maximum of 45 feet.

Chair Rivlin asked if that is excluding screens.

Planner Cindy McCormick replied correct.

Commissioner Hines asked about height.

Planner Cindy McCormick advised that there is no discretion for height but is for FAR.

Commissioner Krey:

- Stated that this area is outdated as far as zoning and needs bigger projects there.
- Admitted that the failure to approve the DAAP puts the onus on property owners, which is tough.

- Said that this proposal offers great design and landscaping. The provision of a small public park area is a nice feature of this project. The developers are trying to work with the issue of bird safety.
- Pointed out that the DAAP was drafted because a need was seen for it. However, in December 2018, the DAAP was dropped.
- Added that while we don't "need" jobs it's certainly good to have them.
- Pointed out that we can't get larger companies such as Google or Facebook here, but Dell Avenue is the place to get larger businesses and jobs closer to housing with high-paying jobs.
- Stated that this proposed project is just too big. They should consider lopping off a floor and parking.
- Said he would support a project with reduced floor and a maximum FAR of .63. With that it is going to be denser, but we don't have to give away the farm.
- Declared that this project is too big and too high. Other than that, it checks most boxes for him.

Chair Rivlin:

- Explained that he joined the Planning Commission after the DAAP had already been shelved.
- Stated that there is not the infrastructure in place along the Dell Area so it cannot accommodate a project this large.
- Said that the applicant came in about 2 ½ years ago. We had no DAAP to utilize due to a lack of political will of the Council.
- Opined that the City needs a plan for the Dell Area. He doesn't want landowners to dictate what they build in this area.
- Said this proposal doesn't conform to the neighborhood. We need a consistent approach for this area.
- Expressed appreciation for the "Campbell" look and feel of the newest building design as provided by the Architect.
- Suggested the developers perhaps building something meeting the essence of the Code as it stands today and, in the future, add modular pieces to the building thus helping us to embrace the future.
- Said that he wants the applicant to bring their vision but right now it's too grand for what we're structured for today.

Commissioner Hines:

- Joked that he will have to get up about six hours from now for work.
- Supported requiring this project to meet the C-M standards and not the current use of P-D standards.
- Said he could support a maximum .83 FAR and not counting the maintenance screens as part of the maximum 60-foot height.

Chair Rivlin reminded that the maximum height in C-M zoning is 45 feet.

Planner Cindy McCormick reiterated that Code doesn't allow an increase in height except via a Variance.

Chair Rivlin said that C-M Zoning allows a maximum height of 45 feet.

Commissioner Hines asked the height of the parking garage.

Planner Cindy McCormick said the garage height is compliant.

Commissioner Hines suggested adding a floor or two to the garage.

Planner Cindy McCormick said that would render the garage non-compliant.

Commissioner Colvill:

- Stated he would like a more objective list of what we'd like to see and give that to this applicant to help them come back with changes.

Chair Rivlin said we have been here before with past FAR requests considered by this Planning Commission.

Commissioner Buchbinder:

- Said that he likes the idea of staying within our mandate.
- Added that we are working with a General Plan that doesn't reflect where we're actually at.
- Pointed out that tech uses do a lot of alternative transit ideas to deal with parking demand.
- Stated that while this site is past the VTA stops, perhaps VTA could be involved to consider rerouting/expanding bus routes to and from this area.

Commissioner Hines:

- Stated that he doesn't feel qualified to give an architectural view on this.
- Encouraged the Commission to make this work for Dollinger and push forward on this project.

Commissioner Ostrowski suggested that perhaps a basement level for office use would help reduce the maximum height.

Chair Rivlin reminded that staff made it clear to the applicant that their original proposal was not compliant with the zoning.

Commissioner Hines cautioned that Dollinger could easily move this project over to Los Gatos. He said he wants to see this project work in Campbell one way or another.

Chair Rivlin said this is a great project but the numbers don't fit.

Commissioner Colvill said the FAR is the issue he is more excited about.

Chair Rivlin referenced page 171 of the report and suggested a reduction by one story with a maximum of 121,000 square feet and a .63 FAR.

Planner Cindy McCormick said that assumes they'd keep the same footprint.

Commissioner Hines reminded that from a development standpoint to sell this project, the minimum square footage is 160,000. Dollinger wants 200,000.

Commissioner Buchbinder said that with a reduction in height to 45 feet a Parking Modification Permit might be required.

Commissioner Krey said that there will only be a lessened impact on traffic if the square footage is reduced and not just the height.

Chair Rivlin:

- Said that the FAR is tied to the traffic count.
- Reiterated the suggestion to remove the fourth floor, reduce the square footage to 120,000 square feet.
- Concluded that perhaps in 15 to 20 years from now we will have an area plan for Dell.

Commissioner Ostrowski:

- Said that with the reduction of one floor and the FAR, .60 FAR seems reasonable to her.

Commissioner Colvill:

- Said he too is happier with the C-M Zoning for this project.
- Agreed with the proposal to lop off the 4<sup>th</sup> floor to help reduce the building height as well as the .63 FAR.
- Stated that it is up to the applicant to see if this is a project that they still want. It's for them to decide, not us.
- Added that as it stands now, we are not going to be approving this.
- Reiterated a maximum .63 FAR and meeting the maximum 45-foot building height.

Commissioner Ostrowski said that's also staff's recommendation.

Commissioner Buchbinder said he'd rather approve the FAR they applied for.

Commissioner Hines agreed.

Commissioner Buchbinder:

- Said that people are not mad at people coming into town, but they don't want their cars coming in.
- Suggested conditioning the occupancy.

Commissioner Colvill asked about lot coverage.

Planner Cindy McCormick said that zoning also establishes the lot coverage.

Commissioner Colvill said they can have the size (FAR) they want but not the height they want.

Commissioner Buchbinder pointed out that the parking garage is not counted against the FAR.

Director Paul Kermoyan:

- Suggested the Commission talk about the FAR and what would justify an increase.
- Added he is hearing about establishing rules without rules, of taking a portion and rationalizing.
- Reminded that their decision must comply with the General Plan and its vision.

Commissioner Ostrowski said that allowing a greater FAR will result in a greater public benefit.

Commissioner Krey:

- Agreed with the general idea that Dell Avenue is currently under-developed and supported development with uses that bring jobs.
- Asked if that is enough of a public benefit.

Commissioner Buchbinder:

- Restated his view that the City has been unable to update its General Plan for 20 years.
- Added that the same applies to a lack of a Dell Avenue Area Plan even after about six years.
- Concluded that it seems it must be piecemeal or nothing.

Chair Rivlin said it's not nothing. It's something that meets the established FAR.

Commissioner Buchbinder said we can no longer see Campbell and specifically this Dell Area as being of rural character. Especially if you compare agricultural land costing about \$3,000 an acre while land in Campbell costs more than \$3 million.

Commissioner Ostrowski said it is necessary to convince stakeholders that the DAAP is what is needed.

Chair Rivlin said we must mandate where we want Campbell to be in five years.

Commissioner Ostrowski said she is struggling to approve something this big.

Commissioner Colvill:

- Agreed that this project as proposed is not working.
- Added that this developer needs to adhere to the rules/standards.
- Said that this project could establish as the forefront in our community.
- Stated he would vote against this project based on what we currently have before us.

Chair Rivlin:

- Clarified that as this site is zoned C-M (Controlled Manufacturing), It will not go on to Council for final action.

- Suggested the applicant come back with a project that meets the Zoning Code C-M standards.

Director Paul Kermoyan said the question remains if the applicant is willing to do so.

Commissioner Hines reminded the Commission that the applicant has said they need a minimum of 160,000 square feet.

Chair Rivlin re-opened the public hearing for Agenda Item 4.

Sean Marciniak, Land Use Attorney for Dollinger Properties, Walnut Creek:

- Said that it is very difficult.
- Added that they reduced the building height. They are just asking for 15 feet additional.
- Stated they also reduced the floor area, but they need 160,000 square feet and four floors to attract the high-tech users they seek.
- Said he's kind of stuck as they've already reduced the building height as much as they can.

Chair Rivlin asked them to consider a three-story and 130,000 square feet.

Sean Marciniak replied that the City's General Plan doesn't prohibit added FAR.

Mitch Stermer, Campbell Resident:

- Stated, "We are not Sunnyvale!"
- Added that Campbell doesn't have infrastructure. Dell is just a two-lane street. We have a stop sign to enter onto Highway 17.

Chair Rivlin re-closed the public hearing for Agenda Item 4.

Director Paul Kermoyan:

- Clarified the false statements made by the project attorney.
- Emphatically stated that we must comply with the General Plan. That's the vision.

Chair Rivlin said that seeing as the applicant is not interested in a reduced project this is now a moot point.

Commissioner Ostrowski suggested a motion or straw poll. She said she is ready to make a motion based on the staff recommendation.

Commissioner Buchbinder:

- Said the Commission's hands are tied at this point.
- Added that he thinks we are making a mistake.
- Stated that it was a mistake not to have an updated General Plan for over 20 years.

**Motion:** Upon motion of Commissioner Ostrowski, seconded by Commissioner Krey, the Planning Commission took the following actions:

- Adopted Resolution No. 4554 recommending that the City Council deny a Zoning Map Amendment from C-M (Controlled Manufacturing) to P-D (Planned Development);
- Adopted Resolution No. 4455 recommending that the City Council deny a Planned Development Permit with Site and Architectural Review to allow construction of a 161,870 square foot four-story office building, a 146,478 square foot five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue.
- Adopted Resolution No. 4456 recommending that the City Council deny a Tree Removal Permit, on property located at 1700 Dell Avenue;

by the following roll call vote:

**AYES:** Colvill, Krey, Ostrowski and Rivlin

**NOES:** Buchbinder and Hines

**ABSENT:** Ching

**ABSTAIN:** None

Chair Rivlin advised that this item would be considered by the City Council for final action at a meeting to be held in February 2020.

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## MISCELLANEOUS

### 5. Election of 2020 Chair and Vice Chair.

**Motion:** Upon motion of Commissioner Buchbinder, seconded by Commissioner Hines, the Planning Commission elected Commissioner Krey to serve as Planning Commission Chair for 2020. (6-0-1; Commissioner Ching was absent)

**Motion:** Upon motion of Commissioner Hines, seconded by Chair Rivlin, the Planning Commission elected Commissioner Ostrowski to serve as Planning Commission Vice-Chair and Chair of SARC for 2020. (6-0-1; Commissioner Ching was absent)

Chair Rivlin passed the gavel to in-coming Chair Krey.

Chair Krey presented the 2019 Chair plaque to out-going Chair Rivlin for his service as Planning Commission Chair during 2019.

Out-going Chair Rivlin thanked his fellow Commissioners for their service and said it is an honor to serve on this Commission.





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Rev.	Descrp.	DA
SITE PLAN ALTS		3/7
SITE PLAN ALTS		3/7
SITE PLAN BASES		4/7
REVIEW		4/7
REVIEW		5/7
PRE-APPLICATION		6/7
CITY COUNCIL RESPONSE		6/7
PLANNING COMMISSION RESPONSE		10/7
PLANNING SUBMITTAL		11/7
PLANNING COMMENT RESPONSE		2/7
PLANNING COMMENT RESPONSE		5/7
ADA REVIEW RESPONSE		6/7
PLANNING + SCWD RESPONSE		11/7
PLANNING COMMENT RESPONSE		2/7
PLANNING COMMENT RESPONSE		9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AVENUE  
 CAMPBELL, CA

EXIST. + PROPOSED SITE PLAN OVERLAY

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

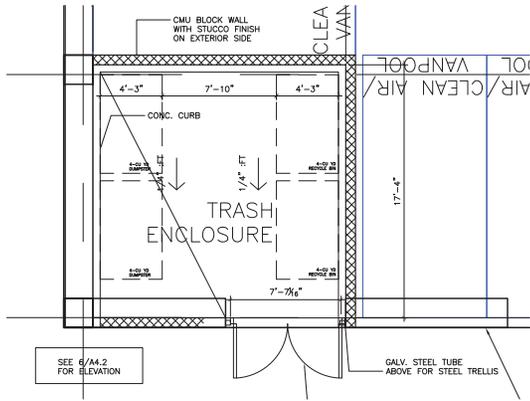
1 A0 EXIST. + PROPOSED SITE PLAN  
 SCALE: 1/32" = 1'-0"



**A0**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

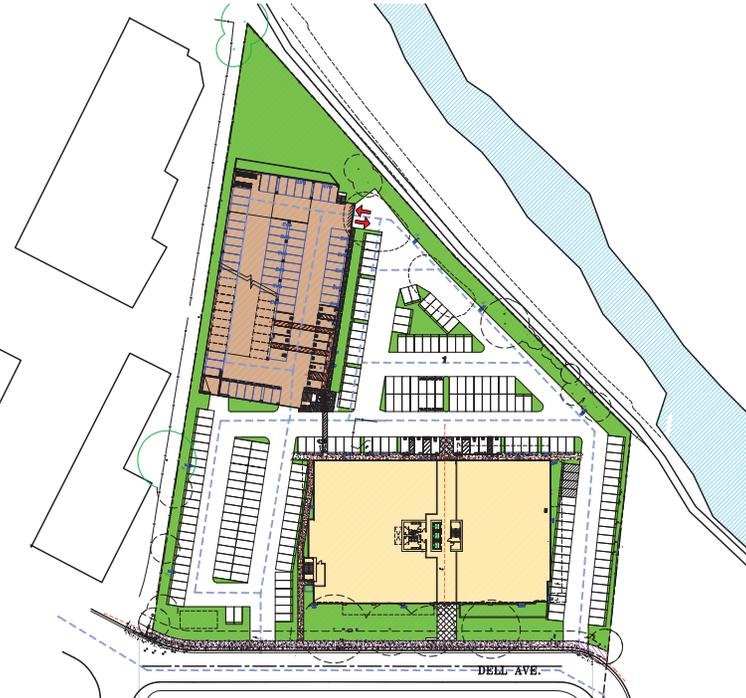




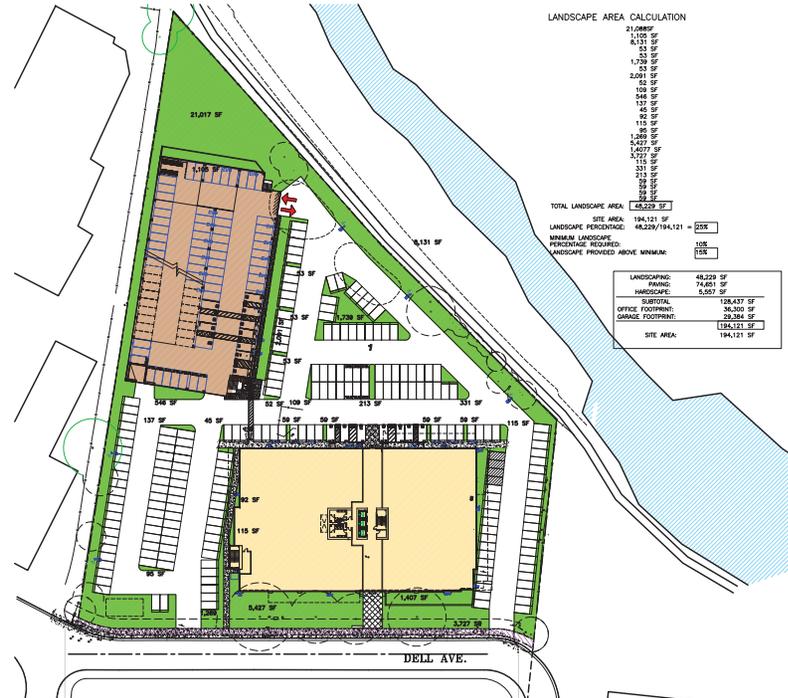
4  
A1a  
**TRASH ENCLOSURE PLAN**  
SCALE: 1/4"=1'-0"

**TRASH ENCLOSURE:**

SERVICES - MANAGEMENT, ADMINISTRATIVE, SUPPORT & SOCIAL	5,000 LB/WEEK (APPROX.)	<a href="https://www2.calrecycle.ca.gov/WasteCharacterization/BusinessGroupStreams?lg=507&amp;cy=43">https://www2.calrecycle.ca.gov/WasteCharacterization/BusinessGroupStreams?lg=507&amp;cy=43</a>
50% RECYCLING	2,500 LB/WEEK	= 2.3 (4-CUBIC YARD BINS)/WEEK
50% SOLID WASTE	2,500 LB/WEEK	= 4.5 (4-CUBIC YARD BINS)/WEEK
		<b>2 PICKUPS PER WEEK</b>
50% RECYCLING	1,250 LB(,5)WEEK	= 1.1 (4-CUBIC YARD BINS)/WEEK
50% SOLID WASTE	1,250 LB(,5)WEEK	= 2.2 (4-CUBIC YARD BINS)/WEEK



3  
A1a  
**CIRCULATION SITE PLAN**  
SCALE: 1"=60'-0"



1  
A1a  
**LANDSCAPE CALCULATION**  
SCALE: 1"=60'-0"

Rev.	Descrp.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	REVIEW	5/7
7	PRE-APPLICATION	6/7
8	CITY COUNCIL RESPONSE	6/7
9	PLANNING COMMISSION RESPONSE	10/7
10	PLANNING RESUBMITAL	11/7
11	PLANNING COMMENT RESPONSE	2/7
12	PLANNING COMMENT RESPONSE	5/7
13	ADA REVIEW RESPONSE	6/7
14	PLANNING COMMENT RESPONSE	10/7
15	PLANNING + SCWD RESPONSE	11/7
16	PLANNING COMMENT RESPONSE	2/7
17	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

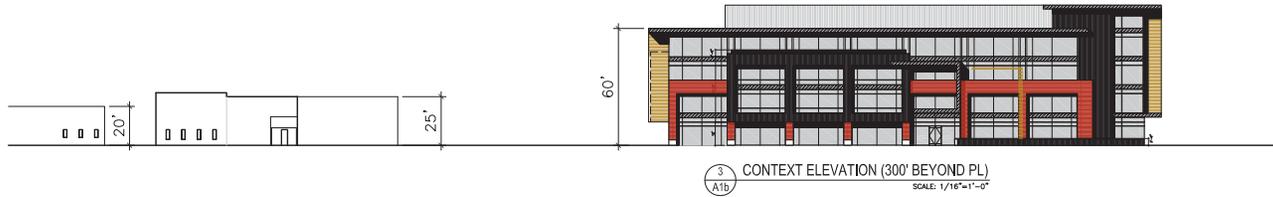
1700 DELL AV  
CAMPBELL, CA

Drawing Title

**SITE DIAGRAMS**

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A1a**



- ACCESSIBILITY NOTES:**  
 EXISTING WALKWAYS AND SIDEWALKS ALONG ACCESSIBLE ROUTES OF TRAVEL:  
 A. ARE CONTINUOUSLY ACCESSIBLE  
 B. HAVE MAXIMUM 1/2" VERTICAL CHANGES IN ELEVATION, OR 1/2" BEVELED CHANGES PER CBC 11B-303. CHANGES GREATER THAN 1/2" SHALL BE RAMPED PER 11B-405 OR 11B-406  
 C. ARE MINIMUM 48" IN WIDTH.  
 D. WHERE NECESSARY TO CHANGE ELEVATION AT A SLOPE EXCEEDING 5% (1:20) SHALL HAVE PEDESTRIAN RAMPS COMPLYING WITH CBC 11B-405  
 E. MAX 1/2" THRESHOLD AT ALL ENTRIES

4 A1b ACCESSIBLE PATH OF TRAVEL  
SCALE: 1/32"=1'-0"



Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	REVIEW	5/7
7	PRE-APPLICATION	6/7
8	CITY COUNCIL RESPONSE	6/7
9	PLANNING COMMISSION RESPONSE	10/7
10	PLANNING SUBMITTAL	11/7
11	PLANNING COMMENT RESPONSE	2/7
12	PLANNING COMMENT RESPONSE	5/7
13	ADA REVIEW RESPONSE	6/7
14	PLANNING COMMENT RESPONSE	11/7
15	PLANNING + SCWD RESPONSE	11/7
16	PLANNING COMMENT RESPONSE	2/7
17	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

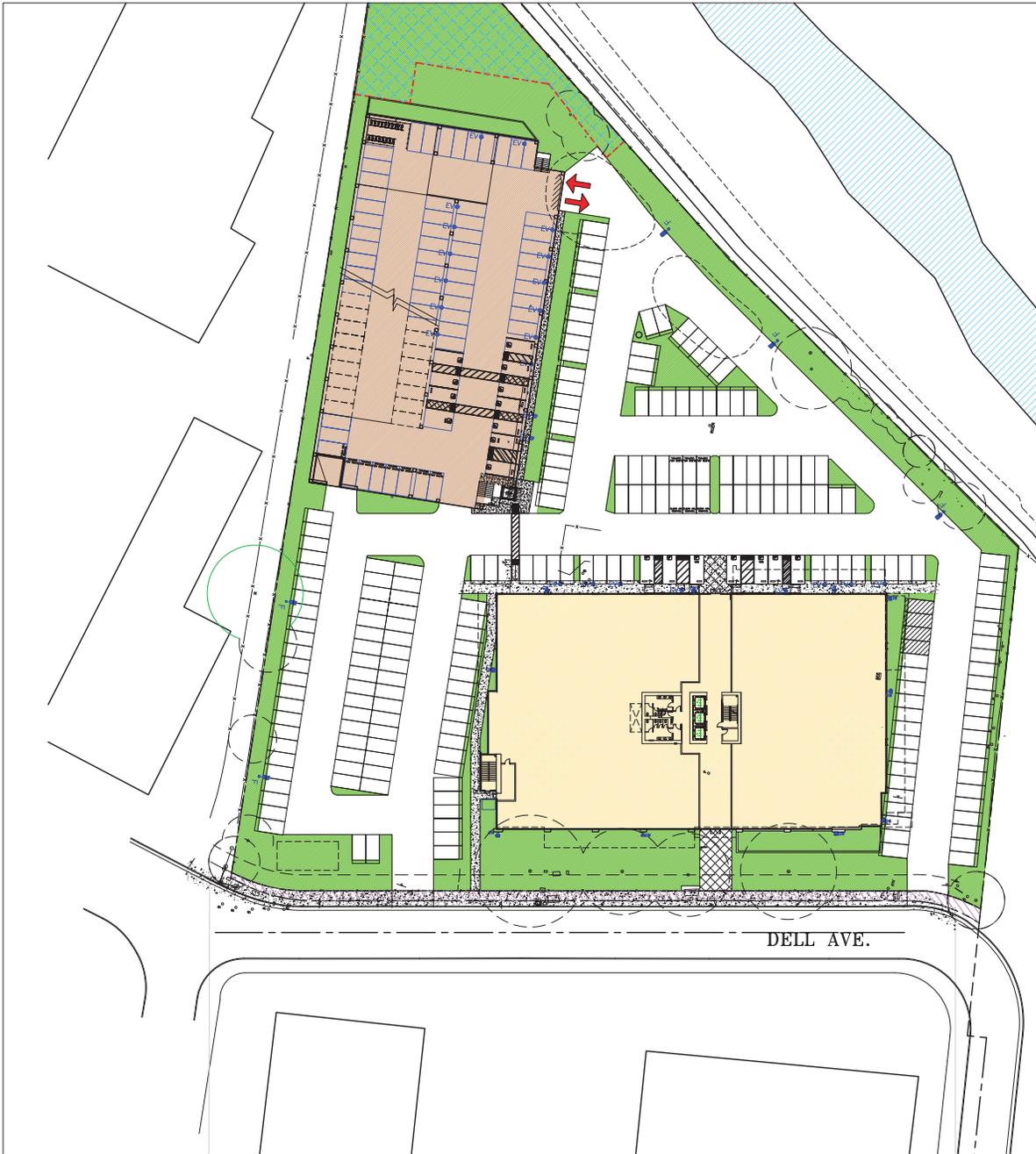
1700 DELL AV  
CAMPBELL, CA

Drawing Title

**STREET ELEVATION ACCESSIBILITY PLAN**

Job # A4097.17  
 Date: 6/1/17  
 Scale: AS NOTED  
 Drawn By: CLC + BR  
 Sheet:

**A1b**



**FIRE SPRINKLERS REQUIRED**  
APPROVED AUTOMATIC SPRINKLER SYSTEMS IN BOTH THE NEW OFFICE BUILDING AND IN THE NEW PARKING STRUCTURE, SPRINKLERS SHALL BE PROVIDED IN LOCATIONS COMPLIANT WITH CFC 903.2.1 THROUGH 903.2.18. FIRE SPRINKLERS WILL BE SUBMITTED DURING BUILDING APPROVAL.

**STANDPIPES REQUIRED:**  
STANDPIPE SYSTEMS SHALL BE PROVIDED IN NEW OFFICE BUILDING AND NEW PARKING STRUCTURE. STANDPIPES SHALL BE INSTALLED IN ACCORDANCE WITH NFPA 14 AS AMENDED IN CHAPTER 47 AND CFC SEC. 905

**CONSTRUCTION SITE FIRE SAFETY**  
THE CONSTRUCTION SITE WILL COMPLY WITH APPLICABLE PROVISIONS OF CFC CHAPTER 33

**FIRE ALARM REQUIREMENTS:**  
PROJECT FIRE ALARM WILL MEET THE REQUIREMENTS OF CFC SECTION 907 AND NFPA 72

**EMERGENCY RESPONDER RADIO COVERAGE**  
CFC 510.1 EMERGENCY RESPONDER RADIO COVERAGE IN NEW BUILDINGS, ALL NEW BUILDINGS (NEW OFFICE BUILDING AND NEW PARKING GARAGE) SHALL HAVE APPROVED RADIO COVERAGE FOR EMERGENCY RESPONDER WITHIN THE BUILDING BASED UPON THE EXISTING COVERAGE LEVELS OF THE PUBLIC SAFETY COMMUNICATION SYSTEMS OF THE JURISDICTION AT THE EXTERIOR OF THE BUILDING. THIS SECTION SHALL NOT REQUIRE IMPROVEMENT OF THE EXISTING PUBLIC SAFETY COMMUNICATION SYSTEMS.

**WATER SUPPLY REQUIREMENTS:**  
POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE PORTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEMS UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT. 2010 CFC SEC 903.3.5 AND HEALTH AND SAFETY CODE 13114.7

**TIMING OF INSTALLATION**  
WHEN FIRE APPARATUS ACCESS ROADS OR A WATER SUPPLY FOR FIRE PROTECTION IS REQUIRED TO BE INSTALLED, SUCH PROTECTION SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION EXCEPT WHEN APPROVED ALTERNATIVE METHODS OF PROTECTION ARE PROVIDED. TEMPORARY STREET SIGNS SHALL BE INSTALLED AT EACH STREET INTERSECTION WHEN CONSTRUCTION OF NEW ROADWAYS ALLOWS PASSAGE BY VEHICLES IN ACCORDANCE WITH SECTION 505.2 CFC SECTION 501.4

Rev.	Descrip.	DA
	SITE PLAN ALTS	3/7
	SITE PLAN ALTS	3/7
	SITE PLAN BASES	4/7
	REVIEW	4/7
	REVIEW	4/7
	REVIEW	5/7
	PRE-APPLICATION	6/7
	CITY COUNCIL RESPONSE	6/7
	PLANNING COMMISSION RESPONSE	10/7
	PLANNING SUBMITTAL	11/7
	PLANNING COMMENT RESPONSE	2/7
	PLANNING COMMENT RESPONSE	5/7
	ALL REVIEW RESPONSE	6/7
	PLANNING COMMENT RESPONSE	7/7
	PLANNING + SCWD RESPONSE	11/7
	PLANNING COMMENT RESPONSE	7/7
	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
CAMPBELL, C

**FIRE ACCESS SITE PLAN**

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

1 FIRE ACCESS SITE PLAN  
A1c SCALE: 1/32"=1'-0"

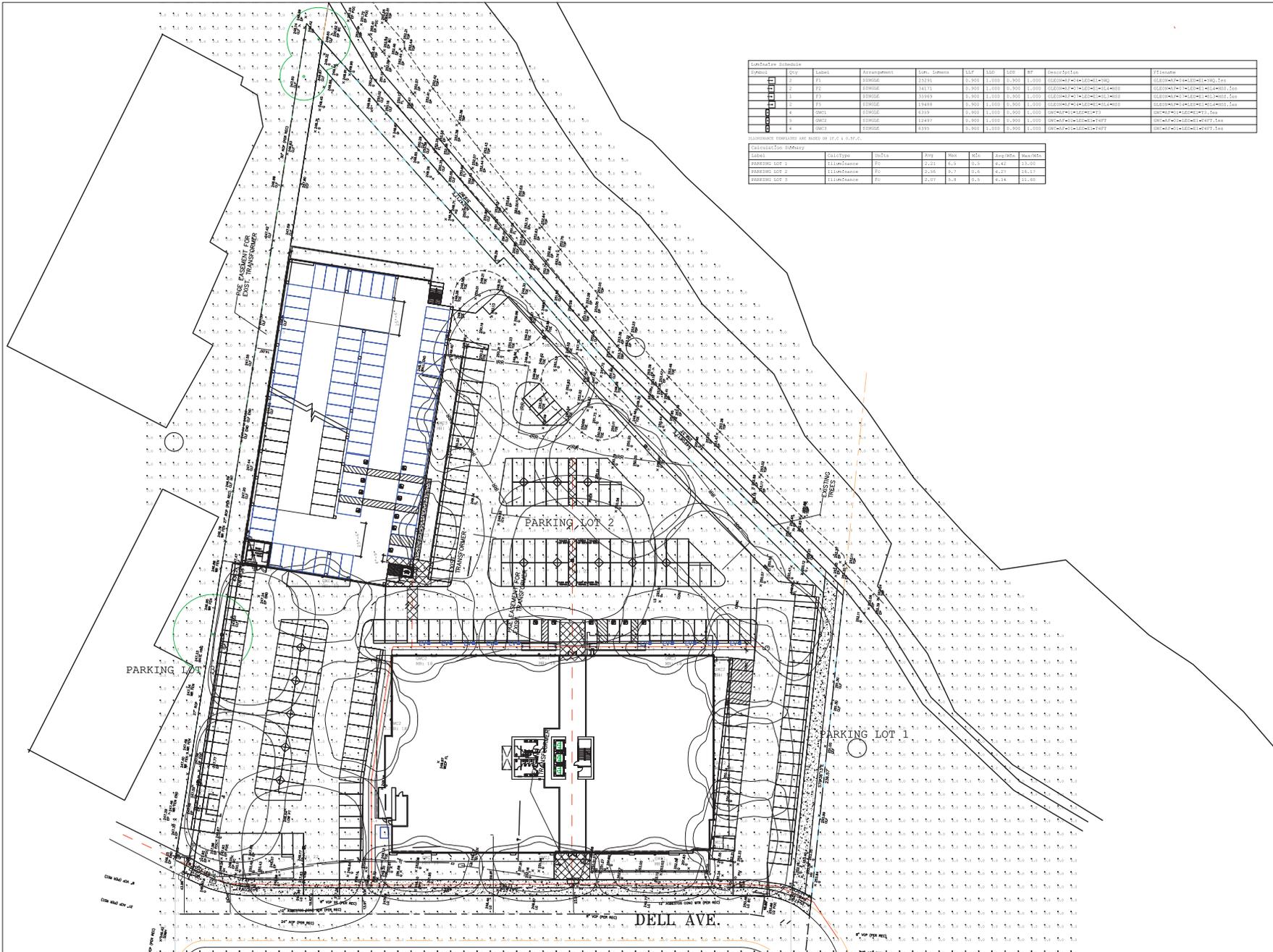
Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

A1c

Symbol	Qty	Label	Arrangement	Col. Spacing	DLP	SSD	SSD	RF	Description	Filename
1	1	P1	STRIP	3335	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg
1	1	P2	STRIP	34171	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg
1	1	P3	STRIP	33969	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg
1	1	P4	STRIP	33889	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg
1	1	P5	STRIP	33939	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg
1	1	P6	STRIP	12497	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg
1	1	P7	STRIP	4393	0.900	1.000	0.900	1.000	0.000x0.000x1.000x1.000	0.000x0.000x1.000x1.000.dwg

Dimensions (mm) are based on 1/8" = 1'-0" = 30.48mm

Label	Material	Width	Area	Per	Vol	Wt	Area/Per	Per/Per
REINFORCING	REINFORCING	20	2.25	6.2	0.3	4.42	15.00	
REINFORCING	REINFORCING	20	2.25	6.2	0.3	4.42	15.00	
REINFORCING	REINFORCING	20	2.07	5.8	0.3	4.34	15.00	



Rev.	Descr.	DA
1	SITE PLAN ACTS	3/7
2	SITE PLAN BASES	4/7
3	REVIEW	4/7
4	REVIEW	5/7
5	REVIEW	5/7
6	PRE-APPLICATION	8/7
7	CITY COUNCIL RESPONSE	8/7
8	PLANNING COMMISSION RESPONSE	10/7
9	PLANNING RESUBMITAL	11/7
10	PLANNING COMMENT RESPONSE	2/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
CAMPBELL, CA

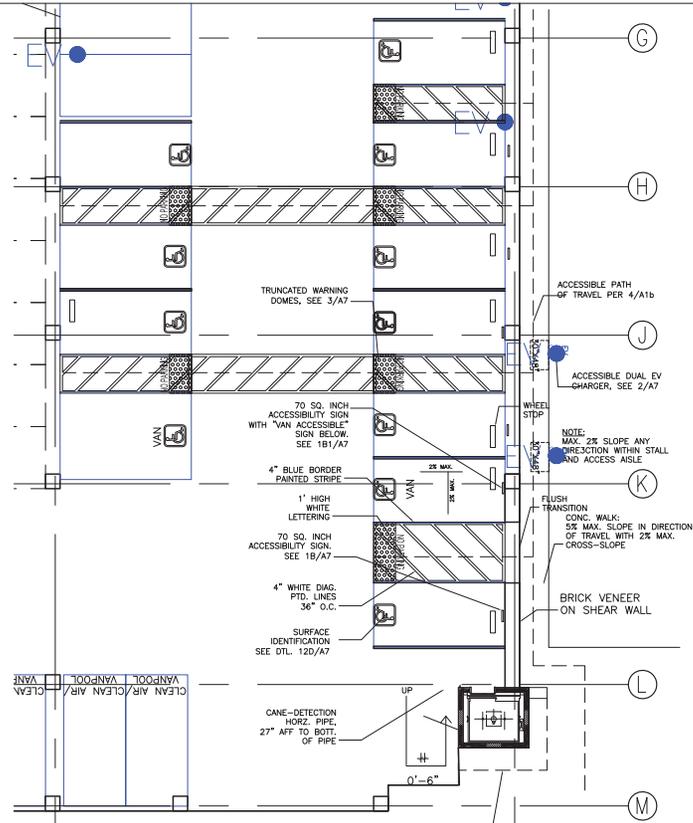
Drawing Title

**SITE PHOTOMETRI**

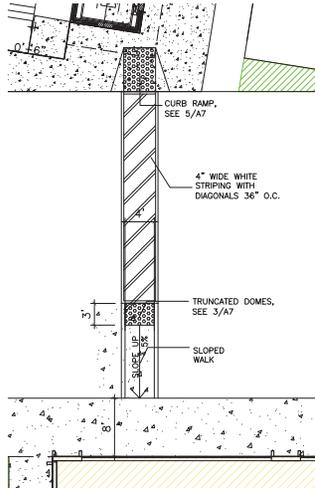
Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A1c**

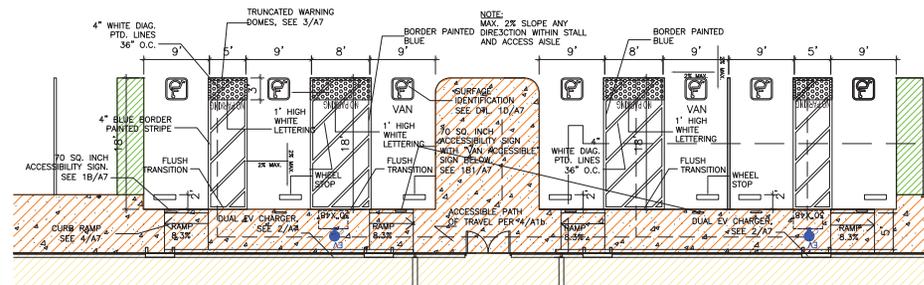
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 Burlingame Fax: 650.340.9647  
 California 94010 Web: www.changarchi.com



3 GARAGE ACCESSIBLE STALLS  
 A1e SCALE: 1/8"=1'-0"



2 SITE ACCESSIBLE CROSSING  
 A1e SCALE: 1/8"=1'-0"



1 SITE ACCESSIBLE STALLS  
 A1e SCALE: 1/8"=1'-0"

Rev.	Descrip.	DA
1	SITE PLAN ALTS.	3/7
2	SITE PLAN ALTS.	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	4/7
6	PRE-APPLICATION	5/7
7	CITY COUNCIL RESPONSE	6/7
8	PLANNING COMMISSION RESPONSE	10/7
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15	PLANNING COMMENT RESPONSE	2/7
16	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
 CAMPBELL, CA

Drawing Title:  
**ACCESSIBILITY PLANS**

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A1e**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

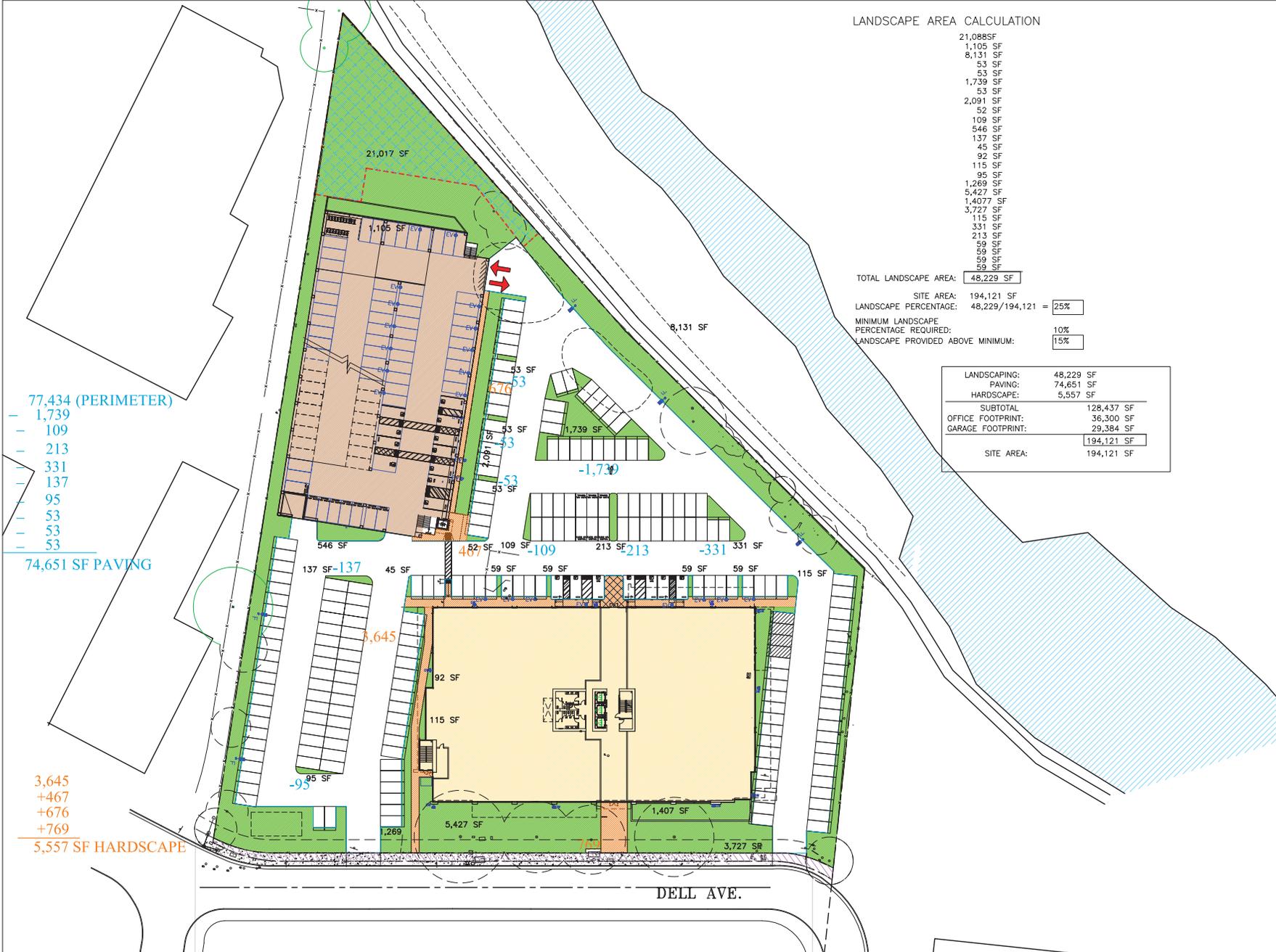
LANDSCAPE AREA CALCULATION

- 21,088SF
- 1,105 SF
- 8,131 SF
- 53 SF
- 53 SF
- 1,739 SF
- 53 SF
- 2,091 SF
- 52 SF
- 109 SF
- 546 SF
- 137 SF
- 45 SF
- 92 SF
- 115 SF
- 95 SF
- 1,269 SF
- 5,427 SF
- 1,407 SF
- 3,727 SF
- 115 SF
- 331 SF
- 213 SF
- 59 SF
- 59 SF
- 59 SF
- 59 SF

TOTAL LANDSCAPE AREA: 48,229 SF

SITE AREA: 194,121 SF  
 LANDSCAPE PERCENTAGE: 48,229/194,121 = 25%  
 MINIMUM LANDSCAPE PERCENTAGE REQUIRED: 10%  
 LANDSCAPE PROVIDED ABOVE MINIMUM: 15%

LANDSCAPING:	48,229 SF
PAVING:	74,651 SF
HARDSCAPE:	5,557 SF
SUBTOTAL:	128,437 SF
OFFICE FOOTPRINT:	36,300 SF
GARAGE FOOTPRINT:	29,384 SF
	194,121 SF
SITE AREA:	194,121 SF



77,434 (PERIMETER)  
 - 1,739  
 - 109  
 - 213  
 - 331  
 - 137  
 - 95  
 - 53  
 - 53  
 - 53

74,651 SF PAVING

3,645  
 +467  
 +676  
 +769  
 5,557 SF HARDSCAPE

Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	PRE-APPLICATION	6/7
7	CITY COUNCIL RESPONSE	8/7
8	PLANNING COMMISSION RESPONSE	10/7
9	PLANNING SUBMITTAL	11/7
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14	PLANNING + SCWD RESPONSE	11/7
15	PLANNING COMMENT RESPONSE	2/7
16	PLANNING COMMENT RESPONSE	9/7

OFFICE + PARKING STRUCTURE

1700 DELL AV CAMPBELL, CA

Drawing Title

SITE COMPONENTS

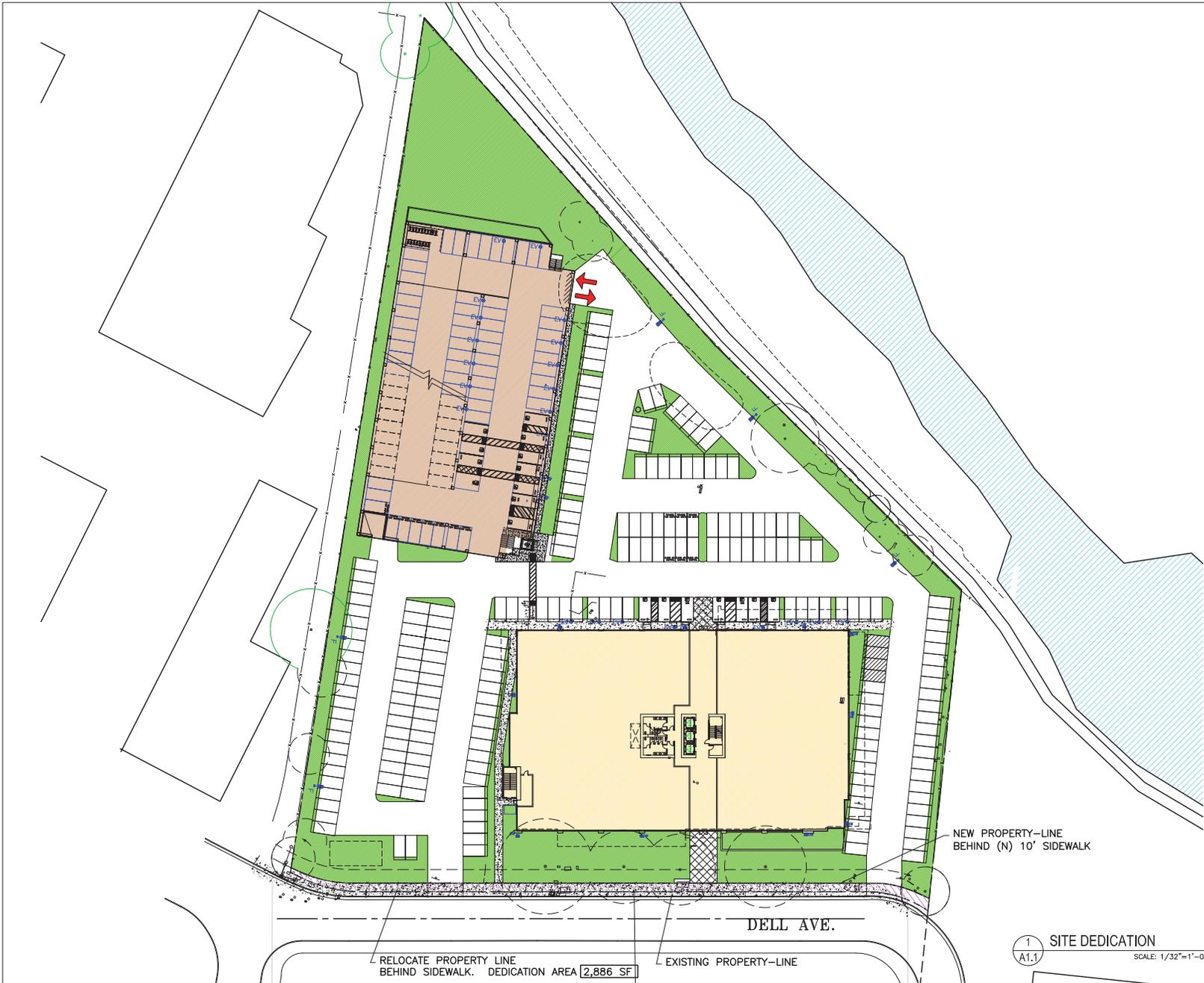
Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
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A1f

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RELOCATE PROPERTY LINE BEHIND SIDEWALK. DEDICATION AREA 2,886 SF

EXISTING PROPERTY-LINE

NEW PROPERTY-LINE BEHIND (N) 10' SIDEWALK

DELL AVE.

1 SITE DEDICATION  
 A1.1 SCALE: 1/32"=1'-0"

Rev.	Descrp.	DA
SITE PLAN ACTS		3/7
SITE PLAN ACTS		3/7
SITE PLAN BASES		4/7
REVIEW		4/7
REVIEW		5/7
PRE-APPLICATION		6/7
CITY COUNCIL RESPONSE		6/7
PLANNING COMMISSION RESPONSE		10/7
PLANNING RESUBMITAL		11/7
PLANNING COMMENT RESPONSE		2/7
PLANNING COMMENT RESPONSE		5/7
ALA REVIEW RESPONSE		6/7
PLANNING COMMENT RESPONSE		11/7
PLANNING + SCWD RESPONSE		11/7
PLANNING COMMENT RESPONSE		2/7
PLANNING COMMENT RESPONSE		9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AVE  
 CAMPBELL, CA

Drawing Title  
 SITE DEDICATION

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A1.**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

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**1 1ST FLOOR PLAN**  
 36,300 SF

SCALE: 3/32"=1'-0"

1ST FLOOR:	36,300 SF
2ND FLOOR:	42,690 SF
3RD FLOOR:	42,690 SF
4TH FLOOR:	40,190 SF
<b>TOTAL:</b>	<b>161,870 SF</b>

Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	PRE-APPLICATION	6/7
7	CITY COUNCIL RESPONSE	8/7
8	PLANNING COMMISSION RESPONSE	10/7
9	PLANNING RESUBMITTAL	11/7
10	PLANNING COMMENT RESPONSE	2/7
11	PLANNING COMMENT RESPONSE	5/7
12	ADA REVIEW RESPONSE	6/7
13	PLANNING COMMENT RESPONSE	11/7
14	PLANNING + SCWD RESPONSE	11/7
15	PLANNING COMMENT RESPONSE	2/7
16	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

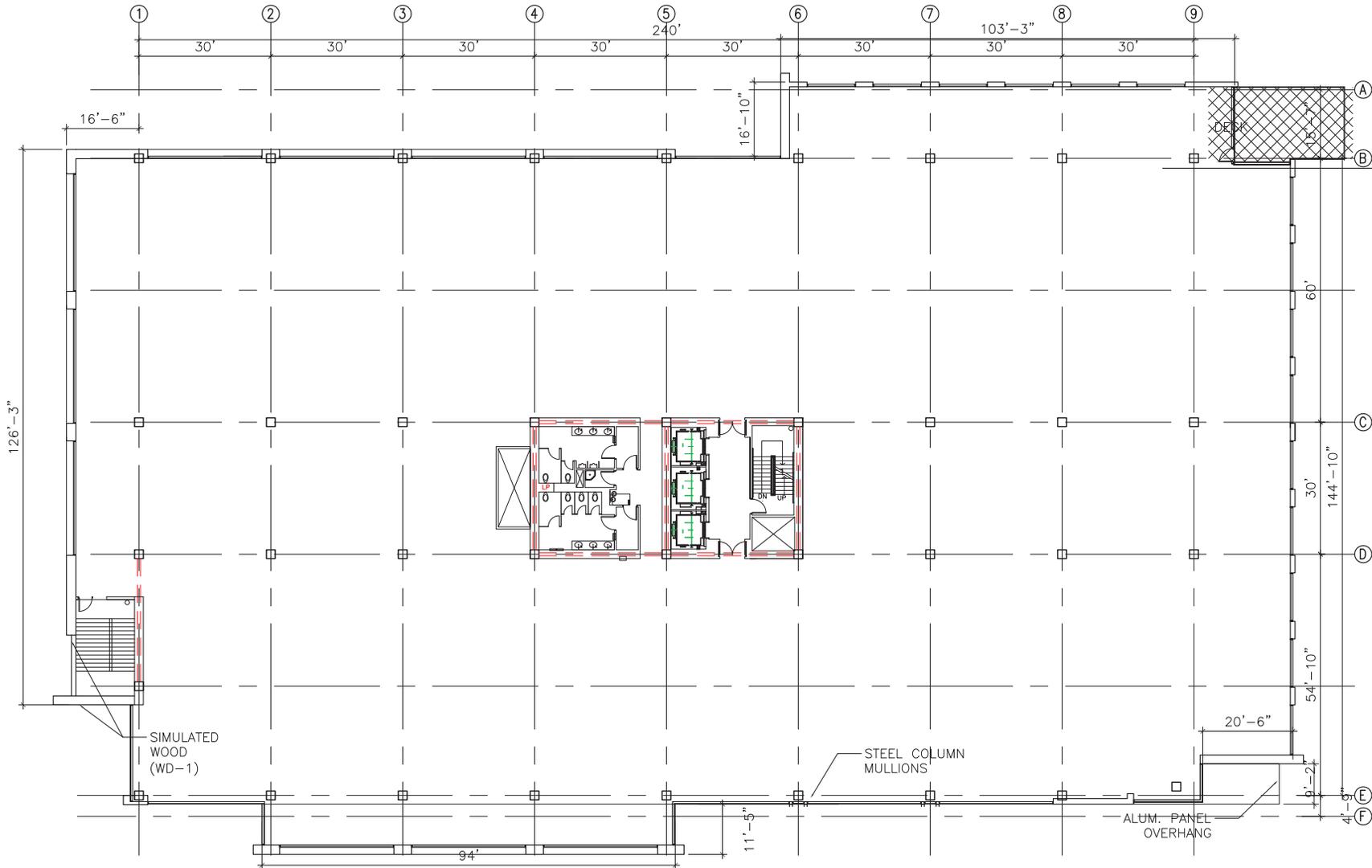
1700 DELL AV  
 CAMPBELL, CA

Drawing Title	
<b>1ST FLOOR PLAN</b>	
Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A2**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

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Rev.	Descrip.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	PRE-APPLICATION	5/7
7	CITY COUNCIL RESPONSE	6/7
8	PLANNING COMMISSION RESPONSE	10/7
9	PLANNING SUBMITTAL	11/7
10	PLANNING COMMENT RESPONSE	2/7
11	PLANNING COMMENT RESPONSE	5/7
12	ALA REVIEW RESPONSE	6/7
13	PLANNING COMMENT RESPONSE	11/7
14	PLANNING + SCWD RESPONSE	11/7
15	PLANNING COMMENT RESPONSE	2/7
16	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV CAMPBELL, CA

1  
A2.1  
**2ND FLOOR PLAN**  
42,690 SF  
SCALE: 3/32"=1'-0"

Drawing Title

**2ND FLOOR PLAN**

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A2.1**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

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Rev.	Descrip.	DA
1	SITE PLAN ACTS	3/7
2	SITE PLAN ACTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	PRE-APPLICATION	5/7
7	CITY COUNCIL RESPONSE	6/7
8	PLANNING COMMISSION RESPONSE	10/7
9	PLANNING SUBMITTAL	11/7
10	PLANNING COMMENT RESPONSE	2/7
11	PLANNING COMMENT RESPONSE	5/7
12	ADA REVIEW RESPONSE	6/7
13	PLANNING + SCWD RESPONSE	11/7
14	PLANNING COMMENT RESPONSE	2/7
15	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
CAMPBELL, CA

Drawing Title: **3RD FLOOR PLAN**

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A2.2**

Attachment: Project Plans, 9-30-19 (Dolinger Properties Zoning Map Amendment)

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1 4TH FLOOR PLAN  
 A2.3 40,190 SF SCALE: 3/32"=1'-0"

Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	PRE-APPLICATION	5/7
7	CITY COUNCIL RESPONSE	6/7
8	PLANNING COMMISSION RESPONSE	10/7
9	PLANNING SUBMITTAL	11/7
10	PLANNING COMMENT RESPONSE	2/7
11	PLANNING COMMENT RESPONSE	5/7
12	ALA REVIEW RESPONSE	6/7
13	PLANNING COMMENT RESPONSE	6/7
14	PLANNING + SCWD RESPONSE	11/7
15	PLANNING COMMENT RESPONSE	2/7
16	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
 CAMPBELL, CA

Drawing Title

**4TH FLOOR PLAN**

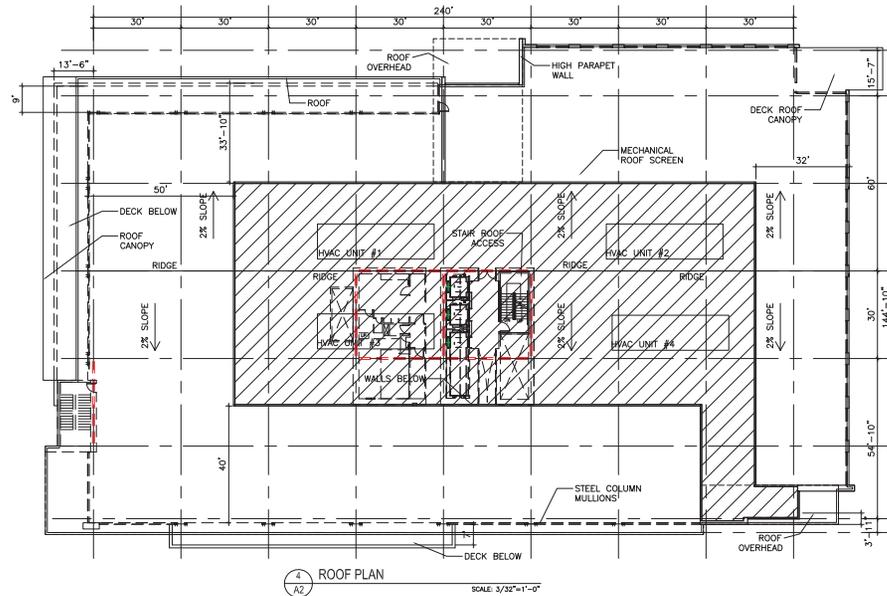
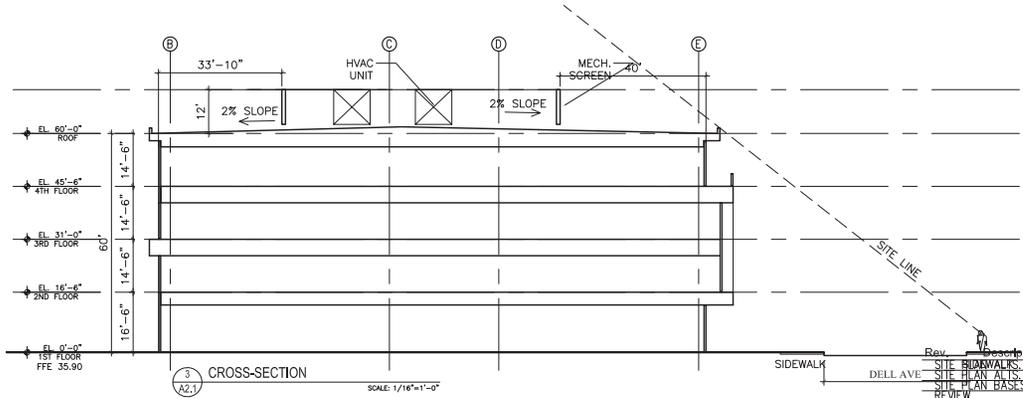
Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A2.3**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



AERIAL MASSING



Rev.	Description	DA
1	SITE BOUNDARIES	3/7
2	SITE PLAN ALLEYS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	REVIEW	5/7
7	PRE-APPLICATION	5/7
8	CITY COUNCIL RESPONSE	6/7
9	PLANNING COMMISSION RESPONSE	10/7
10	PLANNING SUBMITTAL	11/7
11	PLANNING COMMENT RESPONSE	2/7
12	PLANNING COMMENT RESPONSE	5/7
13	ADA REVIEW RESPONSE	6/7
14	PLANNING + SCWD RESPONSE	11/7
15	PLANNING COMMENT RESPONSE	2/7
16	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
 CAMPBELL, CA

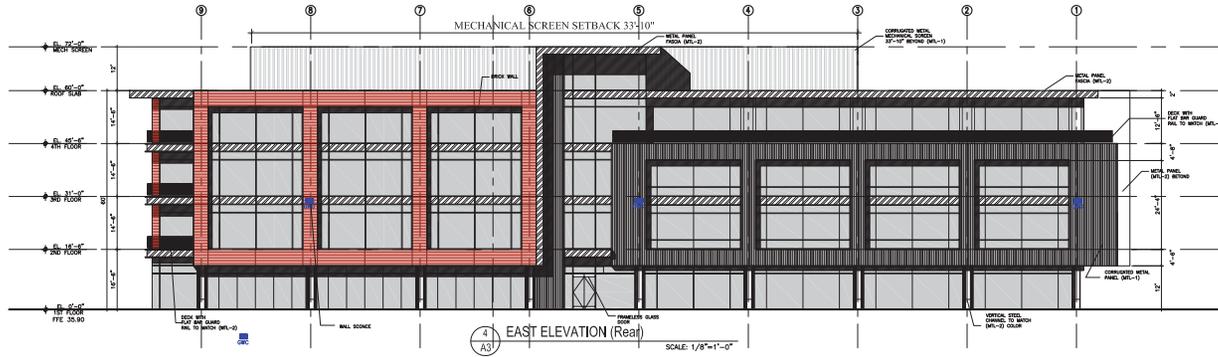
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Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

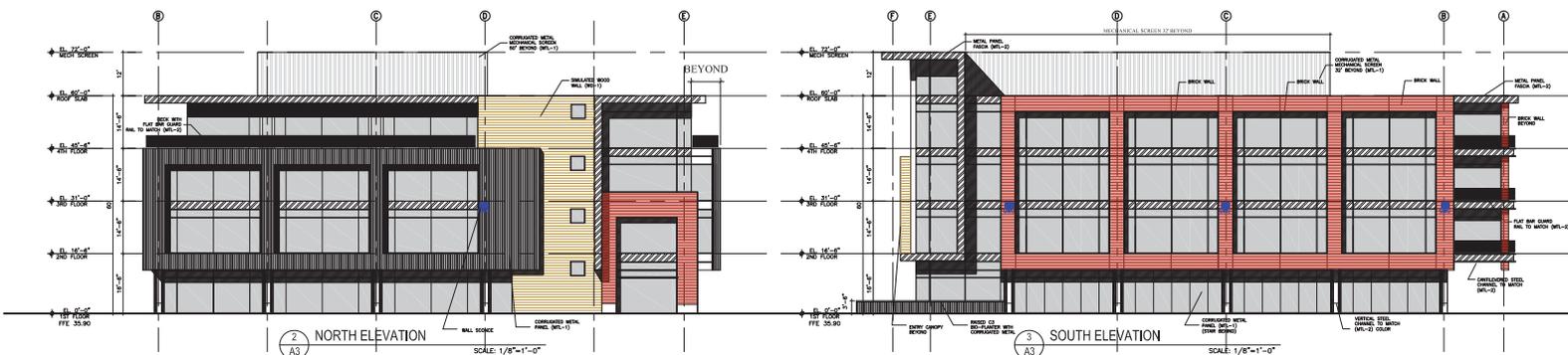
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MATERIALS

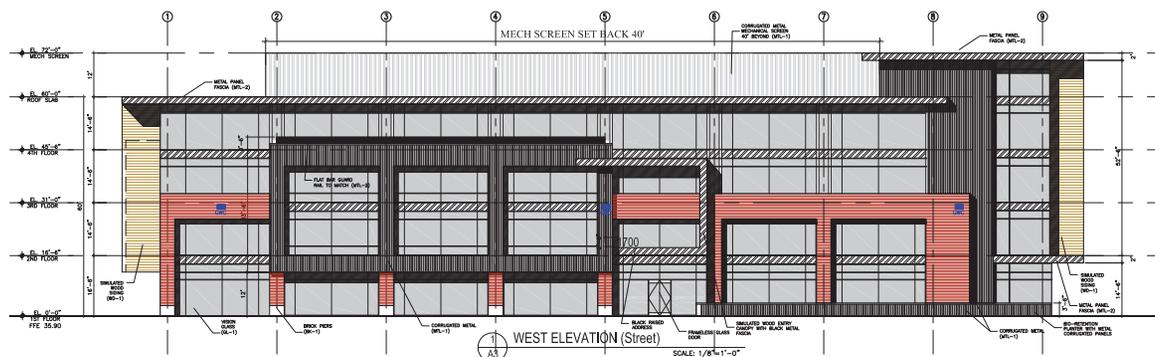


4 EAST ELEVATION (Rear)  
SCALE: 1/8"=1'-0"



2 NORTH ELEVATION  
SCALE: 1/8"=1'-0"

3 SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



1 WEST ELEVATION (Street)  
SCALE: 1/8"=1'-0"

Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	REVIEW	5/7
7	PERMIT APPLICATION	6/7
8	CITY COUNCIL RESPONSE	6/7
9	PLANNING COMMISSION RESPONSE 10	11/7
10	PLANNING COMMENT RESPONSE 2	2/7
11	PLANNING COMMENT RESPONSE 5	2/7
12	ADA REVIEW RESPONSE	6/7
13	PLANNING COMMENT RESPONSE 10	6/7
14	PLANNING + SCWD RESPONSE 11	11/7
15	PLANNING COMMENT RESPONSE 2	2/7
16	PLANNING COMMENT RESPONSE 9	9/7

**OFFICE + PARKING STRUCTURE**

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Drawing Title

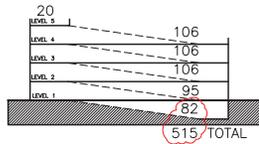
**ELEVATIONS**

Job # A4097.17  
Date: 6/1/17  
Scale: AS NOTED  
Drawn By: CLC + BR  
Sheet:

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	SPEC	REMARKS
GL-1		DUAL GLAZED CLEAR GLASS	GUARDIAN	GUARDIAN SINGLARG CLEAR + CLEAR WITH SOLARFILM TINT LOW-E COATING ON #2 SURFACE, ALL TEMPERED (SIGC-277) (STC=30)	U-VALUE .28
MF-1		WINDOW MULLIONS	KAWNEER	GUARDIAN, CUSTOM COLOR	
MF-2		BRICK ON PRECAST PANEL	ENCLICOTT	CRESETT BRICK SPOT STAIN	SUBMIT SAMPLE
MF-3		CORRUGATED METAL WALL PANEL	MCPM	2-12, 20 GA., SILVERSTEEL COLOR	SUBMIT SAMPLE
MF-4		LEAVE EDGE STEEL COLLARS + CANOPES	ALUMA WALL	CHARCOAL FACTORY FINISH 20 GA.	SUBMIT SAMPLE
MF-5		WOOD PANELING (SIMULATED)	ARET LAMINATI	SIMULATED PINE WOOD PANELS (6" WIDE PLANK)	SIMULATED

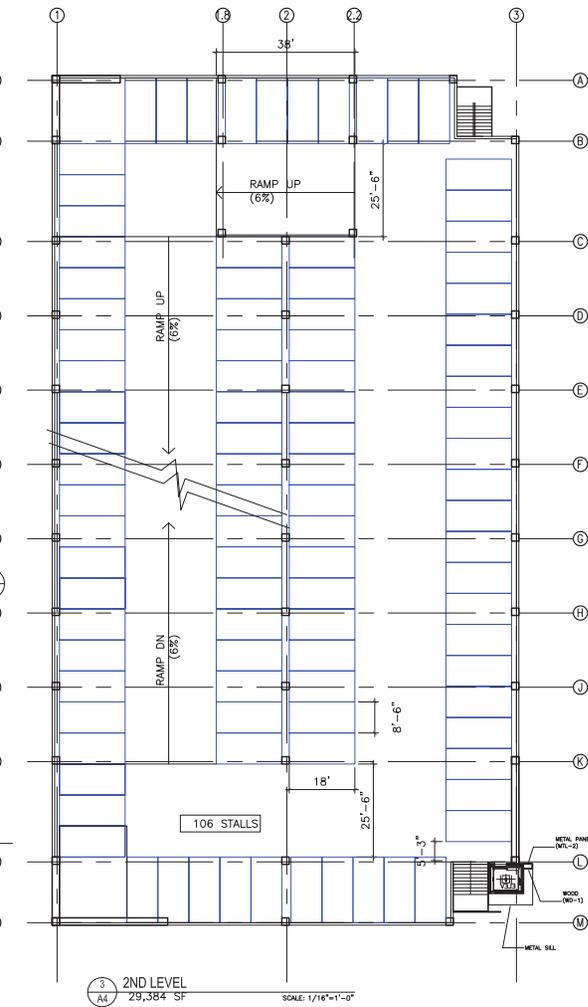
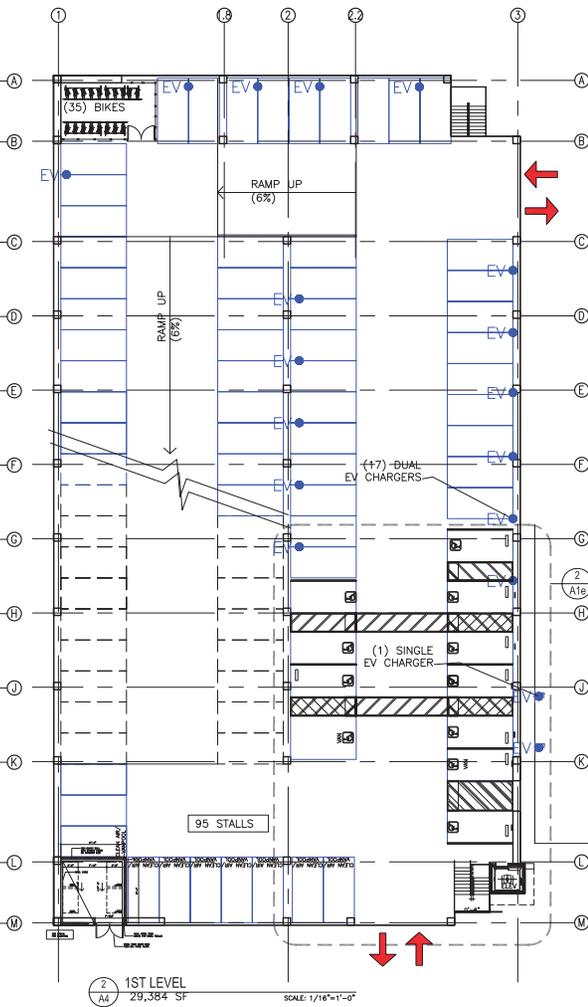
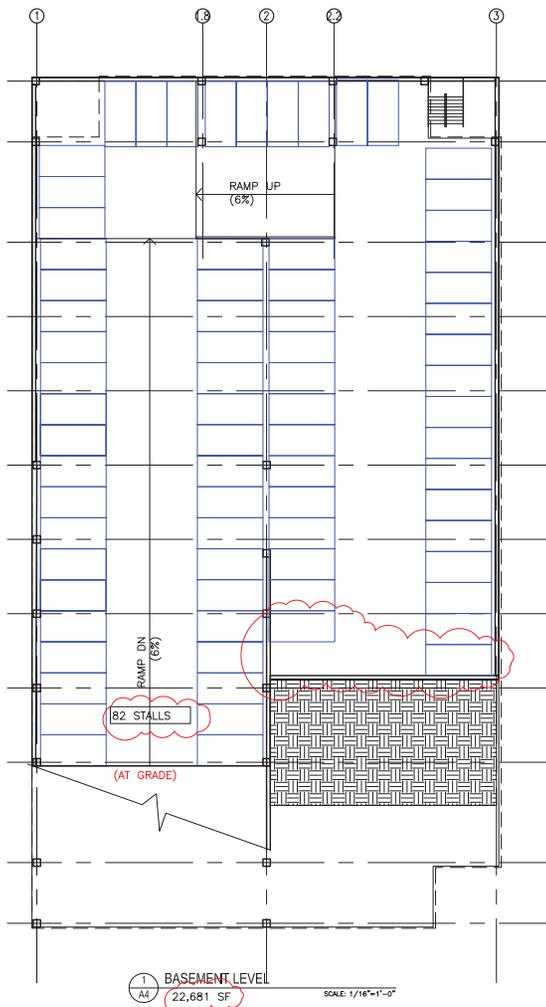
**A3**

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TRASH ENCLOSURE:		
SERVICES - MANAGEMENT, ADMINISTRATIVE, SUPPORT & SOCIAL	5,000 LB/WEEK (APPROX.)	<a href="https://www2.calrecycle.ca.gov/WasteCharacterization/BusinessGroupStreams?lg=507&amp;cy=43">https://www2.calrecycle.ca.gov/WasteCharacterization/BusinessGroupStreams?lg=507&amp;cy=43</a>
50% RECYCLING	2,500 LB/WEEK	= 2.3 (4-CUBIC YARD BINS)/WEEK
50% SOLID WASTE	2,500 LB/WEEK	= 4.5 (4-CUBIC YARD BINS)/WEEK
2 PICKUPS PER WEEK		
50% RECYCLING	1,250 LB/(.5)WEEK	= 1.1 (4-CUBIC YARD BINS)/WEEK
50% SOLID WASTE	1,250 LB/(.5)WEEK	= 2.2 (4-CUBIC YARD BINS)/WEEK

GARAGE AREA	
UNDERGROUND:	22,681 SF
1ST FLOOR:	29,384 SF
2ND FLOOR:	29,384 SF
3RD FLOOR:	29,384 SF
4TH FLOOR:	29,384 SF
5TH FLOOR:	6,794 SF
<b>TOTAL:</b>	<b>147,011 SF</b>

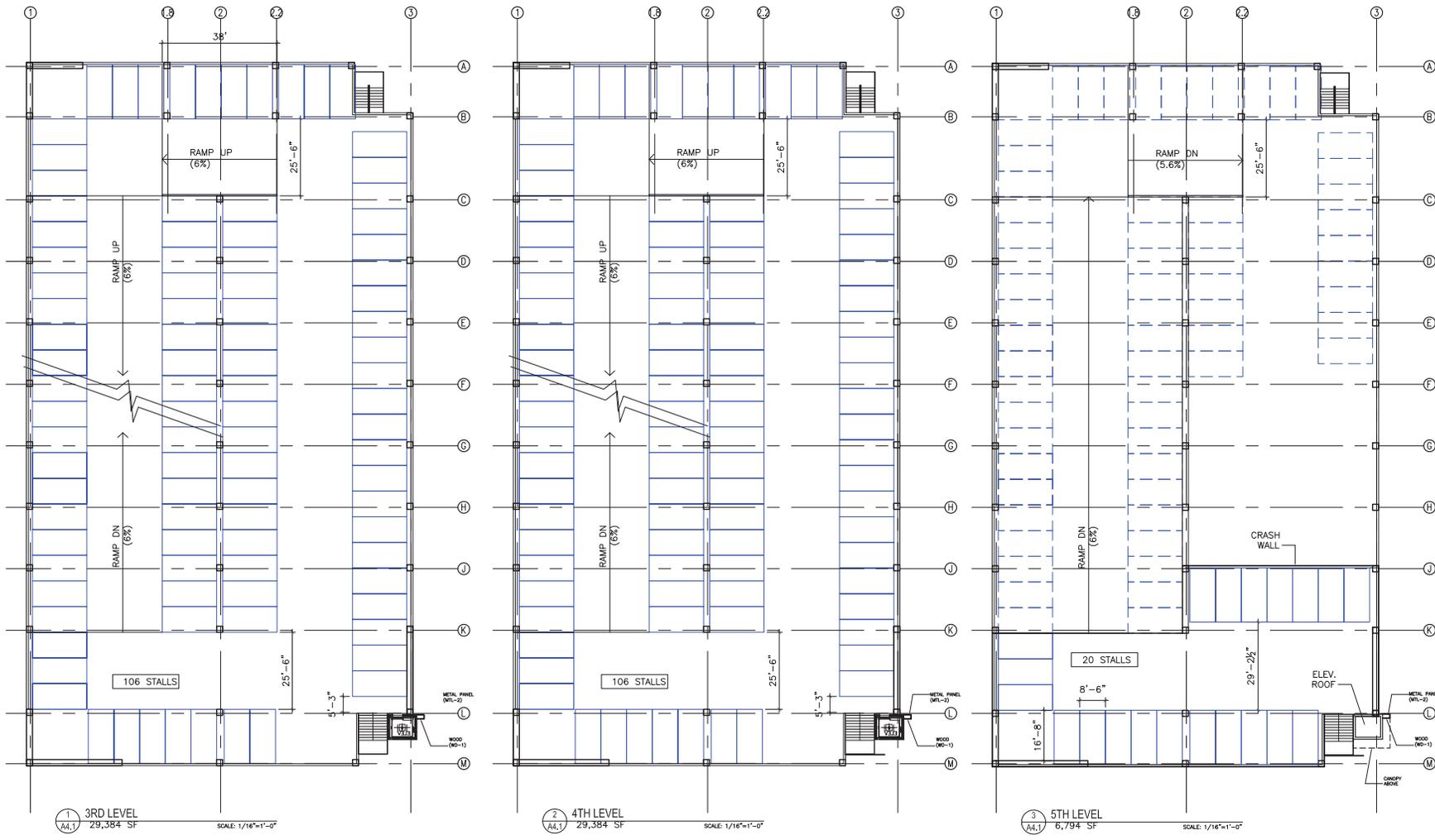


Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASES	4/7
4	REVIEW	4/7
5	REVIEW	4/7
6	PRE-APPLICATION	5/7
7	CITY COUNCIL RESPONSE	6/7
8	PLANNING COMMISSION RESPONSE TO	6/7
9	PLANNING SUBMITTAL	11/7
10	PLANNING COMMENT RESPONSE	2/7
11	PLANNING COMMENT RESPONSE	5/7
12	ADA REVIEW RESPONSE	6/7
13	PLANNING COMMENT RESPONSE	6/7
14	PLANNING + SCWD RESPONSE	11/7
15	PLANNING COMMENT RESPONSE	11/7
16	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**  
 1700 DELL AV CAMPBELL, CA  
 Drawing Title: **GARAGE FLOOR PLANS**  
 Job #: A4097.17  
 Date: 6/1/17  
 Scale: AS NOTED  
 Drawn By: CLC + BR  
 Sheet: **A4**

Attachment: Project Plans, 9-30-19 (Dolinger Properties Zoning Map Amendment)

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1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
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5	REVIEW	5/7
6	REVIEW	5/7
7	PRE-APPLICATION	6/7
8	CITY COUNCIL RESPONSE	6/7
9	PLANNING COMMISSION RESPONSE TO	6/7
10	PLANNING SUBMITTAL	11/7
11	PLANNING COMMENT RESPONSE	2/7
12	PLANNING COMMENT RESPONSE	5/7
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14	PLANNING COMMENT RESPONSE	11/7
15	PLANNING + SCWD RESPONSE	11/7
16	PLANNING COMMENT RESPONSE	2/7
17	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

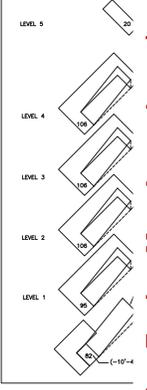
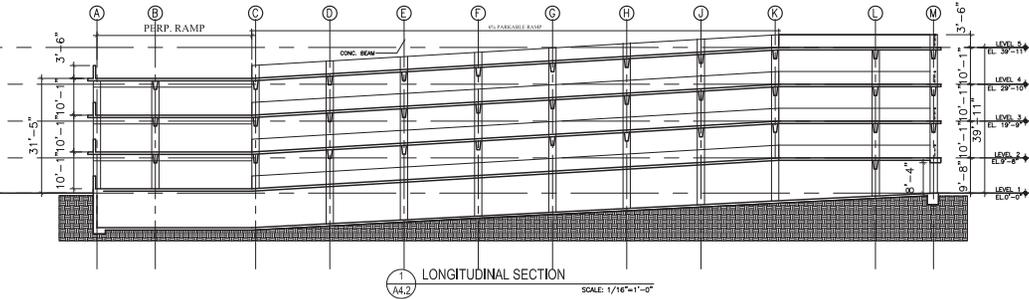
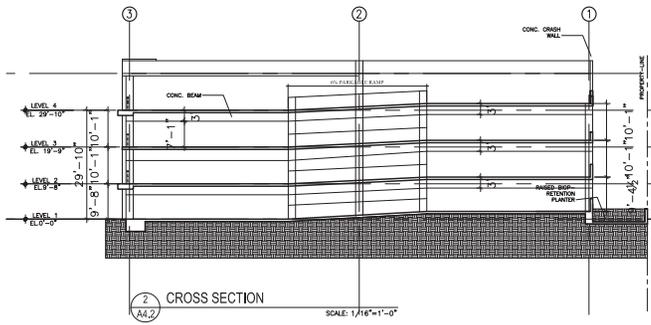
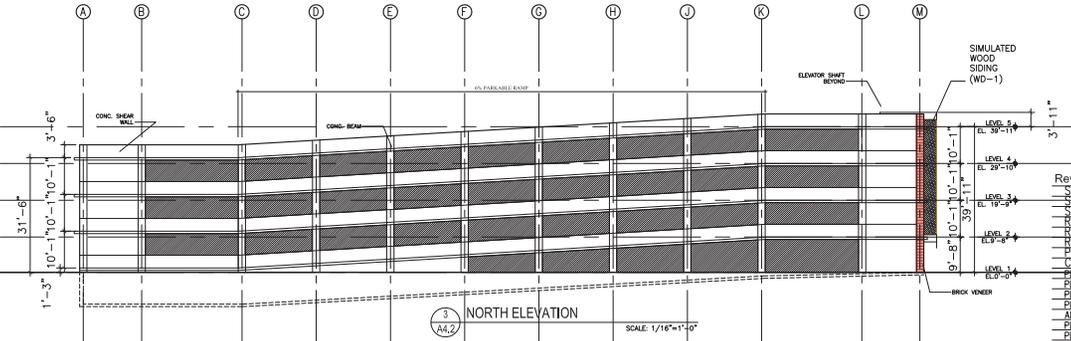
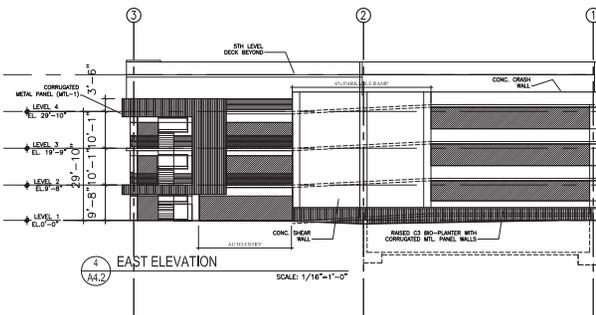
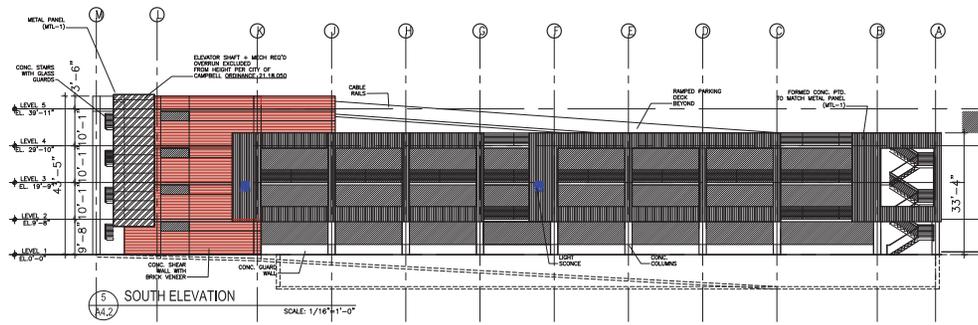
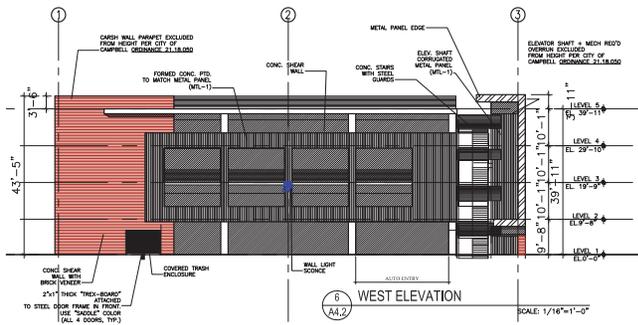
1700 DELL AV  
CAMPBELL, CA

**GARAGE FLOOR PLANS**

Job # A4097.17  
 Date: 6/1/17  
 Scale: AS NOTED  
 Drawn By: CLC + BR  
 Sheet:

**A4.**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



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1	SITE PLAN ALTS	3/7
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3	SITE PLAN BASES	4/7
4	REVIEW	4/7
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6	REVIEW	4/7
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9	CITY COUNCIL RESPONSE	6/7
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13	PLANNING COMMENT RESPONSE	5/7
14	ADA REVIEW RESPONSE	6/7
15	PLANNING COMMENT RESPONSE	6/7
16	PLANNING + SCWD RESPONSE	11/7
17	PLANNING COMMENT RESPONSE	2/7
18	PLANNING COMMENT RESPONSE	9/7

**OFFICE + PARKING STRUCTURE**

1700 DELL AV  
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**DRAWING TITLE**  
 GARAGE ELEVATIONS

Job # A4097.17  
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 Sheet:

20	106
19	106
18	106
17	106
16	95
15	82

**A4.2**



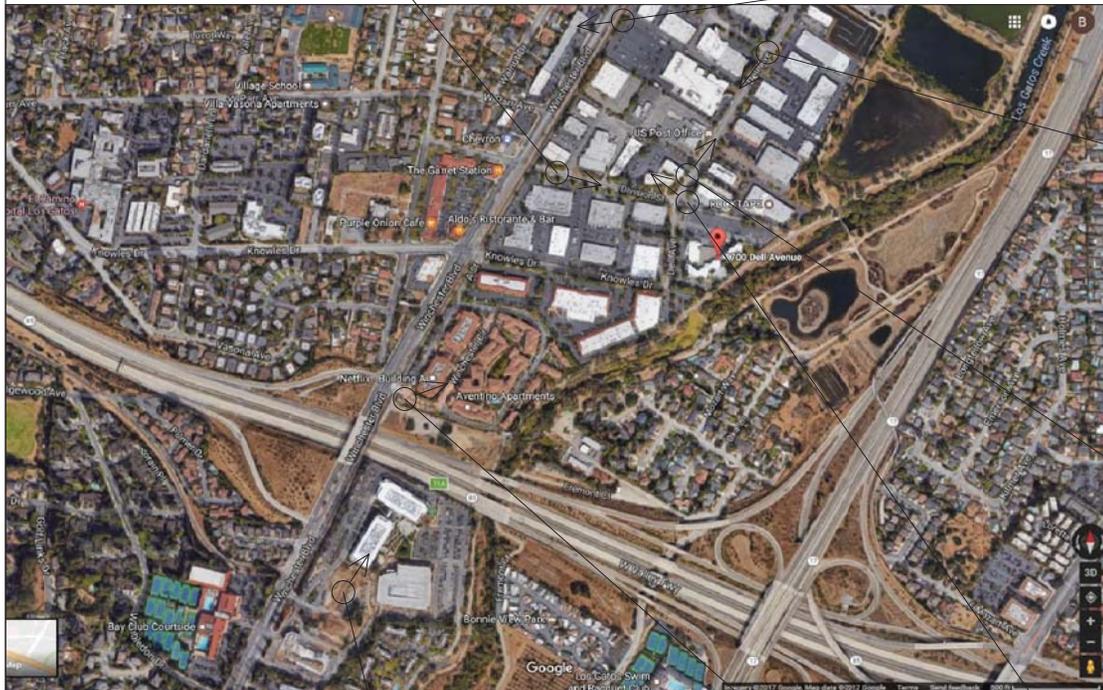
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	SITE PLAN ACTS	3/7
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	REVIEW	4/7
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	REVIEW	5/7
	PRE-APPLICATION RESPONSE	8/7
	CITY COUNCIL RESPONSE	8/7
	PLANNING COMMISSION RESPONSE	10/7
	PLANNING RESUBMITAL	11/7
	PLANNING COMMENT RESPONSE	2/7
	PLANNING COMMENT RESPONSE	5/7

OFFICE +  
PARKING  
STRUCTURE

1700 DELL AV  
CAMPBELL, CA

Drawing Title

AERIAL AND  
CONTEXT IMAGI

Job #	A4097.17
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A5

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



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NORTHWEST VIEW

Rev.	Descrp.	DA
	SITE PLAN ALTS	3/7
	SITE PLAN ALTS	4/7
	SITE PLAN BASE'S	4/7
	REVIEW	4/7
	REVIEW	5/7
	REVIEW	5/7
	PRE-APPLICATION	6/7
	CITY COUNCIL RESPONSE	8/7
	PLANNING COMMISSION RESPONSE	10/7
	PLANNING RESUBMITAL	11/7
	PLANNING COMMENT RESPONSE	2/7
	PLANNING COMMENT RESPONSE	3/7
	ADA REVIEW RESPONSE	8/7
	PLANNING COMMENT RESPONSE	10/7

## OFFICE + PARKING STRUCTURE

1700 DELL AV  
CAMPBELL, CA

Drawing Title

### OFFICE RENDERINGS

Job #	A4097.17
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# A6

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

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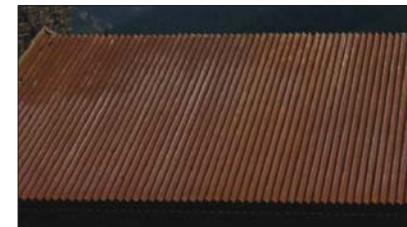
BRICK + BLACK STEEL



NORTHEAST VIEW



SOUTHEAST VIEW



CORTEN  
CORRUGATED METAL

Rev.	Descr.	DA
1	SITE PLAN ALTS	3/7
2	SITE PLAN ALTS	3/7
3	SITE PLAN BASE'S	4/7
4	REVIEW	4/7
5	REVIEW	5/7
6	REVIEW	5/7
7	PRE-APPLICATION	6/7
8	CITY COUNCIL RESPONSE	8/7
9	PLANNING COMMISSION RESPONSE	10/7
10	PLANNING RESUBMITAL	11/7
11	PLANNING COMMENT RESPONSE	2/7
12	PLANNING COMMENT RESPONSE	3/7
13	ADA REVIEW RESPONSE	8/7
14	PLANNING COMMENT RESPONSE	10/7

OFFICE +  
PARKING  
STRUCTURE

1700 DELL AV  
CAMPBELL, CA

Drawing Title

OFFICE  
RENDERINGS

Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
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A6.1

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

7.h

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SOUTH VIEW



SOUTHWEST VIEW

Rev.	Descr.	DA
	SITE PLAN ALTS.	3/7
	SITE PLAN ALTS.	3/7
	SITE PLAN BASE'S	4/7
	REVIEW	4/7
	REVIEW	5/7
	REVIEW	5/7
	PRE-APPLICATION	6/7
	CITY COUNCIL RESPONSE	8/7
	PLANNING COMMISSION RESPONSE	10/7
	PLANNING RESUBMITAL	11/7
	PLANNING COMMENT RESPONSE	2/7
	PLANNING COMMENT RESPONSE	3/7
	ADA REVIEW RESPONSE	8/7
	PLANNING COMMENT RESPONSE	10/7

**OFFICE +  
 PARKING  
 STRUCTURE**

1700 DELL AV  
 CAMPBELL, CA

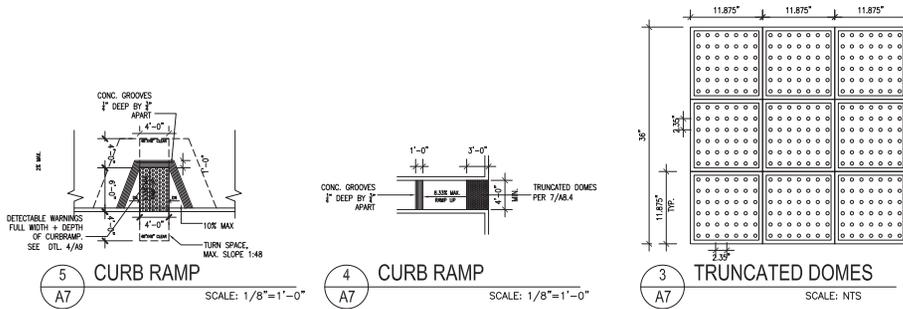
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**GARAGE  
 RENDERINGS**

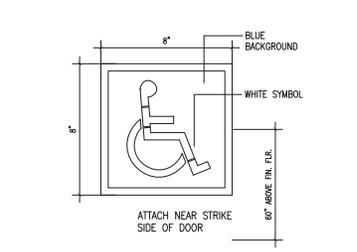
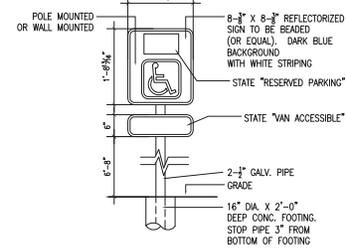
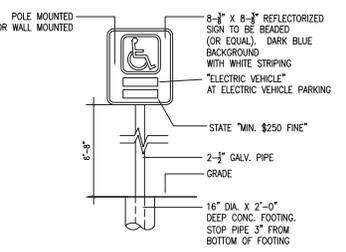
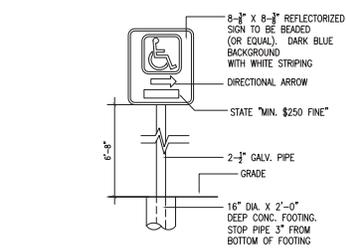
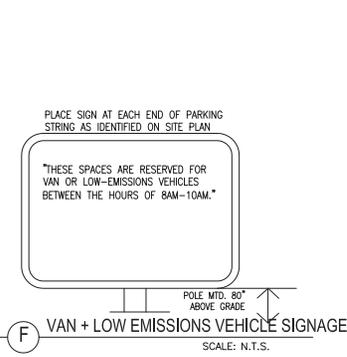
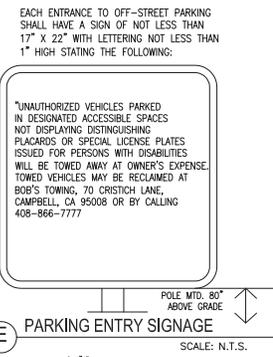
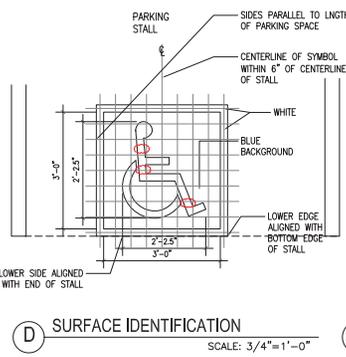
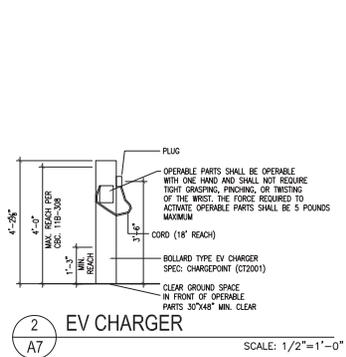
Job #	A4097.17
Date:	6/1/17
Scale:	AS NOTED
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Sheet:	

**A6.2**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



- NOTES:**
- 1) TRUNCATED DOMES SHALL BE IN CONFORMANCE TO ALL CALIFORNIA ACCESS REQUIREMENTS
  - 2) ALL DOMES SHALL HAVE A TYPICAL HEIGHT OF 0.2", TOP WIDTH OF 0.45", AND BASE WIDTH OF 0.9"
  - 3) DOMES SHALL BE INSTALLED WITH TOTAL DEPTH OF 3/4" WIDE CONTINUOUS WARNING STRIP
  - 4) IF A WALK CROSSES OR ADJONES A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, BALINGS OR OTHER ELEMENTS BETWEEN THE PEDESTRIAN AREAS AND THE VEHICULAR AREAS, THE BOUNDARY BETWEEN THE AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE.
  - 5) FOR NEW CURB RAMPS/CONCRETE POURS AT WALKWAYS ADJACENT TO/CROSSING VEHICULAR PATH OF TRAVEL, DETECTABLE WARNINGS MUST BE CAST-IN-PLACE. BOLT-ON OR STICK-ON DETECTABLE WARNINGS ARE NOT PERMITTED.
  - 6) PRODUCT: WIRFED POLYMER COMPOSITE (WPC) CAST-IN-PLACE BY ARMOR-TILE COLOR: USE DARK GREY COLOR - VERIFY CONTRASTING COLOR WITH SURROUNDINGS PER 119-705.11.3. DETECTABLE WARNING SURFACES AT HAZARDOUS VEHICULAR AREAS SHALL BE YELLOW AND APPROXIMATE FS33538 OF FEDERAL STANDARD 595C
  - 7) MIN. 5-YEAR WARRANTY REQUIRED, SEE 3/010.4. (SEE SPECIFICATION SECTION 09614)



Rev.	Descrb.	D
1	SITE PLAN ALLTS	1
2	SITE PLAN ALLTS	2
3	SITE PLAN BASES	3
4	REVIEW	4
5	REVIEW	5
6	REVIEW	6
7	PRE-APPLICATION	7
8	CITY COUNCIL RESPONSE	8
9	PLANNING COMMISSION RESPONSE	9
10	PLANNING COMMISSION RESPONSE	10
11	PLANNING COMMENT RESPONSE	11
12	PLANNING COMMENT RESPONSE	12
13	ADA REVIEW RESPONSE	13
14	PLANNING COMMENT RESPONSE	14
15	PLANNING COMMENT RESPONSE	15
16	PLANNING COMMENT RESPONSE	16

**OFFICE + PARKING STRUCTURE**

1700 DELL A CAMPBELL, CA

**ACCESSIBILITY DETAILS**

Job #	A4097.17
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Scale:	AS NOTED
Drawn By:	CLC + BR
Sheet:	

**A7**

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

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**STEVAN CONSULTANTS**  
1420 LOS ANGELES  
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FAX 596PAGE

**SHIMA ENGINEER**  
4024  
9218  
9228



Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

Rev.	Desc	DATE
	PLANNING SUB	05/24/17
	PLANNING SUB	11/03/17
	PLANNING SUB	07/23/17
	PLANNING SUB	07/20/18
	PLANNING COM	05/10/18
	PLANNING RES	02/10/18
	PLANNING RES	07/16/18
	PLANNING RES	07/18/19
	PLANNING RES	07/23/19
	PLANNING RES	08/12/19

**OFFICE PARK STRUC** ;  
JRE

170 CAM ;  
LL, CA

Drawing Title: **SITE DEMOL PLAN**

Job #: 7  
Date: 7  
Scale: 7  
Drawn By: C  
Sheet: 7

-01

**GENERAL NOTE:**

1. REFER TO SHEET C-11 FOR DEMOLITION WORK WITHIN THE DELL AVENUE RIGHT OF WAY.
2. REFER TO LANDSCAPE TREE PRESERVATION PLAN, L1.2, FOR THE PROTECTION OF ALL EXISTING TREES TO REMAIN.
3. PROTECT ALL EXISTING UTILITIES TO REMAIN.
4. REFER TO ELECTRICAL DRAWINGS FOR DISPOSITION OF ALL ELECTRICAL COMMUNICATION LINES/STRUCTURES.
5. REFER TO SHEET C-21 & C-22 FOR REMOVAL OF UTILITIES WITHIN THE PUBLIC RIGHT OF WAY.
6. REFER TO SHEET C-21 & C-22 FOR REMOVAL OF ADDITIONAL UTILITIES WITHIN THE PROJECT BOUNDARY.
7. (E) AC PAVING SHOWN TO BE REMOVED MAY BE GROUND AND MIXED WITH THE EXISTING AGGREGATE BASE AND STOCKPILED FOR USE AS CL 2 AGGREGATE BASE AT THE NEW AC PAVING. AC SHALL BE GROUND TO MAXIMUM 1 1/2" PIECES AND THOROUGHLY MIXED WITH THE EXISTING AGGREGATE BASE TO PRODUCE AN AGGREGATE BASE WITH A MINIMUM R VALUE OF 78 PER CAL TRANS SPECIFICATION. SEE SPECIFICATION SECTION 32 10 00 FOR AGGREGATE BASE SPECIFICATION.
8. DIAMETERS OF EXISTING TREES SHOWN ON THIS PLAN DIFFER FROM THE DIAMETERS SHOWN ON THE TREE REMOVAL PLAN AND ARBORIST REPORT DUE TO THE METHOD OF MEASUREMENT USED BY THE SURVEYOR AND ARBORIST. REFER TO THE ARBORIST REPORT FOR TREE DIAMETERS.
9. REFER TO TREE REMOVAL PLAN, L1.3, FOR DISPOSITION OF ALL EXISTING TREES.

**KEY NOTES**

1. REMOVE EXISTING TREE.
2. REMOVE (E) AC PAVING. SEE GENERAL NOTE 7.
3. REMOVE (E) CONCRETE CURB.
4. REMOVE (E) STRUCTURE, INCLUDING SLAB & FOUNDATION.
5. REMOVE (E) PLANTER, INCLUDING CURB, LANDSCAPING AND IRRIGATION.
6. REMOVE (E) LIGHT STANDARD AND FOUNDATION.
7. REMOVE (E) CONCRETE WALK/SLAB.
8. REMOVE (E) LANDSCAPING.
9. EXISTING STORM DRAIN TO REMAIN. SEE GENERAL NOTE 3.
10. REMOVE EXISTING TRASH ENCLOSURE, CONCRETE SLAB, AND CURB.
11. REMOVE EXISTING RAMP.
12. REMOVE EXISTING TRANSFORMER AND TRANSFORMER PAD. COORDINATE WITH POLE.
13. REMOVE EXISTING BOLLARD.
14. REMOVE EXISTING FENCE.
15. REMOVE EXISTING STORM DRAIN.
16. REMOVE EXISTING CONCRETE SEAT WALL.
17. NOT USED.
18. REMOVE (E) ELECTRICAL AND COMMUNICATION CONDUITS AND VAULTS. COORDINATE WITH ELECTRICAL PLANS.
19. REMOVE EXISTING STAIRS.



**SITE DEMOLITION PLAN**

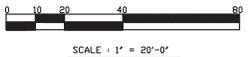


SCALE: 1" = 40'-0"





PARTIAL GRADING AND DRAINAGE PLAN



NOTE:  
1. SEE SHEET C-12 FOR KEY NOTES.  
SYMBOL DENOTES OVERLAND RELEASE

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Rev.	Desc	DATE
1	PLANNING SUB	05/24/17
2	PLANNING SUB	11/03/17
3	PLANNING SUB	11/29/17
4	PLANNING SUB	02/07/18
5	PLANNING SUB	05/10/18
6	PLANNING SUB	09/10/18
7	PLANNING SUB	07/18/19
8	PLANNING SUB	08/17/19

**OFFICE OF THE CITY PLANNER**  
170 CAMDEN AVE  
SUNNYVALE, CA 94086

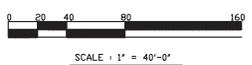
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Job #: 170CAM  
Date: 08/17/19  
Scale: AS SHOWN  
Drawn By: [Name]  
Sheet: [Number]

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)





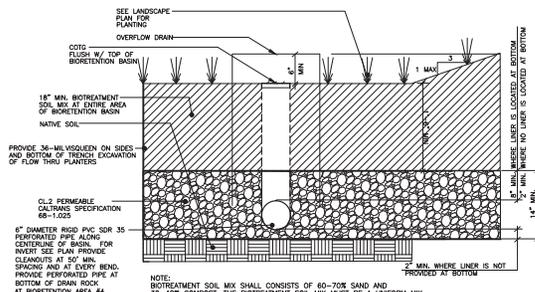
**STORMWATER CONTROL PLAN**



**FLOOD ZONE:**  
 THE MAJORITY OF THE SITE IS IN FLOOD ZONE "X".  
 A SMALL PORTION OF THE SITE ADJACENT TO THE SCWDW  
 IS IN FLOOD ZONE "A".

**RECEIVING BODY OF WATER:**  
 LOS GATOS CREEK

**PAVING MATERIALS:**  
 ASPHALT



**BIORETENTION AREA WITH SUBDRAIN**  
 NTS 206102B

- STORMWATER CONTROL MEASURES USED:**
- SITE DESIGN**
    - ROOF DRAINS DIRECTED TO FLOW THRU PLANTERS
  - STORMWATER TREATMENT**
    - BIORETENSION AREAS
    - FLOW THRU PLANTERS
  - SOURCE CONTROLS**
    - BENEFICIAL LANDSCAPING (MULCHES, PRODIGATION, RUNOFF, PESTICIDES & FERTILIZERS) PROMOTES TREATMENT)
    - MAINTENANCE (STREET SWEEPING, CATCH BASIN CLEANING)
    - STORM DRAIN SIGNAGE

- GENERAL NOTE**
- STENCIL ALL CATCH BASINS "NO PUMPING FLOWS TO BAY" STORM WATER STENCILING: CONTACT CITY OF CAMPBELL FOR STENCILS.

TABLE 1-TREATMENT CONTROL MEASURE (TMC) SUMMARY TABLE AREA\*

AREA ID	SURFACE	PERVIOUS AREA (s.f.)	IMPERVIOUS AREA (s.f.)	TOTAL AREA (s.f.)	SIZING FACTOR	BIORETENTION AREA REQUIRED(s.f.)	BIORETENTION AREA PROVIDED(s.f.)	TREATMENT METHOD	LINER YES/NO
DMA 1	AC PAVING WALKS LANDSCAPE	8,165	26,798	34,963	COMBINATION FLOW AND VOLUME SEE C-14	829 SF	837 SF	BIORETENTION AREA #1	NO
DMA 2	ROOF RETAINING WALL LANDSCAPE	957	29,440	30,397	COMBINATION FLOW AND VOLUME SEE C-14	921 SF	957 SF	FLOW THRU PLANTER #1	YES
DMA 3	TURF BLOCK LANDSCAPE	12,261	-	12,261	SELF-TREATING	-	-	SELF-TREATING	NO
DMA 4	AC PAVING WALKS LANDSCAPE	9,100	34,917	44,017	COMBINATION FLOW AND VOLUME SEE C-14	1,076 SF	1,144 SF	FLOW THRU PLANTER #2	YES
DMA 5	AC PAVING WALKS LANDSCAPE	3,052	15,428	18,480	COMBINATION FLOW AND VOLUME SEE C-14	472 SF	498 SF	FLOW THRU PLANTER #3	YES
DMA 6	ROOF RETAINING WALL LANDSCAPE	1,331	41,092	42,423	COMBINATION FLOW AND VOLUME SEE C-14	1,276 SF	1,331 SF	FLOW THRU PLANTER #4	YES
DMA 7	LANDSCAPE	2,428	-	2,428	SELF-TREATING	-	-	SELF-TREATING	NO
TOTAL		37,294	147,675	184,969					

TOTAL AREA SERVED BY BMPs 184,969

\*PER CHAPTER 2.3 OF THE C.3 STORMWATER HANDBOOK ROADWAY PROJECT THAT ADD NEW SIDEWALK ALONG AN EXISTING ROADWAY ARE EXEMPT FROM PROVISION C.3.C OF THE MUNICIPAL STORMWATER PERMIT.

**ENGINEERS CERTIFICATION**  
 THE SELECTION, SIZING, AND PRELIMINARY DESIGN TREATMENT BMP'S AND OTHER CONTROL MEASURES IN THIS PLAN MEET THE REQUIREMENTS OF REGIONAL WATER QUALITY CONTROL BOARD ORDER



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PLANNING SUR		02/02/18
PLANNING DM		05/10/18
PLANNING DM		08/10/18
PLANNING RES		07/18/19
PLANNING RES		07/18/19
PLANNING RES		08/12/19

**OFFICE PARK STRU**

170 CAN  
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 L AVE  
 LL, CA

STORMWATER PLAN

Job #	
Date:	
Scale:	
Drawn By:	
Sheet:	

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

COMBINATION FLOW AND VOLUME DESIGN BASIS CALCULATIONS

MAP #18
MAP ADJUSTMENT FACTOR = 18/18.35 = 0.98
TABLE 5.2 UNIT BASIN STORAGE VOLUME FOR OAKLAND AIRPORT = .67
ADJUSTED UNIT BASIN STORAGE VOLUME X MAP ADJUSTMENT FACTOR .98 X .67 = .66 INCHES
DURATION RAIN EVENT .66/0.2 = 3.3 HOURS

BIORETENTION AREA 1
PERVIOUS AREA 8,165 SF
IMPERVIOUS AREA 26,798 SF
TOTAL AREA 34,963 SF
EFFECTIVE IMPERVIOUS AREA = (26,798)(.1) + (8,165)(.1) = 27,615 SF
ASSUME BASIN SIZE = 27,715 X .04 = 1,105 SF
VOLUME OF TREATED RUNOFF = 1,105 X 5/12 X 3.3 = 1,519 CF
ASSUME BASIN SIZE 27,615 X .04 X .73 = 806 SF
VOLUME OF TREATED RUNOFF = 806 X 5/12 X 3.3 = 1,108 CF
DIFFERENCE IN VOLUME 1,519 - 1,108 = 411 CF
PONDING DEPTH 411/806 = .509 FT = 6"

FLOW THRU PLANTER #1
PERVIOUS AREA 957 SF
IMPERVIOUS AREA 29,490 SF
TOTAL AREA 30,395 SF
EFFECTIVE IMPERVIOUS AREA = (30,601)(.1) + (957)(.1) = 30,697 SF
ASSUME BASIN SIZE = 30,697 X .04 = 1,228 SF
VOLUME OF TREATED RUNOFF = 1,228 X 5/12 X 3.3 = 1,689 CF
ASSUME BASIN SIZE 30,697 X .04 X .735 = 902 SF
VOLUME OF TREATED RUNOFF = 902 X 5/12 X 3.3 = 1,240 CF
DIFFERENCE IN VOLUME 1,689 - 1,240 = 449 CF
PONDING DEPTH 449/902 = .498 FT = 6"

FLOW THRU PLANTER #2
PERVIOUS AREA 9,100 SF
IMPERVIOUS AREA 34,917 SF
TOTAL AREA 44,017 SF
EFFECTIVE IMPERVIOUS AREA = (34,917)(.1) + (9,100)(.1) = 35,827 SF
ASSUME BASIN SIZE = 35,827 X .04 = 1,433 SF
VOLUME OF TREATED RUNOFF = 1,433 X 5/12 X 3.3 = 1,970 CF
ASSUME BASIN SIZE 35,827 X .04 X .732 = 1,049 SF
VOLUME OF TREATED RUNOFF = 1,049 X 5/12 X 3.3 = 1,442 CF
DIFFERENCE IN VOLUME 1,970 - 1,442 = 528 CF
PONDING DEPTH 528/1,049 = .503 FT = 6"

FLOW THRU PLANTER #3
PERVIOUS AREA 3,052 SF
IMPERVIOUS AREA 15,428 SF
TOTAL AREA 18,480 SF
EFFECTIVE IMPERVIOUS AREA = (15,428)(.1) + (3,052)(.1) = 15,733 SF
ASSUME BASIN SIZE = 15,733 X .04 = 629 SF
VOLUME OF TREATED RUNOFF = 629 X 5/12 X 3.3 = 865 CF
ASSUME BASIN SIZE 15,733 X .04 X .734 = 462 SF
VOLUME OF TREATED RUNOFF = 462 X 5/12 X 3.3 = 635 CF
DIFFERENCE IN VOLUME 865 - 635 = 230 CF
PONDING DEPTH 230/462 = .498 FT = 6"

SUMMARY OF MAINTENANCE REQUIREMENTS

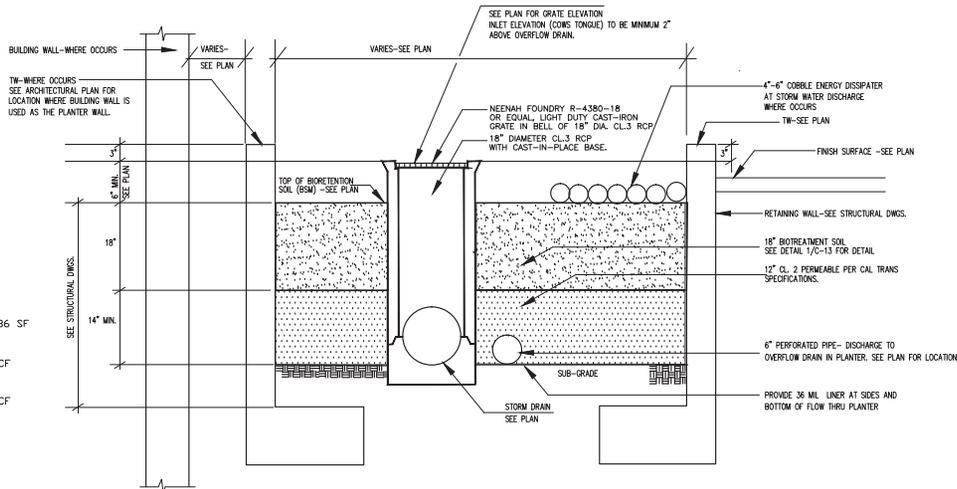
ENTITY RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER CONTROL MEASURES: SCOTT A. ATHEARN DOLLINGER PROPERTIES CELL 408-221-8380 OFFICE 650-908-8666 SCOTT@DOLLINGERPROPERTIES.COM

BIORETENTION AREAS AND FLOW THRU PLANTERS REMOVE POLLUTANTS PRIMARILY BY FILTERING RUNOFF SLOWLY THROUGH AN ACTIVE LAYER OF SOIL. ROUTINE MAINTENANCE IS NEEDED TO INSURE THAT FLOW IS UNOBSTRUCTED, THAT EROSION IS PREVENTED, AND THAT SOILS ARE HELD TOGETHER BY PLANT ROOTS AND ARE BIOLOGICALLY ACTIVE. TYPICAL ROUTINE MAINTENANCE CONSISTS OF THE FOLLOWING:

- INSPECT INLETS, EXPOSURE OF SOILS, OR OTHER EVIDENCE OF EROSION, CLEAR ANY OBSTRUCTIONS AND REMOVE ANY ACCUMULATION OF SEDIMENT. EXAMINE ROCK OR OTHER MATERIAL USED AS A SPLASH PAD AND REPLENISH IF NECESSARY.
INSPECT OUTLETS FOR EROSION OR UNPLUGGING.
INSPECT SIDE SLOPES FOR EVIDENCE OF INSTABILITY OR EROSION AND CORRECT AS NECESSARY.
OBSERVE SOIL IN THE BASINS FOR UNIFORM PERCOLATION THROUGHOUT. IF PORTIONS OF THE SWALE OR FILTER DO NOT DRAIN WITHIN 48 HOURS AFTER THE END OF A STORM, THE SOIL SHOULD BE TILLED AND REPLANTED. REMOVE ANY DERBIS OR ACCUMULATIONS OF SEDIMENT.
EXAMINE THE VEGETATION TO INSURE THAT IT IS HEALTHY AND DENSE ENOUGH TO PROVIDE FILTERING AND TO PROTECT SOILS FROM EROSION. REPLENISH MUCH AS NECESSARY. REMOVE FALLEN LEAVES AND DEBRIS. PRUNE LARGE SHRUBS OR TREES, AND MOW TURF AREAS. CONFIRM THAT IRRIGATION IS ADEQUATE AND NOT EXCESSIVE. REPLACE DEAD PLANTS AND REMOVE INVASIVE VEGETATION.
ABATE ANY POTENTIAL VECTORS BY FILLING HOLES IN THE GROUND IN AND AROUND THE SWALE AND BY INSURING THAT THERE ARE NOT AREAS WHERE WATER STANDS LONGER THAN 48 HOURS FOLLOWING A STORM. IF MOSQUITO LARVAE ARE PRESENT AND PERSISTENT, CONTACT THE SANTA CLARA COUNTY VECTOR CONTROL DISTRICT FOR INFORMATION AND ADVICE. MOSQUITO LARVICIDES SHOULD BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY AND THEN ONLY BY A LICENSED INDIVIDUAL OR CONTRACTOR.

2. PROJECT DATA:

Table with 4 columns: A. PROJECT PHASE NUMBER, B. TOTAL SITE (AREA), C. TOTAL SITE EXISTING IMPERVIOUS SURFACES, D. TOTAL AREA OF SITE DISTURBED (ACRES). Includes sub-tables for E. IMPERVIOUS SURFACES and F. PERVIOUS SURFACES.



FLOW THROUGH PLANTER @ GRADE SCALE: NONE

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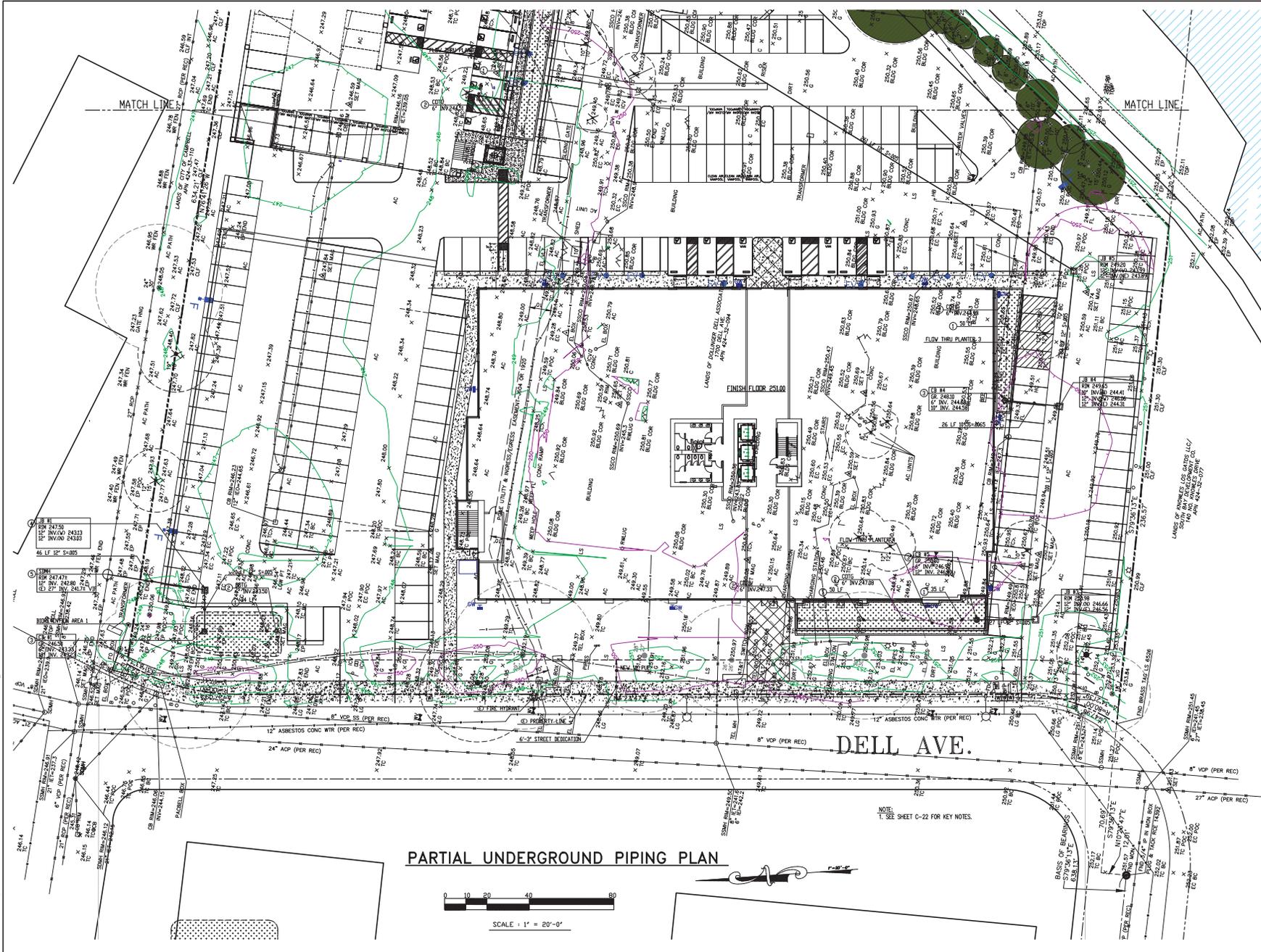


Revision table with columns: Rev., Desc., DATE. Includes entries for PLANNING SUB, PERMITS SUB, etc.

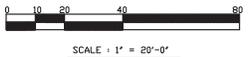
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170 CANBY AVE, CA
JRE

STORMWATER TABLES & 1
Job #, Date, Scale, Drawn By, Sheet

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



PARTIAL UNDERGROUND PIPING PLAN



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Rev.	Desc	DATE
1	PLANNING SUB	05/24/17
2	PLANNING SUB	11/03/17
3	PLANNING SUB	11/29/17
4	PLANNING SUB	07/02/18
5	PLANNING SUB	09/10/18
6	PLANNING SUB	07/16/18
7	PLANNING SUB	07/18/19
8	PLANNING SUB	07/23/19
9	PLANNING SUB	08/17/19

**OFFICE PARK STRUC**

170 CAMDEN AVE, LL, CA

Drawing Title: PARTIAL UNDERGROUND PIPING PLAN

Job #: 170CAM  
Date: 07/18/19  
Scale: AS SHOWN  
Drawn By: [Signature]  
Sheet: [Blank]

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



Steven M. Mathias, INC. 8.10.2019 2:29 PM

JTB: TM:KSL:KSL

**KEY NOTES:**

- ① PROVIDE 6" PVC SDR 35 PERFORATED PIPE AT S=0.05 MIN.
- ② CDTG AT PERFORATED PIPE. SEE 11/C-31.
- ③ ON OVERFLOW DRAIN, PROVIDE 18" ROUND CATCH BASIN GRATE 6" ABOVE BIENTENTION BASIN GRATE. SEE GENERAL NOTE 6.
- ④ PROVIDE JUNCTION BOX AT (E) 12" STORM DRAIN. V.F.

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Rev.	Desc	DATE
1	PLANNING SUB	05/24/17
2	PLANNING SUB	11/03/17
3	PLANNING SUB	07/23/17
4	PLANNING SUB	07/27/18
5	PLANNING SUB	05/10/18
6	PLANNING SUB	02/10/18
7	PLANNING SUB	07/18/19
8	PLANNING SUB	07/23/19
9	PLANNING RES	08/17/19

**OFFICE PARK STRUC**

170 CAMDEN AVE, CA

**PARTIAL UNDERGROUND PIPING PLAN**

Job #	7
Date:	7
Scale:	7
Drawn By:	C
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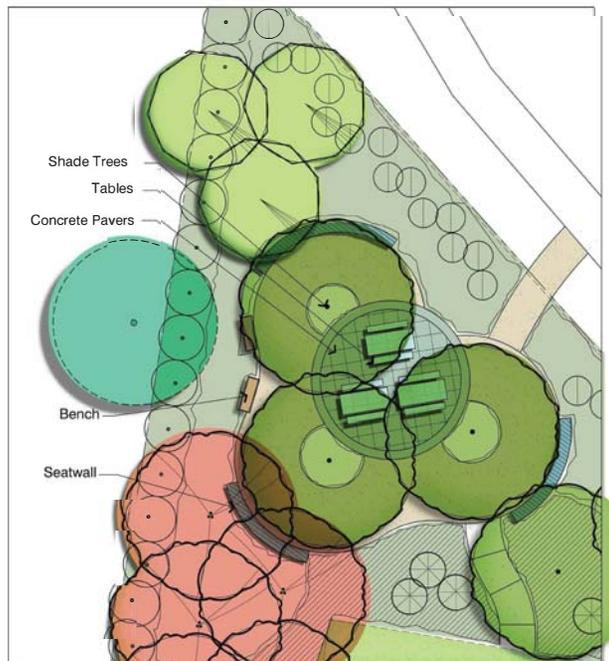
**Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)**

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Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

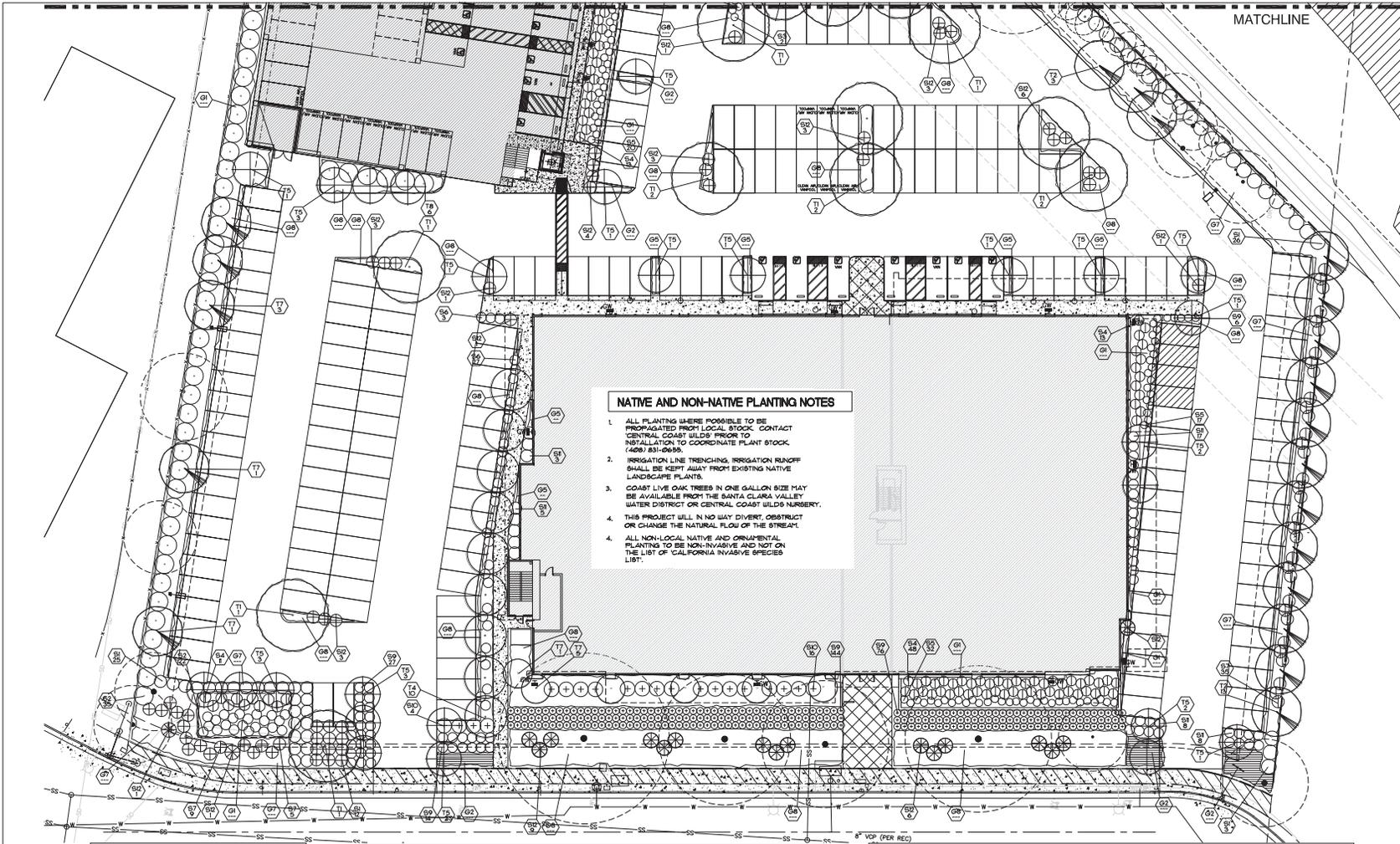


Shade Trees  
 Tables  
 Concrete Pavers  
 Bench  
 Seatwall

-  Existing Tree
-  Quercus Agrifolia
-  Plantanus A. 'Roberts'
-  Lyonothamnus Floribundus
-  Laurus 'Saratoga'
-  Lagerstroemia I. 'Arapaho'
-  Juniperus S. 'Medora'
-  Podocarpus Macrophyllus

Rev.	DATE
01	01-29-18
02	04-13-18
03	07-07-18
04	11-19-18
05	11-02-19

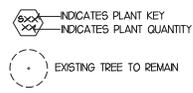
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 DELL AVE  
 BELL, CA  
 Drawing Title: Color Land Use Plan  
 Job #: 97-17  
 Date: 29-18  
 Scale:  
 Drawn By: PJR  
 Sheet:  
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**NATIVE AND NON-NATIVE PLANTING NOTES**

1. ALL PLANTING WHERE POSSIBLE TO BE PROPAGATED FROM LOCAL STOCK. CONTACT CENTRAL COAST WILDS PRIOR TO INSTALLATION TO COORDINATE PLANT STOCK. (408) 831-0659.
2. IRRIGATION LINE TRENCHING, IRRIGATION RUNOFF SHALL BE KEPT AWAY FROM EXISTING NATIVE LANDSCAPE PLANTS.
3. COAST LIVE OAK TREES IN ONE GALLON SIZE MAY BE AVAILABLE FROM THE SANTA CLARA VALLEY WATER DISTRICT OR CENTRAL COAST WILDS NURSERY.
4. THIS PROJECT WILL IN NO WAY DIVERT, OBSTRUCT OR CHANGE THE NATURAL FLOW OF THE STREAM.
4. ALL NON-LOCAL NATIVE AND ORNAMENTAL PLANTING TO BE NON-INVASIVE AND NOT ON THE LIST OF CALIFORNIA INVASIVE SPECIES LIST.

**PLANT SYMBOLS**



**NEW TREE COUNT**

1 = PROPOSED NEW TREE FOR PROJECT.

**PLANT NOTES:**

1. THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN QUANTITIES SHOWN IN THE LEGEND ARE FOR CONFORMANCE ONLY.
2. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
3. PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED, USE TRIANGULAR SPACING.
4. SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
5. THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.
6. ALL SLOPES PLANTED WITH LAWN NOT TO EXCEED A 4:1 SLOPE. ALL SLOPES PLANTED WITH GRASS COVER NOT TO EXCEED A 2:1 SLOPE.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS (3" MIN)
8. IN THE EVENT OF ANY DISCREPANCIES BETWEEN THIS PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
9. ENTIRE SITE IS TO BE ROUGH GRADED BY THE GRADING CONTRACTOR TO WITHIN FOOT OF FINISH GRADE. LANDSCAPE CONTRACTOR IS TO FINE GRADE ALL LANDSCAPE AREAS.
10. ALL SITE UTILITIES ARE TO BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT BETWEEN THE PLANS AND UTILITIES THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. ANY DAMAGE TO UTILITIES CAUSED BY THE CONTRACTOR SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
11. THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MY RUN CONCURRENTLY WITH WORK BY OTHERS. THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE WORK WITH OTHER CONTRACTORS.
12. PRIOR TO ANY DOING OR TRENCHING, CALL UNDERGROUND SERVICE ALERT: 1-800-227-2600
13. PROTECT EXISTING STORM DRAIN INLETS, DRAIN INLETS, WITH FILTER FABRIC. FOR THE DURATION OF THE PROJECT.
14. MINIMUM OF 8" NON-COMPACT TOPSOIL TO BE PROVIDED FOR ALL NEW PLANTED AREAS.
15. ALL NEW PLANTED AREAS TO RECEIVE 3" MIN. LAYER OF BARK MULCH. SEE PLANTING SPECIFICATIONS.

**PLANT LIST:**

KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE	REMARKS	USCULR	PERKS	OFFSPRING
<b>SHRUB</b>								
NATIVE	T1	LEUCOPHYLLON LINEARIS	15	5 GAL	MIN 0504 10504	LOW		COMPLIANT
NATIVE	T2	LYCOPHYLLON FLORIBUNDUS	28	5 GAL	MIN 0504 10504	LOW		COMPLIANT
NATIVE	T3	PROPIOSIS VARI TORREYANA	15	24" BUSH	STANDARD	LOW		COMPLIANT
T4	LAURUS NARAYAGAL	SARAWOOD BAY LAUREL	30	24" BUSH	STANDARD	LOW		COMPLIANT
T5	LAGERBERGIA ARBORESCENS	STYRBEAD GRAPE TWIGGIE	30	24" BUSH	STANDARD	LOW		COMPLIANT
T6								
T7	LEUCOPHYLLON LINEARIS	MEADOW ANEMONE	30	24" BUSH	COLLIPNAR	LOW		COMPLIANT
T8	PROPIOSIS VARI TORREYANA	YEW PINE	6	24" BUSH	COLLIPNAR	MEDIUM		COMPLIANT
<b>TREE</b>								
NATIVE	G1	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G2	PROPIOSIS VARI TORREYANA	15	5 GAL		LOW		COMPLIANT
NATIVE	G3	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G4	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G5	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G6	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G7	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G8	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G9	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G10	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G11	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G12	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G13	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G14	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G15	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G16	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G17	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G18	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G19	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G20	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G21	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G22	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G23	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G24	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G25	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G26	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G27	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G28	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G29	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G30	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G31	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G32	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G33	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G34	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G35	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G36	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G37	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G38	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G39	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G40	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G41	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G42	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G43	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G44	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G45	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G46	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G47	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G48	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G49	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G50	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G51	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G52	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G53	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G54	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G55	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G56	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G57	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G58	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G59	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G60	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G61	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G62	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G63	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G64	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G65	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G66	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G67	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G68	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G69	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G70	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G71	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G72	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G73	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G74	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G75	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G76	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G77	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G78	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G79	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G80	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G81	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G82	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G83	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G84	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G85	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G86	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G87	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G88	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G89	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G90	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G91	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G92	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G93	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G94	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G95	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G96	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G97	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G98	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G99	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT
NATIVE	G100	LEUCOPHYLLON LINEARIS	15	5 GAL		LOW		COMPLIANT

**CHANGE ARCHITECTURE**  
 Architecture  
 201 Park Road  
 Burlingame, California 94010  
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 Fax: 650.340.9441  
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 LE, CALIFORNIA 94085  
 PH: 408-881-0025 FAX: RAJAN@APE-ARCHITECTURE.COM  
 2024 CALIFORNIA REGISTERED ARCHITECT  
 AV REED  
 9/30/21  
 CALIFORNIA REGISTERED ARCHITECT

Rev.	DATE
01/20/18	01/20/18
02/13/18	02/13/18
07/19/18	07/19/18
07/19/18	07/19/18
08/27/19	08/27/19

**OFFICE OF THE PLANNING STAFF**

DELL AVE  
BELL, CA

Land Plan

Job # 97.17

Date: 27-19

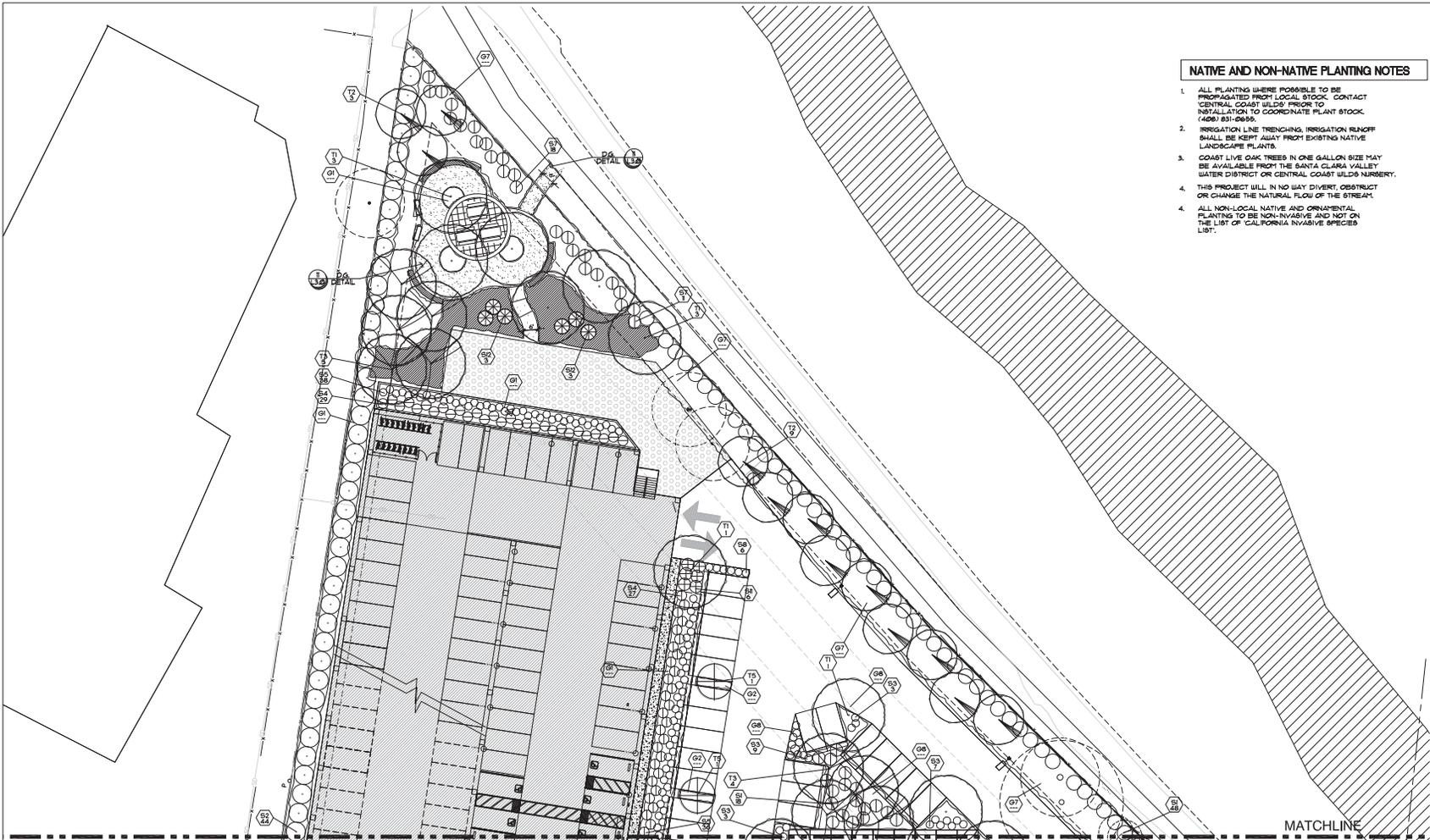
Scale:

Drawn By: PJR

Sheet:



Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



**NATIVE AND NON-NATIVE PLANTING NOTES**

- ALL PLANTING WHERE POSSIBLE TO BE PROPAGATED FROM LOCAL STOCK. CONTACT CENTRAL COAST WILDS PRIOR TO INSTALLATION TO COORDINATE PLANT STOCK. (408) 831-0955.
- IRRIGATION LINE TRENCHING, IRRIGATION RUNOFF SHALL BE KEPT AWAY FROM EXISTING NATIVE LANDSCAPE PLANTS.
- COAST LIVE OAK TREES IN ONE GALLON SIZE MAY BE AVAILABLE FROM THE SANTA CLARA VALLEY WATER DISTRICT OR CENTRAL COAST WILDS NURSERY.
- THIS PROJECT WILL IN NO WAY DIVERT, OBSTRUCT OR CHANGE THE NATURAL FLOW OF THE STREAM.
- ALL NON-LOCAL NATIVE AND ORNAMENTAL PLANTING TO BE NON-INVASIVE AND NOT ON THE LIST OF CALIFORNIA INVASIVE SPECIES LIST.

**CANG ARCHITECTURE**  
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 Burlingame, California 94010  
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 Fax: 650.340.9441  
 Web: www.cangarchitecture.com

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 JTH TAFFE STREET  
 LEI, CALIFORNIA 94086  
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Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

Rev.	DATE
01/20/18	is
04/13/18	sh
10/18/18	mtl
11/19/18	jis
02/18/19	mtl
08/27/19	sh

**OFFICE OF PAUL STAFFORD ARCHITECTURE**  
 1133 + 1135 G ST  
 SAN FRANCISCO, CA 94109  
 415.774.1133  
 paul@staffordarchitecture.com

**Landscaping Plan**  
 Job # 9717  
 Date: 27-19  
 Scale: 1" = 10'-0"  
 Drawn By: PJR  
 Sheet: L1.1



**PLANT SYMBOLS**

- Symbol with 'X' in circle: INDICATES PLANT KEY
- Symbol with 'X' in square: INDICATES PLANT QUANTITY
- Symbol with 'X' in circle: EXISTING TREE TO REMAIN

**NEW TREE COUNT**

1 = PROPOSED NEW TREE FOR PROJECT.

**PLANT NOTES**

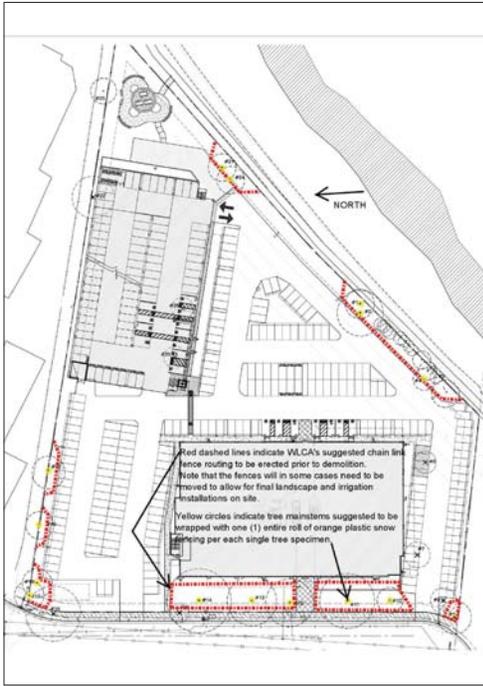
- THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN QUANTITIES SHOWN IN THE LEGEND ARE FOR CONFERENCE ONLY.
- NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
- PLANT GROUNDCOVERS IN SHRUB AREAS AS NOTED, USE TRIANGULAR SPACING.
- SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
- THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.
- ALL SLOPES PLANTED WITH LAWN NOT TO EXCEED A 4:1 SLOPE. ALL SLOPES PLANTED WITH GROUND COVER NOT TO EXCEED A 2:1 SLOPE.
- PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS @1 MIN.
- IN THE EVENT OF ANY DISCREPANCIES BETWEEN THIS PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
- ENTIRE SITE IS TO BE ROUGH GRADED BY THE GRADING CONTRACTOR TO WITHIN FOOT OF FINISH GRADE. LANDSCAPE CONTRACTOR IS TO FINE GRADE ALL LANDSCAPE AREAS.
- ALL SITE UTILITIES ARE TO BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT BETWEEN THE PLANS AND UTILITIES THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. ANY DAMAGE TO UTILITIES, STRUCTURES, OR OTHER FEATURES TO REMAIN AND CAUSED BY THE LANDSCAPE CONTRACTOR SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
- THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MY RUN CONCURRENTLY WITH WORK BY OTHERS. THE LANDSCAPE CONTRACTOR IS TO COORDINATE THE WORK WITH OTHER CONTRACTORS.
- PRIOR TO ANY DIGGING OR TRENCHING, CALL UNDERGROUND SERVICE ALERT: 1-800-277-2600
- PROTECT EXISTING STORM DRAIN INLETS DRAIN NETS, WITH FILTER FABRIC, FOR THE DURATION OF THE PROJECT.
- MINIMUM OF 8" NON-COMPACTED TOPSOIL TO BE PROVIDED FOR ALL NEW PLANTED AREAS.
- ALL NEW PLANTED AREAS TO RECEIVE 3" MIN. LAYER OF BARK MULCH. SEE PLANTING SPECIFICATIONS.

**PLANT LIST:**

KEY	SCIENTIFIC NAME	COMMON NAME	QTY.	SIZE	REMARKS	USGOLA	USGOLA	USGOLA	USGOLA	USGOLA
	<b>TREES</b>									
USGOLA	11 CALIFORNIA SWEETGUM	DRYBERRY BELLOW	1	18" DBH	1800 100% 100%	LOW				COMPLIANT
USGOLA	12 LITSEA CALIFORNICA	BLAND REDWOOD	28	18" DBH	1800 100% 100%	LOW				COMPLIANT
USGOLA	13 PROPIERIS VIRE TORREYANA	YESSIE	1	18" DBH	1800 100% 100%	LOW				COMPLIANT
	14 LAURUS SERRATA	SARATOGA BAY LAUREL	10	12" DBH	1800 100% 100%	LOW				COMPLIANT
	15 LAGERSTRÖMIA L. VARIANUS	HYBRID CASHEW HYDRATE	28	12" DBH	1800 100% 100%	LOW				COMPLIANT
	16		1	12" DBH	1800 100% 100%	LOW				COMPLIANT
	18 PODOCARPUS MACROCARPUS	YEU PINE	6	12" DBH	1800 100% 100%	LOW				COMPLIANT
	<b>SHRUBS</b>									
NATIVE	01 ANEMONE FRUTICOSA 'D. VOLLMER PROPRIETARY'	WILDCRANES	100	18" GAL		LOW				COMPLIANT
NATIVE	02 HYDRICIA CALIFORNICA	RUSSIAN WAX HYDRATE	100	18" GAL		LOW				COMPLIANT
NATIVE	03 SALICIA ELAEAGNACEA	CLAYBANK BUSH	15	18" GAL		LOW				COMPLIANT
NATIVE	04 CHONDRILLALUPTUS TECTORIUS	CAME RUBUS	141	18" GAL		LOW				COMPLIANT
NATIVE	05 LARIX NUTANS	CALIFORNIA GRAY RUBUS	141	18" GAL		LOW				COMPLIANT
NATIVE	06 HESPERALOE PARVIFLORA	BIRD YUCCA	100	18" GAL		LOW				COMPLIANT
NATIVE	07 NOLA BISHOPIANA	SENE SHRUB	100	18" GAL		LOW				COMPLIANT
NATIVE	08 HESPERALOE PARVIFLORA	YUCCA	6	18" GAL		LOW				COMPLIANT
NATIVE	09 NOLA BISHOPIANA	SENE SHRUB	100	18" GAL		LOW				COMPLIANT
NATIVE	10 PHTHODORUS T. VAREGALATA	VANGLATED PINK ORANGE	25	18" GAL		LOW				COMPLIANT
NATIVE	11 BRUNELLA SP. 'TRISK'	CHAMP REDWOOD MAINTENANCE	41	18" GAL		LOW				COMPLIANT
NATIVE	12 PHTHODORUS T. 'DAGRE QUEEN'	NEW ZEALAND FLAX	80	18" GAL		LOW				COMPLIANT
	<b>GROUND COVERS</b>									
NATIVE	01 HIRSHINGIA PANDANIA	GREENING PANDANIA	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	02 CALYPTROGLOBA	ST. PAULS WINE	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	03 CAREX FLUPESCENTIS	ROOTHILL BERBER	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	04 CAREX FLUPESCENTIS	ROOTHILL BERBER	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	05 HESPERALOE PARVIFLORA	CALIFORNIA YUCCA	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	06 HESPERALOE PARVIFLORA	CALIFORNIA YUCCA	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	07 BUCHARDIA P. 'TWIN PEAKS II'	DUNN COPOTE BUSH	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	08 CORONILLA	CHAMP REDWOOD MAINTENANCE	100	1 GAL	24" OC	LOW				COMPLIANT
NATIVE	09 SATUREIA DOUGLASSII	ISLAND ALPH ROOF	100	1 GAL	24" OC	LOW				COMPLIANT



Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



Walter Levison CONSULTING ARCHITECTS. 4.0 Recommendations. 1. Project Arborist (PA). Initial Signoff. It is suggested that a third party ARBORIST registered consulting arborist or ISA Certified Arborist with good experience in tree protection during construction be retained by the applicant...

Walter Levison CONSULTING ARCHITECTS. 2. CAT (Communications). 3. Landscape Lighting. 4. Curb, Footings and Assest. 5. Verify all proposed new curb finishing cut depths and new base rock base excavation cut depths for asphalt, etc. with the project engineer. 6. STAGING. 7. Tree Buffer Zones (TBS) Installation.

Walter Levison CONSULTING ARCHITECTS. Pre-demonition fence. For the red lines on the tree map mark up in the WLCA affected report problem may be subject to change, depending on the finalized alignment of work items. The fence must be erected prior to any heavy machinery traffic or construction material arrival on site.

Walter Levison CONSULTING ARCHITECTS. 3. Root Protection. No root cutting shall be performed only by or under direct supervision of an ISA Certified Arborist. If root cuts requiring greater than 1 inch in diameter are unavoidable within 30 feet of any tree being retained during the work, contractors shall install the root protection system...

Walter Levison CONSULTING ARCHITECTS. 4. Signage. The RPT fencing shall have signs affixed with UV stabilized zip ties to the chain link at eye level. TREE ROOT PROTECTION ZONE FENCE. ZONA DE PROTECCION PARA ARBOLES. -NO ENTRE SIN PERMISO- -LLAME EL ARBOLISTA-.

Table with columns: Rev, DATE, City, Date, Plan, Date, Plan, Date, Site, Date.

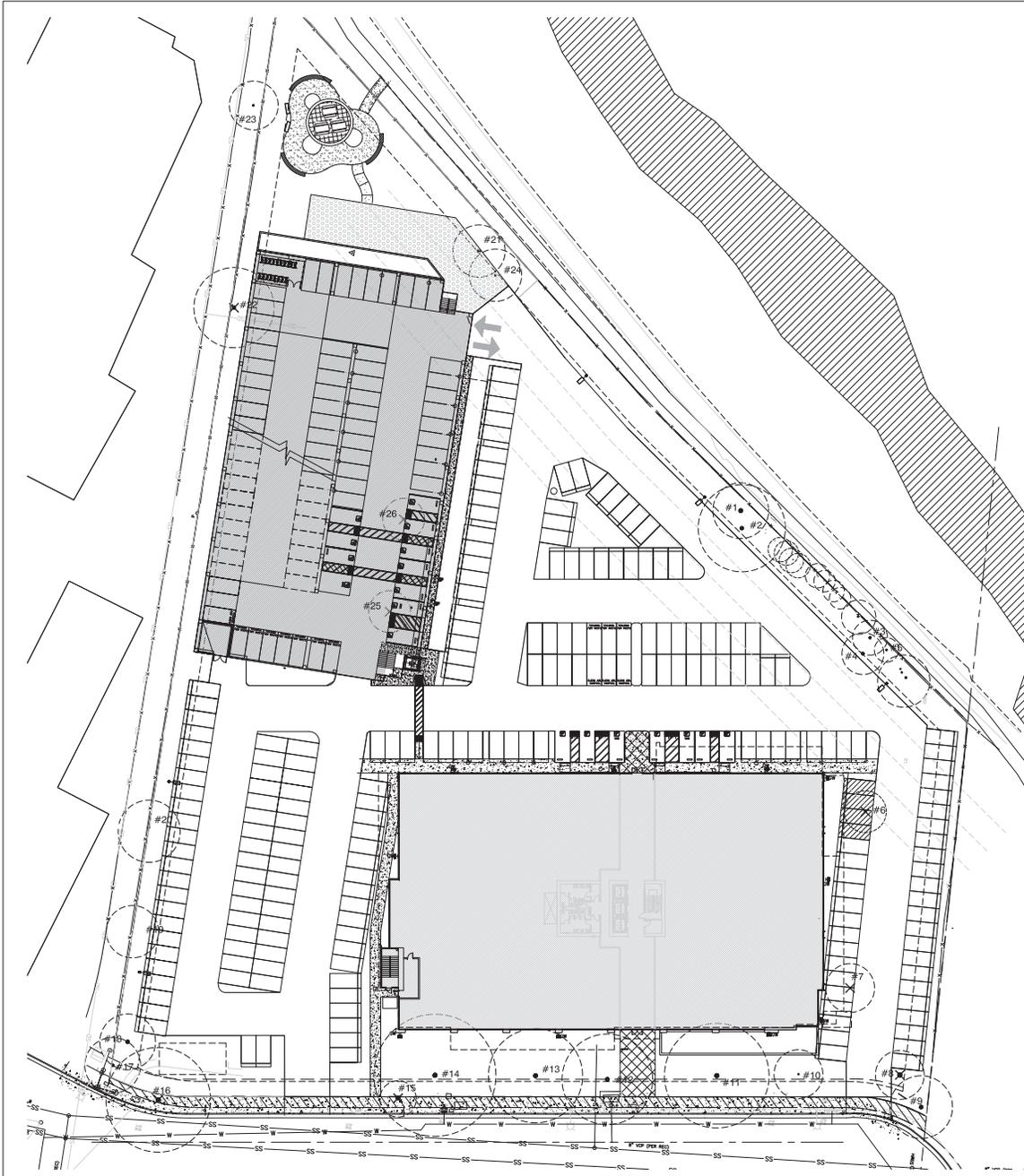
OFFICE + ARCHITECTURE

DELL AVE, BELL, CA

Tree n Plan

Job # 97.17, Date: 27-19, Scale: , Drawn By: PJR, Sheet:

L1.2



TREE	BOTANICAL NAME	COMMON NAME	DISH	NOTES
01	PNUS CANARENSIS	CANARY ISLAND PINE	29.0	TO REMAN
02	PNUS CANARENSIS	CANARY ISLAND PINE	26.2	TO REMAN
03	PNUS CANARENSIS	CANARY ISLAND PINE	38.2	TO REMAN
04	PNUS CANARENSIS	CANARY ISLAND PINE	21.0	TO REMAN
05	PNUS CANARENSIS	CANARY ISLAND PINE	12.8	TO REMAN
06	PYRUS KAWAKAWA	EVERGREEN PEAR	13.0	TO BE REMOVED
07	PYRUS KAWAKAWA	EVERGREEN PEAR	14.4	TO BE REMOVED
08	PNUS CANARENSIS	CANARY ISLAND PINE	26.3	TO BE REMOVED
09	PNUS CANARENSIS	CANARY ISLAND PINE	24.8	TO REMAN
10	ULMUS PARVIFLOA	CHEESE ELM	14.7	TO REMAN
11	CEDRUS DEODARA	DEODAR CEDAR	29.1	TO REMAN
12	CEDRUS DEODARA	DEODAR CEDAR	28.1	TO REMAN
13	CEDRUS DEODARA	DEODAR CEDAR	26.4	TO REMAN
14	CEDRUS DEODARA	DEODAR CEDAR	30.3	TO REMAN
15	CEDRUS DEODARA	DEODAR CEDAR	21.3	TO BE REMOVED
16	CEDRUS DEODARA	DEODAR CEDAR	23.9	TO BE REMOVED
17	CEDRUS DEODARA	DEODAR CEDAR	18.9	TO REMAN
18	CEDRUS DEODARA	DEODAR CEDAR	24.4	TO REMAN
19	GELESA PARVIFLORA	AUSTRALIAN WILLOW	13.0	TO REMAN
20	GELESA PARVIFLORA	AUSTRALIAN WILLOW	15.6	TO REMAN
21	PNUS CANARENSIS	CANARY ISLAND PINE	21.2	TO REMAN
22	GELESA PARVIFLORA	AUSTRALIAN WILLOW	17.8	TO BE REMOVED
23	EUCALYPTUS SCROBYLON	RED SCORNIK EUCALYPTUS	26.2	TO REMAN
24	PNUS CANARENSIS	CANARY ISLAND PINE	13.4	TO REMAN
25	PYRUS CALLERYANA CULT.	ORNAMENTAL PEAR	16.0	TO BE REMOVED
26	PYRUS CALLERYANA CULT.	ORNAMENTAL PEAR	12.9	TO BE REMOVED

Arborist Report prepared by Walter Levison Consulting Arborist #401 (415) 203-1930 / dlrree@stoglobal.net  
 Refer to the Arborist Report for all Tree Protection recommendations/procedures for all trees to remain.

**TREE COUNT FROM ARBORIST REPORT**

- 26 - TOTAL NUMBER OF EXISTING TREES SURVEYED
- 8 - TOTAL NUMBER OF TREES TO BE REMOVED ON SITE
- 18 - TOTAL NUMBER OF TREES TO REMAIN ON SITE

**NEW TREE COUNT**

- 1 - PROPOSED NEW TREE FOR PROJECT.

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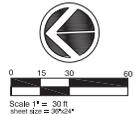
**ASSOCIATES IN ARCHITECTURE**  
 JTH TAFFEY STREET  
 LE, CALIFORNIA 94085  
 PH: 408.481.2025 FX: 408.481.2025  
 AV RECD 2022 9/30/21  
 CAL LICENSE # 1000000000

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)

Rev.	DATE
chv	01-29-18
Site	04/13/18
Plan	07/18/18
plan	11/19/18
Plan	02/18/19
Site	08/27/19

**OFFICE OF PLANNING AND STREETS**  
**CHANG ARCHITECTURE**  
 DELL AVE  
 BELL, CA

Drawing Title	Tree Plan
Landmark	Removal
Job #	97.17
Date:	27-19
Scale:	
Drawn By:	PJR
Sheet:	



BEFORE EXCAVATING CALL 811  
 16-HOURS BEFORE ALL PLANNED WORK OPERATIONS  
**811**  
 Know what's below.  
 Call before you dig.



Height / Width - height 20-70 feet by 40-60 feet wide  
Growth Rate - moderate  
Bloom - February-April  
Description - California native evergreen  
T1 - Quercus Agrifolia



Height / Width - height 25-30 feet by 15-20 feet wide  
Growth Rate - moderate  
Bloom - summer  
Description - California native evergreen  
T2 - Lyonothamnus Floribundus



Height / Width - height 40-60 feet by 40-60 feet wide  
Growth Rate - fast  
Bloom - not applicable  
Description - California native deciduous  
T3 - Pistacia R. Roberts'



Height / Width - height 20-30 feet by 19-25 feet wide  
Growth Rate - moderate  
Bloom - white and pink  
Description - evergreen  
T4 - Laurus 'Saratoga'



Height / Width - height 20 feet by 20 feet wide  
Growth Rate - moderate  
Bloom - summer  
Description - deciduous  
T5 - Lagerstroemia L. 'Arapahoe'



Height / Width - height 10 feet by 5 feet wide  
Growth Rate - moderate  
Bloom - not applicable  
Description - evergreen conifer  
T7 - Juniperus S. 'Medora'



Height / Width - height 15-20 feet by 8 feet wide  
Growth Rate - fast  
Bloom - not applicable  
Description - evergreen conifer  
T8 - Podocarpus Macrophyllus

Trees



Height / Width - height 6-12 feet by 6-12 feet wide  
Growth Rate - moderate  
Bloom - white-spring  
Description - California native evergreen  
S1 - Arctostaphylos D. 'Howard Mcminn'



Height / Width - height 20-30 feet by 10-20 feet wide  
Growth Rate - moderate  
Bloom - not applicable  
Description - California native evergreen  
S2 - Myrica Californica



Height / Width - height 5 feet by 8 feet wide  
Growth Rate - fast  
Bloom - spring-summer  
Description - California native evergreen  
S3 - Salvia Clevelandii



Height / Width - height 3 feet by 3 feet wide  
Growth Rate - fast  
Bloom - not applicable  
Description - evergreen  
S4 - Chondropetalum Tectorum



Height / Width - height 3 feet by 3 feet wide  
Growth Rate - fast  
Bloom - spring-fall  
Description - California native evergreen  
S5 - Juncus Patens



Height / Width - height 4 feet by 4 feet wide  
Growth Rate - moderate  
Bloom - spring-summer  
Description - evergreen succulent  
S6 - Hesperaloe Parviflora



Height / Width - height 3 feet by 5 feet wide  
Growth Rate - fast  
Bloom - fall  
Description - grass  
S7 - Muhlenbergia Rigens



Height / Width - height 10 feet by 8 feet wide  
Growth Rate - moderate  
Bloom - summer  
Description - California native evergreen  
S8 - Heteromeles Arbutifolia



Height / Width - height 2 feet by 3 feet wide  
Growth Rate - moderate  
Bloom - yellow-green  
Description - California native perennial  
S9 - Limonium Californicum



Height / Width - height 5 feet by 5 feet wide  
Growth Rate - moderate  
Bloom - spring  
Description - evergreen grass  
S10 - Ptilosporum L. 'Variegata'



Height / Width - height 6 feet by 3 feet wide  
Growth Rate - moderate  
Bloom - spring  
Description - evergreen shrub  
S11 - Rhipidolepis U. 'Minor'



Height / Width - height 5 feet by 4 feet wide  
Growth Rate - slow  
Bloom - not applicable  
Description - perennial  
S12 - Phormium T. 'Maori Queen'

Shrubs



Height / Width - height 2 feet by 3 feet wide  
Growth Rate - moderate  
Bloom - spring  
Description - native evergreen  
G1 - Mahonia Repens



Height / Width - height 2 feet by 2 feet wide  
Growth Rate - moderate  
Bloom - early-summer  
Description - succulent  
G2 - Bulbine Frutescens



Height / Width - height 1 foot by 2 feet wide  
Growth Rate - moderate  
Bloom - spring  
Description - native grass  
G3 - Carex Tumicola



Height / Width - height 1 foot by 12 feet wide  
Growth Rate - moderate  
Bloom - spring  
Description - native grass  
G4 - Salvia Sonomensis



Height / Width - height 2 feet by 2 feet wide  
Growth Rate - moderate  
Bloom - summer  
Description - native grass  
G5 - Festuca Californica



Height / Width - height 1 foot by 2 feet wide  
Growth Rate - moderate  
Bloom - not applicable  
Description - native perennial  
G6 - Heuchera Maxima



Height / Width - height 3 feet by 10 feet wide  
Growth Rate - fast  
Bloom - not applicable  
Description - native shrub ground cover  
G7 - Baccharis P. 'Twin Peaks II'



Height / Width - height 3 feet by 6 feet wide  
Growth Rate - moderate  
Bloom - not applicable  
Description - shrub ground cover  
G8 - Coprosma Kelki



Height / Width - height 5 inches by 3 feet wide  
Growth Rate - moderate  
Bloom - spring  
Description - native perennial  
G9 - Satureja Douglasii

Ground Cover

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JTH TAFFEE STREET  
LE, CALIFORNIA 94086  
PH 408-681-2025 FX /RAA/NET



Rev.	DATE
City	01-29-18
Site	04-13-18
Plan	10-18-18
Plan	11-19-18
Plan	02-18-19
Site	08-27-19

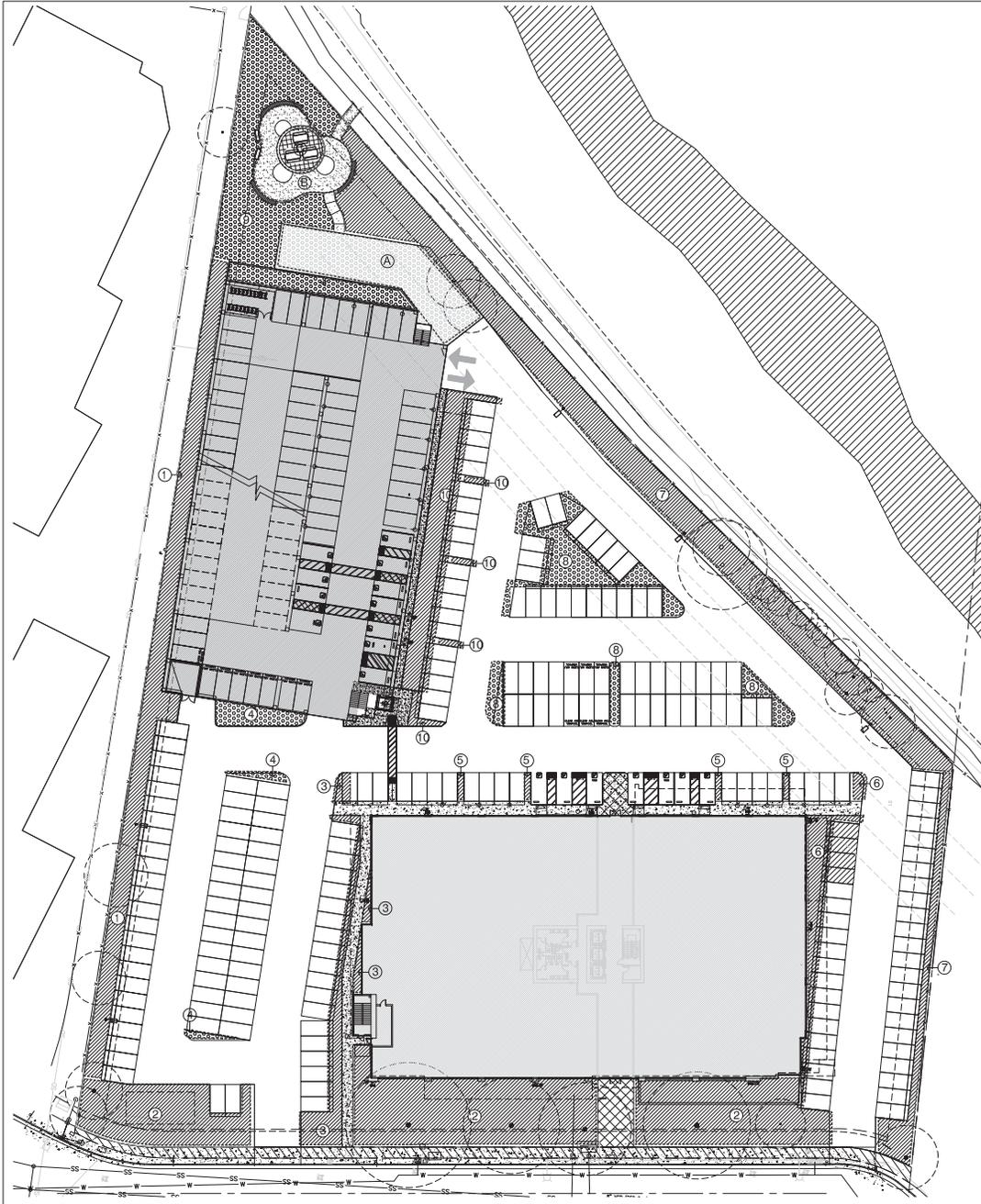
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DELL AVE  
BELL, CA

Drawing Title  
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Job # 97.17  
Date: 27-19  
Scale:  
Drawn By: PJR  
Sheet:

L1.4

Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



Appendix B - Water Efficient Landscape Worksheet

Reference Evapotranspiration (ET<sub>0</sub>) 43.5

MAWA - Regular Landscape Areas

MAWA = (ET<sub>0</sub>) x (0.62) x (0.45 x LA) + (0.3 x SLA)

Landscape area 41,702 s.f.

ETAF 0.425 average ETAF for regular landscape areas must be 0.55 residential areas, and 0.45 for non-residential areas.

maWA total 506,116 gallons per year

ETWU - Regular Landscape Areas

ETWU = (ET<sub>0</sub>) x (0.62) x (ETAF x LA)

hydro-zone number	plant water use	plant factor (PF)	Irrigation method	Irrigation efficiency	ETAF (PF/IE)	hydro-zone area	ETAF x Area	ETWU
1	low	0.3	drip	0.81	0.370	3,651	1,352.2	36,469
2	low	0.3	drip	0.81	0.370	12,004	4,445.9	119,907
3	low	0.3	drip	0.81	0.370	1,907	706	19,049
4	medium	0.5	drip	0.81	0.617	904	558	15,050
5	low	0.3	drip	0.81	0.370	190	70	1,898
6	low	0.3	drip	0.81	0.370	1,455	531	14,334
7	low	0.3	drip	0.81	0.370	10,995	4,072	109,828
8	medium	0.5	drip	0.81	0.617	2,753	1,687	45,499
9	medium	0.5	drip	0.81	0.617	5,196	3,207	86,504
10	low	0.3	drip	0.81	0.370	2,667	985	26,640
A	turf block	0.0	—	1.00	0.000	3,071	0	—
B	d.g. parking	0.0	—	1.00	0.000	1,519	0	—
C	concrete parking	0.0	—	1.00	0.000	332	0	—
total with zone 'A', 'B' and 'C'						46,824	17,626.17	475,378
total without zone 'A', 'B' and 'C'						41,702	17,626.17	475,378

ETAF divisions

total ETAF x area 17,626.17

total area 41,702 s.f.

average ETAF 0.423

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

TOTALS

MAWA total 506,116 gallons per year

ETWU total 475,378 gallons per year

6.1 Percentage reduction of Potable Irrigation Water

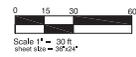
Note: Zone 'A', 'B' and 'C' not included in water calculations

IRRIGATION HYDRO-ZONE LEGEND

PLANTS ARE GROUP TO HAVE MATCHING WATER REQUIREMENTS AND MICRO-CLIMATE CHARACTERISTICS.

MEDIUM WATER REQUIREMENT

LOW WATER REQUIREMENT (DROUGHT TOLERANT PLANTING)



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AV REED  
 9/30/21  
 CALIFORNIA

Rev.	DATE
chv	is 01-29-18
shs	04-13-18
Plan	mittal 10-18-18
plan	mittal 11-19-18
Plan	mittal 02-18-19
Site	08-27-19

**OFFICE OF PLANNING AND STRUCTURE**

DELL AVE  
 BELL, CA

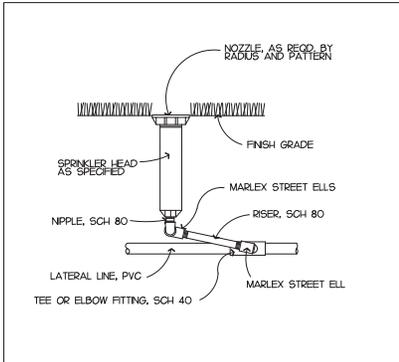
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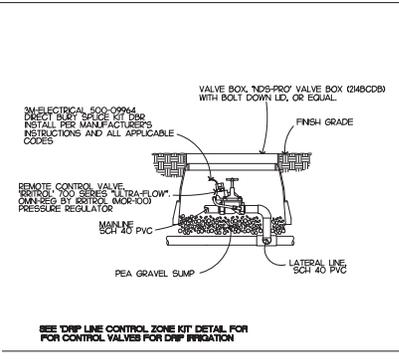
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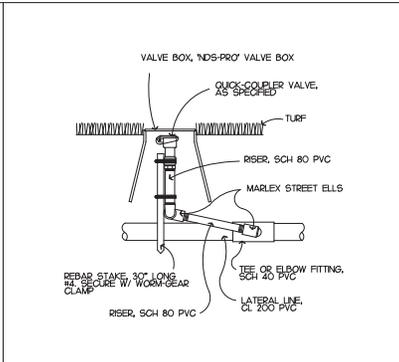
Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



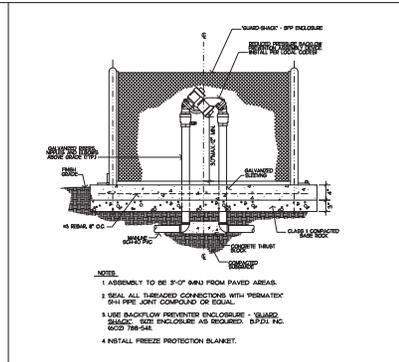
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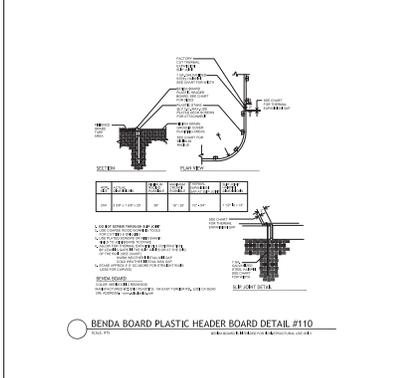
2 IRRIGATION CONTROL VALVE DETAIL



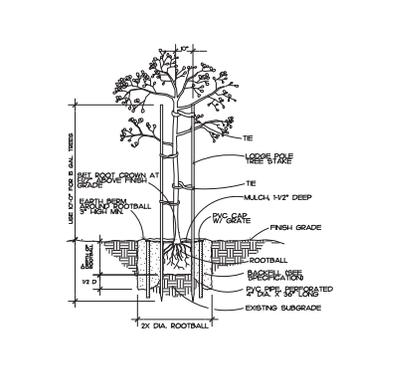
3 QUICK-COUPLER DETAIL



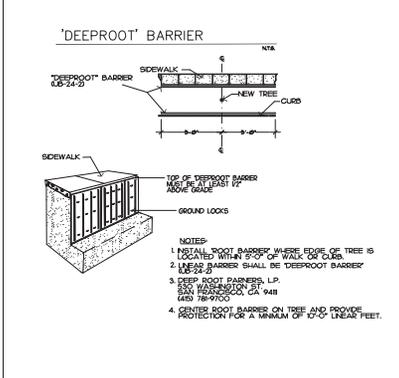
4 BACKFLOW PREVENTER DETAIL



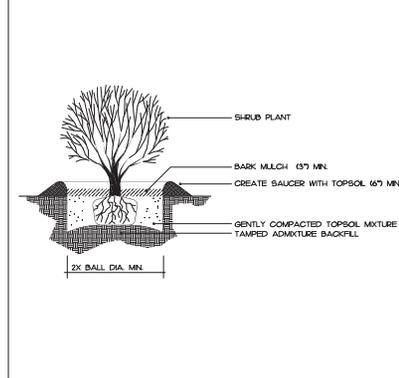
5 'BENDABOARD' LAWN HEADER (OR EQUAL) DETAIL



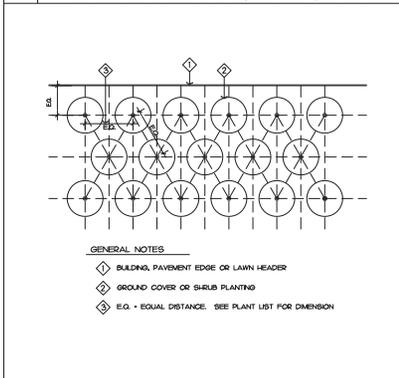
6 TREE PLANTING DETAIL



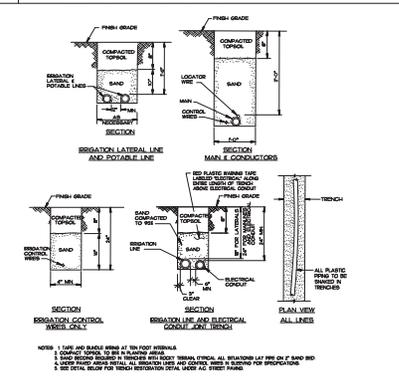
7 TREE ROOT BARRIER DETAIL



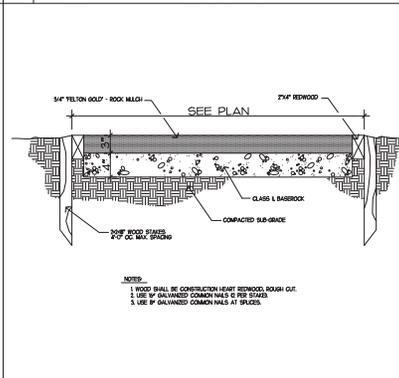
8 SHRUB PLANTING DETAIL



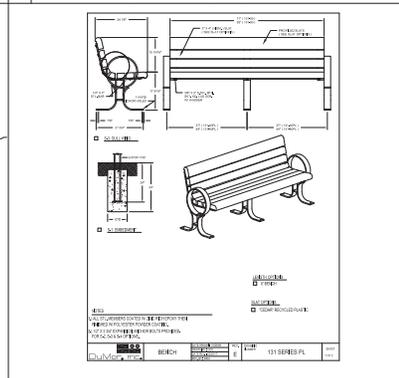
9 GROUND COVER SPACING



10 IRRIGATION TRENCH DETAIL



11 D.G. PATH DETAIL



12 BENCH DETAIL

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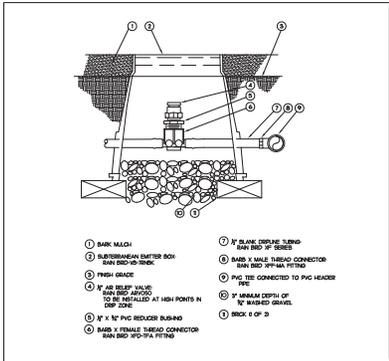
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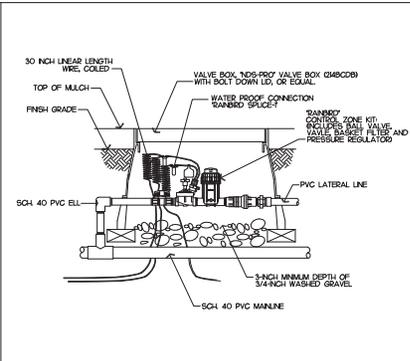
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 Architecture, Inc.

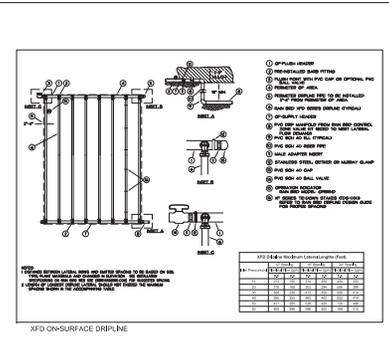
Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



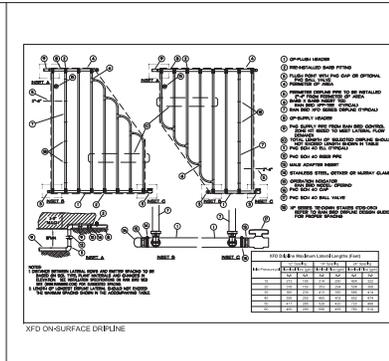
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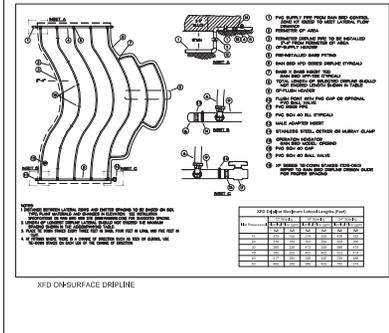
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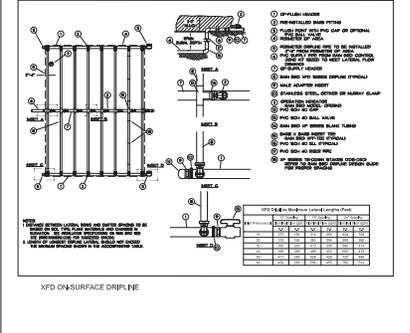
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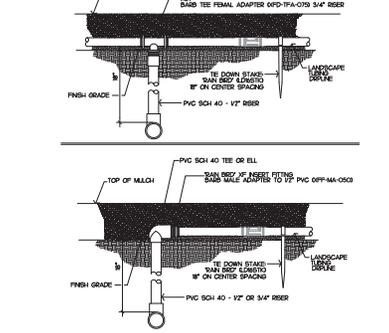
4 DRIP EMITTER LINE DETAIL



5 DRIP EMITTER LINE DETAIL



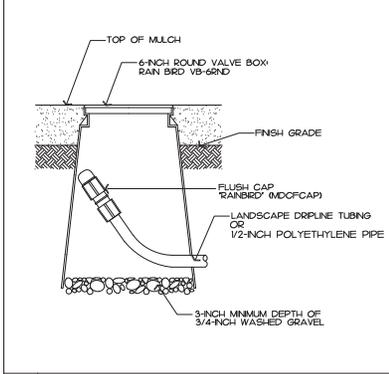
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7 DRIP EMITTER LINE DETAIL



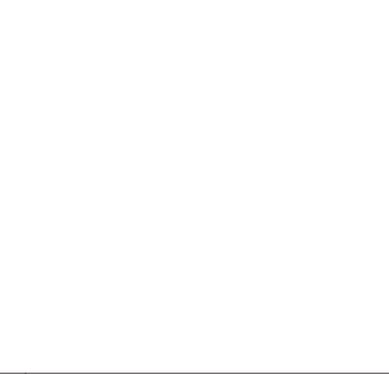
8 DRIP EMITTER LINE DETAIL



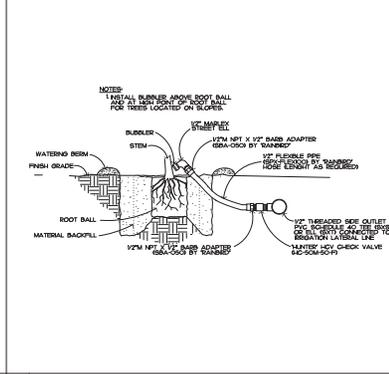
9 FLUSH POINT DETAIL



10 DRIP EMITTER LINE DETAIL



11 DRIP EMITTER LINE DETAIL



12 TREE BUBBLER DETAIL

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Attachment: Project Plans, 9-30-19 (Dollinger Properties Zoning Map Amendment)



*City  
Council  
Report*

**Item:** 8  
**Category:** OLD BUSINESS  
**Meeting Date:** February 4, 2020

**TITLE:** Resolution Authorizing Issuance of Request for Proposals for the New Police Operations Building and the Campbell Library Improvements Design Services and Authorizing the City Manager to Award Consultant Services Agreements (Resolution/Roll Call Vote)

### **RECOMMENDED ACTION**

That the City Council adopt a resolution that authorizes 1) staff to issue separate Request for Proposals (RFP's) for the New Police Operations Building and the Campbell Library Improvements design services for the Measure O Program, and 2) the City Manager to negotiate and award consultant services agreements; and provide staff guidance on the City Council's involvement in the consultant selections process.

### **BACKGROUND**

The Campbell Police Department is currently housed on the lower level of City Hall located at 70 North First Street within the Civic Center Complex. Built in the early 1970's, City Hall was not constructed to Essential Services Buildings standards for immediate occupancy after a natural disaster, which has been a California Health and Safety Code and Building Code requirement since 1986 for public safety and emergency operations facilities.

The Campbell Library is a City facility that is operated by the Santa Clara County Library District (SCCLD). It is located at 77 Harrison Avenue, also within the Civic Center Complex. The Library is open seven days a week and accommodates over 1,000 visitors daily. The City's Emergency Operations Center (EOC) is currently located on the lower level of the Library. Also constructed in the early 1970's, the Library is subject to building system failures and is due for a major renovation to address outdated building components, deficiencies, energy-efficiency, and spatial needs for SCCLD to effectively operate current and future library programs.

In the November 2018 general elections, Campbell voters passed Measure O to issue a \$50,000,000 general obligation (GO) bond to fund the design and construction of a new police operations building with an EOC; to improve the Campbell Library; and to renovate the existing CPD facility for other City purposes.

At the November 19, 2019 Council Meeting, the City Council received an update on Measure O projects and was presented a draft of the Request for Proposal (RFP) for

the Police and Library buildings design services. The City Council took action by authorizing the creation of an ad hoc subcommittee, consisting of Vice Mayor (now Mayor) Landry and Councilmember (now Vice Mayor) Gibbons, to assist staff with refining the RFP for Council's consideration. The City Council also voted to keep the future library programming at the existing Campbell Library location.

## DISCUSSION

### Separate RFP's for the Police and Library Projects

Since the November 19 Council Meeting, the RFP Subcommittee and staff have met numerous times to modify and refine the RFP to be more specific and applicable to the Measure O program needs. Staff has also heard from local architects who have stated that grouping the Police and Library projects as one may impose a challenging burden to qualified lead architects to form a larger design team to work on both projects. Therefore, the original draft of the RFP has now been bifurcated into two separate RFP's (**Attachment B** for the Police and **Attachment C** for the Library) to solicit proposals from design consultants with matching qualifications and expertise; and to move forward expeditiously with each project unrestricted by the other project timeline.

Below are key benefits and challenges with the bifurcated projects approach:

#### Benefits:

- Each design team can focus on meeting specific program needs and goals for the Police or the Library within established budgets.
- Architects with specific expertise submitting proposals for either the Police or the Library project. More architects anticipated to submit proposals.
- Challenges and delays on one project may not affect the other project.
- Projects can proceed at their own "pace".

#### Challenges:

- Design products specific to each project.
- Potential lack of master planning and coordination of work within the Civic Center Complex.
- Need to establish project budgets early in the design phase.

To address the challenges of the bifurcated approach, RFP's now require each consultant to coordinate work with other City consultants to achieve complementing and compatible design solutions for the Measure O program. Furthermore, the RFP for the Police building includes a scope to conduct *Site Planning and Analysis* of the Civic Center Complex to assess and mitigate impacts of the Measure O projects while identifying the location of the future police operations building.

### Design Criteria

As advised by the RFP Subcommittee, general design criteria for each building are included in RFP's to clarify project goals, intents, and requirements. For the Police building, design criteria include Essential Services Buildings standards, latest technologies for crime fighting, cost-effective design solutions, minimum impacts to police operations and Civic Center Complex during construction, compliance with neighboring zoning requirements to the extent possible, and a sustainable and resilient building. Furthermore, the potential location of the new Police building was narrowed down to the northwest quadrant vicinity of the Civic Center Complex where the current city employee, public, and secured police parking lots are located. The Library building design criteria include energy-efficiency, considering all-electric powered building and photovoltaic system, improve natural lighting in the Library space, a single main entry for the public, a large multi-purpose community room, shipping and delivery area, and more.

### Project Delivery Methods:

Design-Bid-Build (DBB) project delivery method is the traditional way that capital improvement projects are delivered in the City. With DBB, the City contracts with a designer to complete 100% design documents before soliciting bids from contractors to award a construction contract based on low-bid. The final design is completed before committing to a construction contract. The owner has consistent oversight and control over the design process while the contractor is mainly responsible for construction.

The alternate project delivery method for consideration is Design-Build (DB). Under DB, the owner hires a consultant to prepare "bridging documents" or "performance specifications" which may include concept design plans and parameters defining/reflecting requirements for programming, space needs, building materials, size, quantity, quality, costs, schedule, and other provisions required to solicit bids from pre-qualified DB entities (DBE's). The owner then contracts with a DBE bearing a single point of responsibilities to finalize the design and construction. Per the Public Contract Code, DB contracts can be awarded based on low-bid or best value. For the DB process to be fully effective, the owner must relinquish as much of the design oversight and control to the DBE for them to propose solutions that meet performance requirements as set by the owner. One of the key benefits of using the DB process is that, it attracts contractors of different caliber that may not normally bid on low-bid public projects.

The Campbell Library Improvements project requires deliberate involvement from the City and SCCLD through the design process to come up with workable solutions within the existing site that meet long term library program needs. DB would not be the ideal method for the library renovation project since the DB process heavily relies on the DBE to come up with preliminary and final design solutions. Furthermore, it would be difficult for DBE's on a building renovation project to make assumptions during the initial proposal and contracting stage without a detailed building analysis due to the confined

and unknown conditions of an existing building. Therefore, the Library design RFP specifies DBB as the project delivery method and seeks proposals on services from program and space needs confirmation, completion of design drawings, design support services during construction, and project closeout.

For the New Police Operations Building, the DB project delivery method may still be an attractive option. Since the November 19, Council Meeting, staff has received information from local builders and architects that the new Police building would be an ideal DB project candidate even as a standalone project, and that more DBE's are considering public projects within \$10 million to \$25 million price range.

Therefore, the initial design scope for the Police building RFP is to complete the program and space needs confirmation, site planning and analysis, identify a site for the new Police building, and Design Development (30% design) plans. During the initial design scope, staff can continue to research the best suitable project delivery method for the project and consider the consultant's recommendation. Once the Design Development plans are approved by the City Council and once a delivery method is determined by the City, the design services contract can be amended accordingly for the next design phases. If the DB method is selected, the initial design services contract would be amended for the preparation of bridging documents necessary to solicit proposals from DBE's and providing other DB support services.

#### Consultant Selections:

The RFP Subcommittee recommended that the City Council be involved with the final consultant selections. Once Council approves the issuance of RFP's at the February 4 meeting, staff will issue them the same week and proposals would be due by early March 2020. Staff from the City and SCCLD would evaluate and rank proposals based on pre-determined evaluation criteria, then recommend the top two or three ranked consultants for each project to be interviewed by a selection committee composed of staff and/or Council. Since consultant selections are based on qualifications, all fee proposals are kept sealed until the final scope and fee negotiations can begin with the finalists selected. If requested, special council meetings or study sessions would be scheduled in April and May 2020 for the City Council to interview consultants and select the finalists.

After the final consultant selections for the Police and Library building projects, the City Manager or his designee would open fee proposals from the finalists to start negotiations for each project. If negotiations fail for any reason, the sealed fee proposal from the next finalist in line would be opened to start a new round of negotiations.

In consideration for the project schedules, staff is requesting that the City Council approve a resolution (**Attachment A**) to issue both RFP's and authorize the City Manager to award the consultant services agreements. If the City Council directs staff to return to Council for contract award approvals, that may delay the start of the design work until June 2020.

**Project Timeline:**

In advance of hiring design consultants, staff will conduct topographic survey of the Civic Center Complex and hazardous materials testing of the Library to expediate the design process as recommended by the RFP Subcommittee.

If design consultants are onboarded by May 2020, and if DB method is chosen for the Police building project, below is a general summary of anticipated timelines for projects:

<b>Milestones</b>	<b>Anticipated Completion</b>
Topographic Survey of Civic Center Complex	March 2020
Hazardous Materials Testing of Library	March 2020
Hire Design Consultants	May 2020
Confirm Program and Space Needs	Fall 2020
<i>Library: Design-Bid-Build</i>	
Concept Designs	Early Winter 2021
Schematic Design	Spring 2021
Design Development	Summer 2021
Construction Documents and Permits	Early Winter 2022
Bid and Award	Spring 2022
Start Construction	Summer 2022
Construction Completion	Late Winter 2023*
<i>Police: Design-Build</i>	
Site Planning/Analysis and Site Selections	Late Winter 2020
Establish Site and Concept Designs	Early Winter 2021
Schematic Design	Spring 2021
Design Development	Summer 2021
Bridging Documents	Fall 2021
Pre-qualify and hire DB Entity	Early Winter 2021
Environmental Clearance and Construction Documents	Summer 2022
Start Construction	Fall 2022
Construction Completion	Early Winter 2024*

\*Note: Assuming that simultaneous or overlap of Police and Library building construction activities are possible.

If DBB method is selected for the Police building project, it would follow a similar timeline as the Library DBB process with some additional time required for environmental clearance per the California Environmental Quality Act (CEQA).

**Measure O General Obligation Bond Policies:**

Staff will coordinate closely with the financial consultant and the bond counsel regarding the applicable debt management policies, compliance with state and federal laws,

reporting requirements, timing of debt issuance (bond sales), and Citizens' Oversight Committee to monitor expenditures of bond proceeds on an annual basis. The Citizens' Oversight Committee shall consist of at least five (5) members appointed by the City Council. Staff shall return to the City Council on February 18, 2020 with recommended committee bylaws and the selection process to appoint committee members. Based on the anticipated timelines for projects shown above and related expenditures, staff intends to issue \$7.5 million of Measure O GO Bonds in August 2020 and the remaining \$42.5 million in late Spring/early Summer 2022, prior to the start of construction. Both issuances are subject to City Council approval and staff will request this approval approximately one month prior to each issuance. Should project timelines or costs change, staff will adjust the timing and sizing of the bond issuances accordingly and keep City Council apprised of such actions.

## FISCAL IMPACT

With the Police and Library projects bifurcated, staff recommends that the following Budget Cost Strategy to be considered for the Measure O projects, which would be further refined and established for Council's approval during the schematic design of the Police and Library projects:

Shared Project Costs Budget	\$10,000,000
Library Budget (Design & Construction)	\$20,000,000
<u>Police Budget (Design &amp; Construction)</u>	<u>\$20,000,000</u>
Total Measure O Budget	\$50,000,000

The Library and Police Budgets would cover costs for design, temporary relocations, pre-construction items (such as permits and CEQA studies), construction, and contingencies. Items that would be under the Shared Project Costs Budget are project and construction management, shared site studies and improvements, existing police facility improvements allocation, bond issuance fees, site improvements associated with the Police building, and general contingency for Measure O projects. As design progresses for Police and Library buildings, the Shared Project Costs Budget can be further allocated to specific projects as approved by the City Council.

At this point, the Budget Cost Strategy is to be used as a guide to implement the initial design process. The consultants shall be advised to follow the budget strategy until it can be further refined as the design work progresses. A more defined Budget Cost Plan shall be presented to the City Council for approval as the building concept designs are being finalized.

The City's bond counsel specified that the Measure O proceeds can only be applied to capital asset improvements and should not be used to pay for furnishing, fixtures, and equipment (FF&E). For the Library, SCCLD has committed to funding FF&E costs. Staff plans to seek grants from the Department of Homeland Security to supplement police equipment costs. Staff may also investigate options to cover the Police FF&E costs by creating a new CIP or by creating a reserve fund specifically for FF&E. For at least the

next two fiscal years, the City Council may consider allowing accrual of all or a portion of the City's remaining capital and maintenance funds (carryover) for FF&E for the new Police building. Staff will continue to work with CPD and SCCLD to seek additional funding sources and grant opportunities to supplement Measure O funds.

Issuance of debt for the Measure O GO Bond will occur in two series to fund design and construction phases. At the time of debt issuance, the City must have reasonable expectations to spend at least 85% of bond proceeds timely within three years. Staff is targeting August 2020 for the first round of GO bond sales (\$7.5 million) to fund the design phase and late Spring/early Summer 2022 for the second round of GO bond sales (\$42.5 million) to fund construction. If Measure O funds are needed before the first bond sales, staff proposes to use funds from various sources such as the Civic Center Master Plan Reserve, City Council Priority Reserve, General Fund, and/or Economic Fluctuation Fund. Once bond proceeds are available, the City would seek to reimburse any allowable expenses for Measure O projects from those bond proceeds.

Prepared by:



WooJae Kim, Senior Project Manager

Reviewed by:



Todd Capurso, Public Works Director

Reviewed by:



William Seligmann, City Attorney

Approved by:



Brian Loventhal, City Manager

**Attachment:**

- a. Resolution RFPs Authorization
- b. New Police Operations Building Design RFP
- c. Campbell Library Design RFP

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL  
AUTHORIZING THE ISSUANCE OF REQUEST FOR PROPOSALS TO SOLICIT DESIGN  
SERVICES FOR THE NEW POLICE OPERATIONS BUILDING AND THE CAMPBELL  
LIBRARY IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER TO AWARD  
CONSULTANT SERVICES AGREEMENTS**

**WHEREAS**, Measure O authorized the issuance of a \$50,000,000 general obligation bond, which was passed by Campbell voters during the November 2018 general elections to finance the Civic Center Improvements for the new police operations building and Campbell Library improvements; and

**WHEREAS**, services of a qualified design consultant are necessary to confirm program and space needs for the new police operations building, conduct site planning and analysis, identify the location of the new building, and develop design development documents for approval by the City Council; and

**WHEREAS**, services of a qualified design consultant are necessary to confirm program and space needs of Campbell Library, develop conceptual plans for approval by the City Council; complete construction documents, and provide design support services during construction and project closeout; and

**WHEREAS**, staff is seeking Council’s authorization to solicit consultant services for the design services associated with the New Police Operations Building and the Campbell Library Improvements; and

**WHEREAS**, staff proposes to use funds from various sources such as the Civic Center Master Plan Reserve, City Council Priority Reserve, General Fund, and/or Economic Fluctuation Fund for the consultant services, if necessary, until bond proceeds are available.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Campbell hereby approves the issuance of requests for proposals for design services for the New Police Operations Building and the Campbell Library Improvements in substantially the forms attached to the Staff Report for this Resolution; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Campbell authorize the City Manager to negotiate and award consultant services agreements for the New Police Operations Building and the Campbell Library Improvements design services responsive to the requests for proposals in the best interest of the City.

**PASSED AND ADOPTED** this 4<sup>th</sup> day of February, 2020 by the following roll call vote:

AYES: Council Members:  
NOES: Council Members:  
ABSENT: Council Members:

Attachment: Resolution RFPs Authorization (Measure O - Request for Proposals Authorization)

APPROVED:

\_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST:

\_\_\_\_\_  
Wendy Wood, City Clerk



City of Campbell

REQUEST FOR PROPOSAL

**MEASURE O  
NEW POLICE OPERATIONS BUILDING  
DESIGN CONSULTANT SERVICES**

Date Issued: February 6, 2020

**Proposal Deadline: March 10, 2020 by 4:00p.m.**

**Mandatory Pre-Proposal Site Tour: 11:00 a.m., Wednesday, February 19, 2020**

Issued By: City of Campbell  
70 North First Street  
Campbell, CA 95008-1423  
[www.campbellca.gov](http://www.campbellca.gov)

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Request for Proposal  
 Measure O – New Police Operations Building

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Glossary of Terms:

ADA – Americans with Disability Act  
 CCC – Civic Center Complex  
 CCMP – Civic Center Master Plan  
 CEQA – California Environmental Quality Act  
 City – City of Campbell  
 DD – Design Development  
 EOC – Emergency Operations Center  
 FF&E – Furniture, Fixtures, and Equipment

Library – Campbell Library  
 MEP – Mechanical/Electrical/Plumbing  
 POB – Police Operations Building  
 Project – New Police Operations Building  
 PS&E – Plans, Specifications, and Estimates  
 RFP – Request for Proposal  
 ROM – Rough Order of Magnitude

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

Request for Proposal  
Measure O – New Police Operations Building

Schedule of Activities: The City reserves the right to amend the schedule below as necessary.

<u>Activity</u>	<u>Dates</u>
RFP release	February 6, 2020
Mandatory Pre-Proposal Site Tour	February 19, 2020, 11:00 a.m.
Deadline for Addendum Issuance	March 5, 2020
Proposal Submission Deadline (4:00 p.m.)	March 10, 2020
Proposal Evaluation	March 2020
Consultant Interviews/Presentations	April/May 2020
Contract Award	June 2020

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Request for Proposal  
Measure O – New Police Operations Building

**RFP FOR MEASURE O – NEW POLICE OPERATIONS BUILDING  
DESIGN CONSULTANT SERVICES**

**Proposals Due:** 4:00 p.m., Tuesday, March 10, 2020

**Pre-proposal Site Tour (Mandatory):** Consultants submitting proposals must attend the Pre-proposal Site Tours scheduled for 11:00 a.m. on February 19, 2020. Attendees to convene at the Council Chambers in City Hall located at 70 North First Street, Campbell, California 95008.

## A. Overview

The City of Campbell (City) is seeking proposals from qualified professional architectural firms (Proposers) for design services for the Measure O – New Police Operations Building (Project). The Campbell Police Department (CPD) is located on the first level of City Hall located at 70 North First Street, within the Civic Center Complex (CCC). The CCC is bound by Civic Center Drive, North First Street, Grant Street, and Harrison Avenue. See **Attachment 1**– *Civic Center Complex*.

Proposers may download the RFP documents electronically for free by selecting Request on QuestCDN Page and input the Question Request #----- (to be provided). All relevant Project documents are also available on the City’s website ([website to be provided](#)). It shall be the consultant’s responsibility to check the City’s website and Quest CDN to obtain any addenda that may be issued.

The proposed scope of services for this RFP shall include, as applicable and not limited to, the following tasks to complete the Feasibility Study and Design Development Documents for the new Police Operations Building (POB) within the northwest quadrant of the CCC and obtain approvals from the City Council:

Feasibility Study and Design Development:

- Task A - Review of existing documents and conditions
- Task B - Develop Work Plan, Cost Plan, and Project Schedule
- Task C - Confirm programming and space needs
- Task D - Site planning and analysis to identify potential locations and layouts of the new POB
- Task E - Building concept alternatives
- Task F – Schematic (15%) Design Documents
- Task G - Design Development (30%) Documents

Once Design Development Documents are approved by the City Council, the City will determine the appropriate project delivery method for the Project, while considering the recommendation from the selected Proposer. Depending on the project delivery method selected, the City may amend and expand the scope of services to include the following Additional Services with contract amendments per terms described in the City’s consultant services agreement (**Attachment 8**):

## Request for Proposal Measure O – New Police Operations Building

### Additional Services:

- Prepare “Bridging Documents” for Design-Build (DB) project delivery method, assist the City pre-qualify DB entities, solicit bids/proposals from qualified DB entities for the Project, and DB contract administration; or
- Develop and complete 65%, 95%, and 100% Construction Documents for Design-Bid-Build (DBB) project delivery method, provide bid and contract award support, and provide construction administration support.
- Design services to mitigate any impacts within the CCC.
- Design services for improvements of the existing police facility.
- Alternate sites for the new POB.
- Additional concept options for POB.
- Additional meetings.
- Additional deliverables.
- Additional design alternatives.
- Other pertinent analysis and studies related to the Project.

A Project Budget of \$20 million is set aside from the Measure O fund for the Project, which shall cover design services, pre-construction, mitigations, construction, and contingency costs. Additional funding may be available for the POB site improvements and mitigation measures as approved by the City Council.

The following consultant disciplines are anticipated for the Project, but not limited to:

- Architecture
- Site Planning
- Soil Testing & Geotechnical Engineering
- Civil Engineering/Site Grading/Site Storm Water Management Plan
- Landscape Architecture
- Structural Engineering
- Mechanical
- Plumbing
- Electrical/Lighting Engineering/Low Voltage Wiring
- Security
- Communications
- Cost Estimating

## **B. MINIMUM QUALIFICATIONS FOR THE CONSULTANT**

The City is seeking proposals from design consultants with the following minimum qualifications with preference for experience within the greater San Francisco Bay Area:

## Request for Proposal Measure O – New Police Operations Building

1. Minimum five (5) years of applicable and recent experience in programming and designing public safety, law enforcement, 9-1-1 dispatch, and emergency operations center facilities.
2. A design team with expertise in architecture, site planning, structural and civil engineering, landscape architecture, Mechanical/Electrical/Plumbing (MEP), budget and cost analysis, and in the field of public meeting facilitation.
3. Third-party cost estimator with at minimum five (5) years of recent experience in estimating public safety and/or civic building projects in the greater San Francisco Bay Area at various design stages.
4. Experience in preparing bridging documents for soliciting proposals from Design-Build entities for government projects.
5. Availability and willingness to frequently travel to City for site visits and meetings with City Council and City staff.
6. **Pre-proposal Site Tour.** No Proposer shall be qualified to submit a proposal on this Project unless it has attended the mandatory pre-proposal site tour on February 19, 2020 at 11:00 a.m. at City Hall located at 70 North First Street, Campbell, California.

Furthermore, Proposers shall also comply with the following provisions:

1. Each Proposer is responsible for determining and complying with all applicable business licensing requirements necessary to complete the Project's scope of work. The successful Proposer shall be required to provide evidence to the City that it is authorized to do business in California and provide a current City of Campbell Business License prior to award of the contract.
2. Each Proposer is responsible for determining and complying with all applicable professional licensing requirements necessary to complete the Project's scope of work. All final work products shall be stamped and sealed by an appropriately registered and licensed professional.
3. If applicable, California Department of Industrial Relations ("DIR") Registration is required. If applicable, Proposer will be required to certify that it has verified that its subcontractors on this Project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5, and Proposer shall provide such proof of registration to the City.

### C. Background

The CPD occupies the lower level of the City Hall, which is in the CCC. The CCC is a 6-acre City site located in the Campbell's historic downtown district. City Hall and the Campbell Library (Library) are located within the complex, along with the Ainsley House, Carriage House, Orchard City Green, and Veterans Memorial where numerous public and private events are hosted. Ainsley and Carriage Houses are listed on the National Register of Historic Places. North Central Avenue used to run through the current Orchard City Green before a portion of the street was vacated in 1992.

## Request for Proposal Measure O – New Police Operations Building

Since 2014, the City evaluated various improvement options for the Civic Center Master Plan (CCMP) to incorporate the program and space needs for the City Hall operations/services, Police, Library, Veterans Memorial, Historical Museum, and parking within the CCC. Due to high costs of the overall CCMP, the Measure O program scope was established to focus on police emergency operations, 9-1-1 dispatch, emergency operations center (EOC), and the Campbell Library.

Measure O is a \$50,000,000 general obligation bond passed during the November 2018 general elections to fund the CPD and Library building projects. For reference, the overall Measure O goals are as follows:

1. New Police Operations Building with 9-1-1 dispatch and emergency operations center fitted with up-to-date crime fighting technology meeting operational standards and adaptable to future needs and new technology.
2. Improve Campbell Library for building code compliance, accessibility, energy-efficiency, efficient and versatile use of space to include senior reading, after-school homework programs, children’s story times, children’s collection, summer reading programs, public computer lab, and more.
3. If permissible within the Project budget, improvements to the existing police facility for other City purposes.

City Hall is a two-story, 32,600 square foot building that was constructed in the early 1970’s. The building is constructed with north and south wings joined by ramped main entryways and an atrium with elevator shaft and stairwell. The building consists of concrete slabs, steel columns, and concrete masonry walls for the first-story, and steel columns and wood-framed walls and roof for the second-story.

Program and space needs assessments of the CPD were conducted as part of CCMP efforts in 2014. The CPD had a total space needs of 23,692 SF according to the 2014 assessment:

Police Operations	-	16,687 SF
EOC	-	3,915 SF (2,900 SF x 1.35 gross factor)
Sally Port	-	2,500 SF
<u>Additional storage identified</u>	-	<u>590 SF</u>
Total		23,692 SF

As of Fiscal Year (FY) 2019-20, the City’s Operating Budget accounts for 77 full time equivalent (FTE) positions for the CPD. Out of that total, 46 FTE are sworn officers. The Police Administration, public reception area, 9-1-1 dispatch, staff locker rooms, Special Enforcement Division, property and evidence, and support services are currently located on the lower level of the City Hall north wing (approximately 7,600 square foot). An auxiliary trailer building (1,440 square foot), referred to as the Police Annex, is located on the secured parking lot directly north of City Hall. The Police Annex is primarily utilized by the Field Services Division. CPD employees share the City Hall employee parking lot located at the northwest quadrant of the CCC just west of the secured CPD parking lot.

## Request for Proposal Measure O – New Police Operations Building

In 2017, Biggs Cardosa Associates, Inc. conducted Tier 1 structural assessments of City Hall. According to the assessment reports, the building was in good structural conditions but requires some seismic retrofit work to comply with the Life Safety performance level standards.

The following Project related documents can be viewed through ([website to be provided](#)):

1. 2014 Program and Space Needs Assessments for CPD
2. Selected Sheets of the Original City Hall Plans
3. Tier 1 Seismic Evaluations of City Hall

The City is in the process of preparing a topographic and boundary survey of the CCC. The survey is anticipated to be completed and made available by March 2020.

### D. Project Description

The consultant shall update the 2014 CPD program and space needs information to account for the current and future staffing and operational and technology needs. The consultant shall also identify and prioritize programs and space for the new POB that can be accommodated within the Project Budget. Ideally, all CPD programs would be housed within the new essential services building with 9-1-1 dispatch and EOC. Due to Project Budget constraints, CPD programs may need to be further categorized and prioritized to determine which can be housed in the new POB.

The City's expectation of the Project is a new turnkey POB ready for operations. Therefore, the consultant shall work with City staff and City's vendors to identify furniture, fixtures, and equipment (FF&E), security, technology, and communication system needs. However, costs for the procurement and installation of FF&E shall be accounted separately from the Measure O Project Budget.

Once the CPD programming and space needs are confirmed and finalized, the consultant shall conduct site planning and analysis of the CCC to determine the best and feasible location and layout for the new POB site. From past evaluations, the City has narrowed down the potential area to the northwest quadrant of the CCC. See **Attachment 1** for the general area. The consultant shall conduct necessary site analysis and mass diagram studies to propose up to two (2) optimal and feasible locations/layouts for the new POB site within the northwest quadrant of the CCC for the City's consideration. The consultant shall also propose mitigation measures for employee parking to be displaced by the new POB and other impacts to the CCC. The unimproved gravel lot at the northeast corner of the CCC can be redesigned to accommodate additional parking. ROM cost estimates including mitigation costs are to be provided for each option to confirm feasibility. An ideal site for the new building should have minimum impacts to existing CPD and the CCC programs and functions. Utilities in and around the CCC shall also be investigated for the best and most cost-effective utility connection points. Existing utilities will be identified to extents possible on the topographic survey to be provided by the City. The consultant shall also address vehicular

## Request for Proposal Measure O – New Police Operations Building

circulation, parking needs, security, pedestrian access, lighting, and zoning requirements. The consultant shall coordinate with the Campbell Library Improvements project as directed by the City to analyze site and construction impacts from the library project.

During or after the site planning and analysis, the consultant shall develop at minimum three (3) building concept alternatives for the new POB. Building concepts shall address CPD's needs and be feasible within the Project Budget. ROM cost estimates are needed for each option to confirm feasibility.

The consultant shall be responsible for presenting the building concepts and site location/layout options for the new POB and assist the City obtain necessary approvals of the one preferred option from adjacent neighborhood, stakeholders, the Planning Commission, and the City Council. The consultant shall also prepare Schematic (15%) Design and Design Development (30%) Documents of the one (1) preferred option for City Council approval.

### E. General Design Criteria

The following general design criteria shall guide the design process for the Project:

- A new POB built to Essential Services Facilities standards.
- Improve the CPD's level of service to the community.
- Develop cost-effective solutions for the new POB that are within the Project Budget.
- Relocate all CPD program and staff to the new POB as feasible.
- Incorporate latest industry standards and technology for police operation and crime fighting and prevention.
- Minimum impact to police operations during the Project.
- Minimum impact to the CCC and existing programs and activities. The Orchard City green needs to remain a functional public space during construction.
- Meet neighboring zoning requirements to the best extent possible.
- Retain as much of the heritage and protected trees as possible in the CCC. City Arborist to assist with tree inventory and assessment.
- Consider photovoltaic systems.
- Consider electric vehicle charging stations.
- Build a sustainable and resilient building.
- Work with the design consultant for the Campbell Library Improvements project to deal with site planning and logistical issues.

### F. General Provisions and Requirements

1. A Technical Advisory Committee (TAC), consisting of Council members, CPD staff, and other City members, will be established for the Project to assist with the review of the design deliverables and provide Project guidance. In general, TAC will participate in design

## Request for Proposal

### Measure O – New Police Operations Building

- deliverable review meetings with the consultant and the City’s Project Manager. Any correspondence with the TAC shall be through the City’s Project Manager.
2. The City’s Project Manager shall be the consultant’s primary contact for the City and shall manage the design consultant services for this Project. Although the proposed scope of design services may state that the consultant shall coordinate the work and obtain approvals from other entities and stakeholders, the consultant shall receive final directions from the City’s Project Manager or an authorized designee only.
  3. Throughout the design phase, the consultant’s project manager shall provide bi-weekly updates to the City’s Project Manager at minimum. Updates can be in a form of a report, meeting, or telephone conference.
  4. The consultant shall assist with the project management/coordination to fulfill project tasks.
  5. The consultant shall prepare technical documents in compliance with the latest applicable codes, rules, regulations, and guidelines.
  6. The consultant shall plan for regular site visits to the City and Project site.
  7. The consultant shall coordinate design and construction logistics matters with City’s consultant for the Campbell Library Improvements project through the City’s Project Manager.
  8. The consultant shall manage, coordinate, and review work submitted by the Project’s sub-consultants for accuracy and conflicts with other disciplines.
  9. Plans that are prepared by sub-consultants and not incorporated into sets of complete plans will not be accepted by the City.
  10. The consultant shall maintain the consultant’s key personnel through the entire duration of services; and therefore, the consultant will conduct their business in a professional manner to schedule and support their personnel to provide the scope of services in a timely and professional manner. The City must approve of any key personnel change in advance through personnel qualifications review and oral interviews with City staff.
  11. The consultant shall prepare and periodically update the Project Schedule by identifying milestones, dates for decisions required by the City, design services furnished by the consultant and sub-consultants, deliverables to be furnished, completion of documentation, commencement of construction, and substantial completion. The schedule shall include adequate periods of time for review by City and stakeholders (minimum three weeks) and shall incorporate pertinent calendar information including holidays and public meeting dates for the City Council (and agenda item due dates to be provided by the City). The Project Schedule shall include these milestones:
 

i. Start of Design Services	June 2020
ii. Completion of Programming Phase	August 2020
iii. Completion of Site Planning and Conceptual Designs	November 2020
iv. Complete Schematic Design Documents	January 2021
v. Complete Design Development Documents	March 2021
  12. The consultant shall not proceed further with next phases or tasks until each design submittals and cost estimates are reconciled within the Project/Construction Budget and until authorized by the City.

## Request for Proposal Measure O – New Police Operations Building

13. The consultant shall submit design documents for City’s review, evaluation, and comments and address comments provided by the City into a single set of coordinated comments/responses and make revisions as required by the City within two (2) weeks. In responding to review comments and revising the design documents, the consultant shall review, coordinate and address all associated consequences of the revisions to maintain the integrity of the documents and the design intent.
14. The City does not warrant the accuracy or completeness of its documents. The consultant shall verify all information to consultant’s professional satisfaction and note and report any discrepancies observed in the course of professional activities covered by the services.
15. The consultant shall be responsible for design services related to built-in fixtures and furnishings including layout, design details, specifications, and estimates.
16. The consultant shall make recommendations and assist the City with the selection of moveable furniture, fixtures, and equipment (FF&E) for functionality and space planning. Funding for FF&E will be separate from the Project Budget.
17. The consultant shall design and incorporate backbone infrastructure systems and space required to accommodate the installation of FF&E. FF&E shall be schematically shown on design plans to be “provided by others”.
18. Generally, systems or products that are proprietary, licensed, or require periodic payments for continued use, are not acceptable. Exceptions may be allowed for certain software and other items, where the consultant has provided reasonable information that indicates the use is necessary and cost-effective to the City.
19. Green Infrastructure and Sustainability: The consultant shall include sustainability features into the design of the Project and consider measures that will improve energy efficiency, water conservation, storm water quality control, and occupant health. The building design will meet Cal Green Standards. Photovoltaic panels shall be considered. If photovoltaic panels are not feasible, the consultant shall provide conduit runs as required and space shall be provided in the electrical room for future connections.
20. Work shall be done in an electronic format, appropriate to the work product, including (AutoCAD) drawings, plans, elevations, sections, diagrams, details, etc., (Word) specifications, reports, and other narrative, (PowerPoint) presentations, (Excel) Spreadsheets, (Project) schedules, and other appropriate digital electronic formats.
21. Deliverables will be submitted in electronic format (PDF) and in native document formats such as Word, Excel, AutoCAD, etc. unless otherwise specified. Large files will be transferred through cloud services approved by the City.

### **G. Scope of Services**

#### **Feasibility Study and Design Development**

The consultant will be responsible for implementing the following scope task elements identified below to complete the Feasibility Study and Design Development Documents for the Project within the northwest quadrant of the CCC and obtain approvals from the City Council:

## Request for Proposal Measure O – New Police Operations Building

### **Task A:** Review of Existing Documents and Benchmark Study

1. Kick-off Meeting: Meeting with key members and decision makers of the City, TAC, and consultant team to discuss backgrounds, goals, scope, expectations, schedule, and budget.
2. Obtain and review existing documents from the City (e.g. as-built drawings, program and space needs assessments, Tier 1 structural assessments, CCMP studies, topographic survey, and other reports). Develop a list of questions and clarifications for discussions with the City. Review the topographic survey and identify any additional survey information needed for the Project.
3. Gather benchmark data and information from recently constructed police buildings to compare costs, programming, number of occupants or visitors, layout, operations, technology, energy efficiencies, sustainability, design, size, delivery methods, lessons learned, maintenance, etc. Compile information from at least five (5) recently constructed police buildings in California for a benchmark study.

#### Deliverables:

1. Minutes of meetings.
2. A memorandum with list of questions for the City.
3. Benchmark study of recently constructed police buildings.

### **Task B:** Work Plan, Cost Plan, and Project Schedule

1. Provide a memorandum recommending the best suited project delivery method for the Project with justifications and research data for the City's consideration.
2. Assist the City in developing a Work Plan and Cost Plan. The Work Plan shall outline the project approach, progression of detailed tasks, approval process, and critical issues to be addressed to complete the Project. The City's Cost Plan shall summarize all costs involved and anticipated for the Project with an expenditure schedule. The Cost Plan shall refine and establish an anticipated Construction Budget that aligns with the Project Budget. Design consultant services shall align with the Cost Plan and designs provided shall be within the Construction Budget.
3. Develop a Project Schedule incorporating tasks, deliverable timelines, the City's review periods, Commissions and City Council schedules (to be provided by the City), public bidding or solicitation process, construction, etc. for the City's review and approval. The consultant shall analyze and compare Project timelines for DBB and DB project delivery methods.
4. The Work Plan, Cost Plan, and Project Schedule shall be interdependent documents to be updated periodically and with each design and construction document submittals.
5. Advise the City regarding external funding opportunities for the Project and assist the City with completion of grant applications.

#### Deliverables:

1. A memorandum on project delivery method recommendation.

## Request for Proposal

### Measure O – New Police Operations Building

2. Work Plan, Cost Plan, and Project Schedule.
3. List of external funding/grant opportunities.

#### **Task C:** Programming and Space Needs

1. Review 2014 program and space needs assessments and any updated information from the City.
2. Interview City and CPD managers to update existing programs and space needs applying industry standards.
3. Prepare program spreadsheet identifying proposed site elements, rooms, assigned staff, functions, space requirement, and net/gross square footages. Employ strategies and innovation to identify effective and efficient program spaces such as multi-purpose EOC space.
4. Identify adjacency requisites for programmed spaces. Diagrammatically show general locations of interior and exterior functions factoring in adjacency information.
5. Assess current parking conditions and future parking needs for the Project.
6. Work with the City and City's vendors as necessary to identify FF&E needs including for the communication and IT systems. Prepare an FF&E schedule that can be incorporated with the program spreadsheet. Provide a cost estimates for FF&E.
7. Based on the consultant's experience and the benchmark study, provide a professional recommendation on a total floor area (maximum or range) of the new POB that can be programmed and built within the Project Budget.
8. Based on the total floor area, assist the City identify and prioritize police programs that can be housed in the new essential services building through an interactive and iterative process with key stakeholders.
9. Refine and confirm the CPD programming and space needs with space diagrams to meet Measure O goals and the Project Budget.
10. Submit the updated program and space needs report (including FF&E needs) to the City's Project Manager for review and comments. Meet with the City and TAC to discuss.
11. Obtain approval of the final program and space needs from the City and TAC. Assist City staff in obtaining necessary approvals from key stakeholders.
12. Compile the final program and space needs into a report with submittals and deliverables from Tasks A and B.

#### **Deliverables:**

1. Minutes of meetings and manager interviews.
2. Draft Program and Space Needs report with FF&E schedule.
4. Presentation materials to key stakeholders. Certain presentation materials to be on foam boards.
5. Final Program and Space Needs report with FF&E schedule.
6. A compiled report of Tasks A, B, and C.

## Request for Proposal Measure O – New Police Operations Building

### **Task D:** Site Planning and Analysis

1. Review the site criteria and improvement options proposed in the CCMP.
2. Analyze existing utilities and potential connection points for the new POB.
3. Identify any impacts from the Campbell Library Improvements project.
4. Identify at minimum two (2) optimal locations and site layouts within the northwest quadrant of the CCC for the new POB adhering to zoning requirements and considering access, parking, vehicular circulation, sally port, security, site improvements, landscaping, screening features, utilities, impacts to existing programs and the adjacent neighborhood, etc. Conduct site analysis and graphically show site and building improvements (with massing diagrams) to scale for each location. Cite pros and cons of each site including impacts and level of difficulty to develop.
5. Identify programs and events that occur within the CCC to evaluate impacts from the new POB.
6. Recommend mitigation measures for any impacts such as parking, trees, and other programs to be displaced with each site option.
7. Evaluate and identify any impacts to the CPD's level of service and risks, if any, with proposed locations.
8. Site options shall be workable and feasible within the Project/Construction Budget. Prepare ROM cost estimates for each option to confirm feasibility in a format agreed by the City. ROM cost estimates shall factor in design, pre-construction, mitigation work, construction, contingencies, market conditions, and escalation to midpoint of construction.
9. Review the potential locations for the POB with the Planning Department for zoning compliance.
10. Consult with the City's Planning Division for process and timeline for CEQA and planning approvals for the Project.
11. Submit a report on the Site Planning and Analysis to the City's Project Manager for review and comments. Meet with the City and TAC to discuss.
12. Address City's comments and assist City staff in presenting the location and site layout options to adjacent neighborhood and key stakeholders to obtain feedback and approval on the one preferred location.
13. Assist the City staff in obtaining approvals of the one preferred location from the Planning Commission and the City Council.

#### **Deliverables:**

1. Minutes of meetings.
2. Draft Site Planning and Analysis report with ROM cost estimates.
3. Presentation materials for key stakeholder. Certain presentation materials to be on foam boards.
4. Presentation materials (PowerPoint) as required for the Planning Commission and the City Council.
5. Final Site Planning and Analysis report with ROM cost estimates.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

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**Task E:** Building Concept Alternatives (can occur simultaneously with the Site Planning & Analysis)

1. Based on the approved program, space needs, and data and feedback collected from previous tasks, develop at minimum three (3) viable and feasible building concept alternatives for the new POB.
2. Building concept alternatives should reflect architectural styles, building envelopes, building heights, number of stories, etc., and should include massing diagrams, layout plans indicating ingress/egress and position relative to the site layout, perspective sketches, and elevation views.
3. All designs shall be highly effective and architecturally fitting of a civic facility that complements the other buildings within the CCC. Concept designs shall be prepared to comply with zoning and other regulatory requirements as applicable at this stage.
4. Assess any impacts and list pros, and cons for each concept designs proposed.
5. Building concept alternatives shall be workable and feasible within the Project Budget. Prepare ROM cost estimates for each option including site improvements to confirm feasibility. ROM cost estimates shall factor in design, pre-construction, mitigation work, construction, contingencies, market conditions, and escalation to midpoint of construction.
6. Review the conceptual design plans with the Planning Department for federal, state, and local zoning and building compliance.
7. Submit conceptual design options and ROM cost estimates to the City for review and comments. Meet with the City’s Project Manager and TAC to discuss.
8. Address City’s comments and assist City staff in presenting the updated building concept alternatives to adjacent neighborhood and key stakeholders to obtain feedback and approval on the one preferred option.
9. Assist City staff in obtaining approvals of the one preferred concept option from the Planning Commission and the City Council.
10. If the City Council does not approve of any conceptual design options or require changes to be made, the consultant shall make the necessary changes to be presented at the next available City Council meeting for approval.
11. Compile findings and design documents from Tasks A through E into a Feasibility Study Report for review and comments by the City.

Deliverables:

1. Summary of meetings/minutes of meetings.
2. Draft Building Concept Design Options with ROM cost estimates.
3. Community workshop materials and minutes/summaries. Certain presentation materials to be on foam boards.
4. Revised Building Concept Design Options with ROM cost estimates per community and stakeholder feedback and as directed by the City.
5. Presentation materials (PowerPoint) as required for the Planning Commission and the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

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7. Feasibility Study Report.

**Task F:** Schematic (15%) Design Documents

1. Meet with key members and decision makers of the City, CPD, TAC, and the consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and Project budget.
2. Develop Schematic Design (SD) Documents of the one preferred conceptual design for the POB on the approved site. SD Documents shall consist of plans, specifications, and estimates (PS&E) appropriate for 15% design level and other pertinent information for the Project.
3. Refine the FF&E schedule and work with the City and City’s vendors for FF&E selections, specifications, cost estimation, and coordination. FF&E shall include workstations and equipment related to communications, information technology, police operations, records, security, etc. Obtain necessary cut sheets for FF&E to graphically illustrate locations and placements and to identify backbone infrastructure needs. Provide a separate cost estimate for FF&E, which will be funded by separate funds.
4. Identify optional building and site enhancements and materials to be prioritized for cost consideration and control. Provide the City with information and recommendations on the value of optional materials, durability, life cycle costs, building systems and equipment, together with other considerations based on the program, budget, resilience, and aesthetics in developing the design.
5. Provide sufficiently detailed design plans and details to show how programmed spaces will function and accommodate operational needs.
6. Identify utility services and connection points. For new services and connections, provide necessary loads/demands and design drawings required to assist the City complete and file utility applications in advance.
7. Provide details for site improvements including for parking, vehicular circulation, secured areas, fences, trash enclosure, lighting, path of travel, landscaping, shading, stormwater treatment, utilities, etc.
8. Address access control and security measures.
9. Provide photometric studies of both building interiors and site as necessary.
10. Incorporate applicable zoning and building code requirements and any Municipal Regional Stormwater Regional Permit (MRP) regulations specific to Provision C.3 for new development.
11. Conduct geotechnical and environmental analysis for soil profile, ground water levels, and other factors necessary for design and estimates.
12. Prepare exterior rendering, storm water plan, planting, and exterior lighting diagrams for the Planning submittals.
13. SD Documents shall include, but not be limited to, the following:
  - a. PS&E necessary to establish the final scope, relationships, forms, size, appearance and cost of the Project.

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- b. Perspective renders, interior and exterior layout plans, elevations views and sections that reflect architectural details, materials, dimensions, and more.
  - c. Study models, electronic modeling or combinations of these media. Models shall illustrate the building's day and nighttime appearance from interior and exterior perspectives and the impact of solar effects on the building.
  - d. Site plan, landscape plan, floor plan, roof plan, building section, exterior elevations, FF&E layout plan, and single line plans for structural, mechanical and electrical systems. Plans shall include a description of materials and equipment.
  - e. Building plan located dimensionally with pertinent adjacencies, street lines and grades, property lines, required setbacks, easements, rights of way, utilities, light standards, etc. Interfaced the building plan with the topographic survey to be provided by the City.
14. SD plans shall include scale drawings, but not limited to, to the following:
    - a. The site plan with on-site and off-site work information.
    - b. Building and site plans depicting the area and configuration requirements for all interior and exterior spaces and demonstrating the solution for pedestrian & vehicular access and adjacency requirements.
    - c. Elevations and sections including the context; and, colored plan diagrams showing programmed uses and circulation.
  15. Provide a detailed cost estimate in a format approved by the City.
  16. If the cost estimate is over the Project or Construction Budget, the consultant shall value engineer and modify the design as necessary.
  17. Submit SD Documents to the City for review and comments. Meet with the City's Project Manager and TAC to present and discuss.
  18. Refine SD Documents based on comments received from the City's Project Manager.
  19. Assist City staff in presenting the SD Documents to key stakeholders and the community.
  20. Assist the City file Planning applications for the Project with necessary documents.
  21. Assist the City with the preparation of any Initial Study for CEQA determination and review.
  22. Assist the City staff present the SD Document to Planning Commission for approval.
  23. Obtain any zoning clearance from the Planning Department.
  24. Assist City staff with the presentation of the SD Documents to the City Council for approval.

### Deliverables:

1. Summary of meetings/meeting minutes.
2. Draft SD Documents submittal for the new POB and site improvements.
3. Revised SD Documents based on comments from the City's Project Manager.
4. Presentation materials for stakeholders and the community.
5. Rendered perspectives or other illustrations to convey design intent for Planning submittal and presentations.
6. Presentation material (PowerPoint) for the Planning Commission and the City Council.
7. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

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**Task G:** Design Development (30%) Documents

1. Meet with key members and decision makers of the City, CPD, TAC, and the consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and budget.
2. Meet with key stakeholders to reconfirm the direction of the Project and gather comments and additional feedback.
3. Further develop SD Documents to Design Development (DD) 30% design level documents.
4. Documents shall identify space requirements for structural and building enclosure systems, space requirements for all mechanical systems and other equipment, and points of connection for utilities including but not limited to electric, water, sanitary, storm, telecom, fiber optics, cable TV, and others.
5. Provide 30% level specifications.
6. Further refine the FF&E schedule, specifications, and cost estimates and graphically show them on the DD plans to be “provided by others”.
7. Establish final optional building and site enhancements and materials to be considered for cost control and bid alternates.
8. Further refine site improvements to 30% design level.
9. Update the detailed cost estimate. If the DD cost estimate is over the Project or Construction Budget, the consultant shall value engineer and modify the design as necessary.
10. Submit DD Documents to the City for review and comments. Meet with the City’s Project Manager and TAC to present and discuss.
11. Refine DD Documents based on comments received from the City’s Project Manager.
12. Assist City staff in presenting the DD Documents to key stakeholders.
13. Assist the City obtain CEQA notice of determination and clearance.
14. Assist City staff with the presentation of the DD Documents to the City Council for approval.
15. Once approved by the City Council, provide all working files to date in its original format as requested by the City.

Deliverables:

1. Summary of meetings/meeting minutes.
2. Draft DD Documents submittal for the new POB and site improvements.
3. Revised DD Documents based on comments from the City’s Project Manager.
4. Presentation materials for stakeholders.
5. Presentation materials (PowerPoint) for the Planning Commission and the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.
7. All working files in its original format.

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## H. Proposal Format and Submission Requirements

### Submitting Proposals:

The Proposal and Fee Proposal must be received by the City no later than March 10, 2020 by 4:00 p.m. Pacific Standard Time. The City requires that all Proposals and Fee Proposals be submitted in an electronic format (e.g. PDF) via a CD/DVD or flash drive. The Fee Proposal shall be submitted in a single sealed envelope separate from other Proposal documentation. Both the Proposal and Fee Proposal shall be clearly marked “**Measure O – New Police Operations Building**” and delivered or mailed to:

WooJae Kim  
c/o City Clerk  
City of Campbell  
70 N. First Street, Campbell, CA 95008

All Proposal documents shall be delivered in sealed packaging. The sealed packaging must note the Proposer’s name, address, contact person(s), and phone number.

Receipt of a Proposal by any other City office will not constitute “delivery” as required by this RFP. Each Proposer assumes full responsibility for timely delivery of its Proposal at the required location. Proposals received after the time and date specified above will be considered nonresponsive and will be returned to the consultant. Oral, telephone, facsimile, telegraph, or email Proposals are invalid and will not receive consideration. No Proposer may submit more than one Proposal.

Proposals must include the following information:

Cover Letter (Maximum 2 pages) - Cover letter giving an overview of the consultant’s general expertise, experience, and approach to perform the scope of services described in this RFP. The cover letter shall be signed by an authorized representative of the firm and bind the firm to all commitments made in the submittal. **Attachment 8** is the City’s contract template for the Consultant Services Agreement. In the cover letter, state that the City’s contract template is acceptable to the Proposer or list any exceptions or change requests to the contract provisions.

Certification Forms – Complete and sign the following certification forms:

**Attachment 2** – *Certification of Proposer*

**Attachment 3** – *Conflict of Interest Statement*

**Attachment 4** – *Non-Collusion Declaration*

**Attachment 7** – *Statement Regarding Insurance Coverage and Worker’s Compensation Insurance Acknowledgment Certificate*

Review of Scope of Services/Project Approach (Maximum 3 pages) – Proposers must comment on the firm’s ability to realistically provide the services listed in the Scope of Services

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as outlined. Provide comments, and suggest modifications, changes and/or additions as appropriate. Indicate how your firm/team would approach the project and what specialized services or unique insights your team would bring to the project. Provide examples of your team’s vision and approach for this Project.

Related Project Experience and Expertise – Discuss prior related project experience satisfying Minimum Qualifications for the Project and what would make the firm the best qualified for this Project. Emphasize projects of similar scope and magnitude. Discuss the firm’s capabilities and experience in facilitation of public meetings and consensus building. Emphasize the firm’s experience in ranking/prioritizing needs versus construction budget constraint. Discuss the firm’s experience in the accurate coordination of trades and sub-consultants, and the quality control process. Discuss the firm’s ability to meet schedules and budget and ability to control costs.

Minimum Qualifications for Proposer (complete **Attachment 5**) - The City is seeking proposals from design consultants with the following minimum qualifications with preference for experience within the greater San Francisco Bay Area:

1. Minimum five (5) years of applicable and recent experience in programming and designing public safety, law enforcement, 9-1-1 dispatch, and emergency operations center facilities.
2. A design team with expertise in architecture, site planning, structural and civil engineering, landscape architecture, Mechanical/Electrical/Plumbing (MEP), budget and cost analysis, and in the field of public meeting facilitation.
3. Third-party cost estimator with at minimum five (5) years of recent experience in estimating public safety and/or civic building projects in the greater San Francisco Bay Area at various design stages.
4. Experience in preparing bridging documents for soliciting proposals from Design-Build entities for government projects.
5. Availability and willingness to frequently travel to City for site visits and meetings with City Council and City staff.
6. **Pre-proposal Site Tour.** No Proposer shall be qualified to submit a proposal on this Project unless it has attended the mandatory pre-proposal site tour on February 19, 2020 at 11:00 a.m. at City Hall located at 70 North First Street, Campbell, California.

Qualifications of Key Personnel – Identify the project manager and key individuals on the consultant team and their resumes highlighting relevant qualifications and experiences. State projects that they were assigned to and their specific roles and responsibilities. Provide a statement regarding the firm’s commitment to keep the same personnel throughout the Project. Indicate how your firm’s resources will work together to complete this Project. Identify additional resources available in your firm.

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Sub-Consultants – Identify any sub-consultants your firm will utilize. Include resumes of key individuals who will be directly involved in this Project, and briefly describe any past involvement in joint projects with these sub-consultants. Indicate why the particular sub-consultant has been selected to work on the Project team. Indicate how the prime firm will ensure quality control and coordination of documents between the prime and the various sub-consultants.

Preliminary Project Schedule – Provide a detailed preliminary project timeline schedule. Add any significant milestone dates necessary to complete all tasks. Indicate resources that will be allocated to each major task category to meet this schedule and discuss your firm’s flexibility to “catch up” if milestone dates are not met. Discuss your firm’s commitments to other projects in the time frame coinciding with this Project.

References (complete *Attachment 6*) – A minimum of three (3) current references from past projects (of similar size and scope) completed by the proposed project manager and/or project team should be provided. All references must contain relevant projects completed within the past five (5) years. Provide the following information for each reference:

Firm, Owner, or Agency Name  
Address, Telephone Number  
Email Address  
Project Description  
List of Services Provided  
Engineer’s cost estimate vs actual construction cost

Insurance Coverage (*Attachment 7*) - Identify carriers, A.M. Best ratings, and types and limits of insurance carried by your firm. If consultant is selected by City, consultant shall maintain minimum coverage requirements for commercial general liability, automobile liability, professional liability, and workers’ compensation. The consultant may achieve the required limits and coverage through a combination of primary and excess or umbrella liability insurance provided such policies result in the same or greater coverage as the coverages required by City, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. If consultant is selected by City, consultant shall cause the insurance policies required herein to include the City, and their respective officials, officers, employees and volunteers as additional insureds for claims caused in whole or in part by consultant’s negligent acts or omissions. Consultant shall provide certificates of insurance to the City that evidence compliance with the above.

Fee Proposal – Submit a Fee Proposal in a separate sealed envelope that provides a guaranteed maximum price to perform consultant’s services. The guaranteed maximum price shall be inclusive of all work and labor from notice to proceed through completion of the Scope of Services, including but not limited to consultant’s costs for site visits and travel expenses. The Fee Proposal should itemize the fee for each task, showing the estimated hours of each staff member assigned and the associated fee for that staff member or sub-consultant. Also, provide

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hourly rate schedules for all key project staff, including sub-consultants. All price and cost information shall be included only in the Fee Proposal. No price information shall be included in the other parts of the Proposal.

### **Addenda**

If any revisions to this RFP become necessary, the City shall provide responses and clarifications to questions via addenda. The last day for issuance of an addendum is March 5, 2020. A Proposer shall submit any questions or requests for clarification to the City's Project Manager by March 2, 2020.

Addenda to this RFP, if issued, will be posted on the City website at <http://www.cityofcampbell.com/bids.aspx> and Quest CDN at <https://www.questcdn.com/>.

Proposers may download the RFP documents for free by selecting Request on QuestCDN Page and input the Question Request #-----.

All proposers shall verify the City has issued any addenda for this Project prior to submitting the proposal. It shall be the Proposer's responsibility to check the City's website and Quest CDN to obtain any addenda that may be issued and ensure that all requirements of addenda are included in the Proposal.

### **I. Evaluation Process**

All Proposals will be evaluated by a City Selection Committee (Committee). The Committee may be composed of City staff and stakeholders that may have expertise or experience in the services described herein. The Committee will review the submittals and will rank the Proposers. The evaluation of the Proposals shall be within the sole judgment and discretion of the Committee. All contacts during the evaluation phase shall be through the City's Project Manager only. Proposers shall neither contact nor lobby evaluators during the evaluation process. Attempts by Proposer to contact members of the Committee may jeopardize the integrity of the evaluation and selection process and risk possible disqualification of Proposer.

During the Proposal evaluation process, written questions or requests for clarification may be submitted by the City to a Proposer regarding its Proposal or related matters. Failure to respond in a timely manner to any such questions or requests may be grounds for elimination of the Proposer from further consideration.

The Committee will evaluate each Proposal meeting the qualification requirements set forth in this RFP. After the review of proposal, the highest-ranked Proposers may be invited for oral interviews as part of the selection process. The Proposer will be notified of the time and place of oral interviews and if any additional information may be required to be submitted. Upon completion of

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the evaluation and selection process, only the Fee Proposal from the most qualified consultant will be opened to begin cost negotiations.

The City shall be the sole judge of the evaluation of all Proposals. The City’s decision(s) shall be final. The City reserves the right to reject any and all Proposals and waive any irregularity or minor defects in any Proposal received.

### **Proposal Evaluation Criteria**

Each member of the Committee will independently evaluate each Proposal using the following criteria and point systems:

- 1. Conflict of Interest Statement and Non-Collusion Declaration (Pass/Fail)**
  - a. Discloses any financial, business or other relationship with the City that may have an impact upon the outcome of the contract or the construction project.
  - b. Lists current clients who may have a financial interest in the outcome of this contract or the construction project that will follow.
  - c. Discloses any financial interest or relationship with any construction company that might submit a bid on the construction project.
- 2. Completeness/Organization of the Proposal (10 Points)**
  - a. Proposal that is current, accurate, and complete in accordance with the requirements of this RFP. The Proposal format and organization shall follow the requirements herein. Responses that do not include the proposal content requirements identified within this RFP and subsequent addenda and do not address items listed shall be considered incomplete.
- 3. Organization, Approach, & Schedule (15 points)**
  - a. Describes familiarity of the Project and demonstrates understanding of work completed to date, if applicable, and Project objectives moving forward.
  - b. Project team and management approach responds to Project issues. Team structure provides adequate capability to perform both volume and quality of needed work within Project schedule milestones.
  - c. Roles and Organization of Proposed Team
    - i. Proposes adequate and appropriate disciplines of Project team.
    - ii. Some or all of team members have previously worked together on similar project(s).
    - iii. Overall organization of the team relevant to City needs.
  - d. Working Relationship with City
    - i. Team and its leaders have experience working in the public sector and knowledge of public sector procurement process.
    - ii. Team leadership understands the nature of public sector work and its decision-making process.
    - iii. Proposal responds to need to assist City during the Project.

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4. **Team’s Qualifications & Experiences (20 points)**
  - a. Meets Minimum Qualifications as completed in *Attachment 5*.
  - b. Relevant experience, specific qualifications, and technical expertise of the firm and sub-consultants related to the Project.
  
5. **Qualifications of Key Individuals (20 points)**
  - a. Team is managed by an individual(s) with appropriate experience in similar projects. This person’s time is appropriately committed to the project.
  - b. Proposed team members, as demonstrated by enclosed resumes, have relevant experience for their role in the project.
  - c. Key positions required to execute the project team’s responsibilities are appropriately staffed.
  
6. **Scope of Services to be Provided (20 points)**
  - a. Detailed Scope of Services to be Provided
    - i. Proposed scope of services is appropriate for all phases of the work.
    - ii. Scope addresses all known Project needs and appears achievable in the timeframes set forth in the Project schedule.
    - iii. Demonstrates team’s ability to reach and engage broad user groups, stakeholders, and communities.
  - b. Project Deliverables
    - i. Deliverables are appropriate to the Project schedule and scope set forth.
  - c. Cost Control and Budgeting Methodology
    - i. Proposer has a system or process for managing cost and budget.
    - ii. Evidence of successful budget management for a similar project.
  - d. Proposer’s schedule shows completion of the work within acceptable timeline.
  
7. **Proposer Accessibility (5 points)**
  - a. A statement addressing firm’s ability to fulfill regular on-site Project responsibilities including meetings and on-site visits, and whether it has an office or can establish an office within Santa Clara County.
  
8. **References (10 points)**
  - a. Provide as reference the name of at least three (3) agencies the Proposer has previously consulted for in the past five (5) years.

No.	Proposal Evaluation Criteria	Possible Points
1	Conflict of Interest Statement and Non-Collusion Declaration	Pass/Fail
2	Completeness/Organization of Proposal	10
3	Organization and Approach	15
4	Team’s Qualifications and Experiences	20
5	Qualification of Key Personnel	20
6	Scope of Services to be Provided	20
7	Proposer Accessibility	5
8	References	10

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<b>Subtotal:</b>	<b>100</b>
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### Oral Interview by the City Council

The top-ranking Proposers may be invited to participate in Oral Interviews by the City Council for a consultant presentation and Q&A session. Interviews may be scheduled for April and May 2020 at Campbell City Hall, 70 N. First Street Campbell, California. A Proposer will be notified of the time and place for oral interviews and if any additional information may be required to be submitted.

After the evaluation process is complete, the City will notify the Proposers of the rankings. Following the City's determination of the firm best qualified for this work, final terms will be negotiated, and the consultant and the City will execute the City's standard Consultant Services Agreement (*Attachment 8*). If negotiations with the top-ranked Proposer are not successful, the City will select the next-ranked Proposer for award and negotiate the final terms of the contract.

The proposed schedule is as follows:

RFP release	February 6, 2020
Mandatory Pre-Proposal Site Tour	February 19, 2020, 11:00 a.m.
Deadline for Addendum Issuance	March 5, 2020
Proposal Submission Deadline (4:00 p.m.)	March 10, 2020
Proposal Evaluation	March 2020
Consultant Interviews/Presentations	April/May 2020
Contract Award	June 2020

### J. Additional Information

- Reservation of Rights.** The City reserves the right to accept or reject any or all Proposals, or to alter the selection process if warranted, to postpone the selection process for its own convenience at any time, and to waive any defects in the Request for Proposals. The City also reserves the right to accept or reject any individual sub-consultant that a candidate proposes to use. This RFP and the interview process shall in no way be deemed to create a binding contract or agreement of any kind between the City and the Proposers. The City's standard form of consultant agreement will form the basis of the contract between the parties.
- Proposer's Costs.** Each proposer responding to this RFP acknowledges and agrees that the preparation of all materials for submittal to the City and all presentations, related costs, and travel expenses, including but not limited to vehicle miles, vehicle rentals, flights, transit fares, and meals, are at the Proposer's sole expense. The City shall not, under any circumstances, be responsible for any cost or expense incurred by the Proposer. In addition, each proposer acknowledges and agrees that all documentation and/or materials submitted with the RFP shall remain the property of the City.
- DIR Monitoring.** This Project may be subject to compliance monitoring and enforcement by the DIR.

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4. **Communicating with City.** If you have any questions regarding this RFP, please contact WooJae Kim, the City's Project Manager:

WooJae Kim, PE  
Senior Project Manager  
City of Campbell  
70 N. First Street  
Campbell, California 95008  
(408) 866-2157  
woojaek@campbellca.gov

The City's sole point of contact for this RFP shall be the City's Project Manager who shall administer the RFP process. All communications shall be submitted in writing and shall specifically reference this RFP (identify in the subject line the Project). Only answers issued by Addendum will be binding. Oral and other interpretations or clarifications will be without legal effect. No contact with other City staff, City council members, or any other public official concerning the Project during the procurement process is allowed. A violation of this provision may result in the disqualification of the consultant.

5. **Assumptions of Proposers.** The City is not responsible for the assumptions of Proposers. Neither the participation of the City in any pre-proposal meeting, nor the subsequent award of the contract by the City shall in any way be interpreted as an agreement or approval by the City that a Proposer's assumptions are reasonable or correct. The City specifically disclaims responsibility or liability for any Proposer's assumptions in developing its Proposal.
6. **Retention of Records.** The consultant shall retain all books and records related to the Project for a minimum of four (4) years after the end of the Project. Notwithstanding the above, if there is litigation, claims, audits, negotiations, or other actions that involve any of the records cited and that have started before the expiration of the four (4) year period, then such records must be retained until completion of the actions and the resolution of all issues, or the expiration of the four (4) year period, whichever occurs later.

All records, accounts, documentation, and other materials maintained by the consultant regarding the Project shall be accessible to the City upon reasonable prior notice for the purpose of examination or audit. Access to said records shall be consistent with applicable federal, State, and local laws regarding privacy and obligations of confidentiality.

7. **Public Record.** All responses to this RFP become property of the City and will be kept confidential, subject to the requirements of the California Public Record Act, until a recommendation for award of a contract has been announced. Submittals are subject to public inspection and disclosure under the California Public Records Act. (Cal. Govt. Code sections 6250 *et seq.*). Unless the information is exempt from disclosure by law, the content of any Proposal, request for explanation, or any other written communication between the City and any Proposer, and between City employees or consultants, regarding the procurement, shall be available to the public. In any event, the City shall have no liability to Proposer for making disclosures required by the California Public Records Act or other law, court order, legal

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proceeding discovery request, investigative demand, subpoena, or order from a regulatory body having jurisdiction over either of the parties. Nothing contained herein shall be construed as requiring or obligating the City to withhold information in violation of the California Public Records Act or other laws.

8. **Equal Opportunity.** The City hereby notifies all Proposers that it will affirmatively insure that in any contract entered into pursuant to this procurement, minority business enterprises will be afforded full opportunity to submit Proposals in response to this RFP and will not be discriminated against on the grounds of race, creed, color, national origin, ancestry, sexual orientation, political affiliations or beliefs, sex, age, physical disability, medical condition, marital status, pregnancy, or other protected characteristic as set forth hereunder.
9. **Appeal.** The City will entertain appeals regarding this RFP process only as set forth herein. The appeal process presented in this RFP will take precedence in the case of any conflict with the appeal processes contained in the City's Policies and Procedures. The City will not entertain appeals regarding, or reconsider, substantive scores or determinations made in the evaluation process.

Appeals may be based upon restrictive requirements or alleged improprieties in the RFP that are apparent or reasonably should have been discovered prior to the City's receipt of Proposals. Such appeals shall be written and hand delivered or sent via certified mail to be received by the City's Project Manager at least fourteen (14) calendar days prior to the City's receipt of Proposals. The appeal must clearly specify in writing the grounds and evidence on which the appeal is based.

Appeals may also be based upon alleged improprieties that are not apparent in the RFP or that could not reasonably have been discovered prior to the City's receipt of the Proposals. Such appeals are limited to 1) the City's failure to follow its own appeal procedures set forth in this Section; and 2) other procedural errors in the RFP process. The appeal must clearly specify in writing the grounds and evidence on which the appeal is based. Such appeals shall be in writing and hand delivered or sent via certified mail to be received by the City. Contact within five (5) calendar days from receipt of the notice from the City informing of the Successful Proposer.

The City's Project Manager will respond to an appeal in writing within ten (10) business days of receipt, and the City's Project Manager's determination shall be final.

The appeal procedures summarized in this Section are mandatory and comprise the sole and exclusive appeal procedures for this RFP. A Proposer's failure to comply with the procedures set forth herein will result in rejection of the appeal and constitute a waiver of any right to further pursue a protest or appeal (including, but not limited to, filing a Government Code claim or legal proceeding). If the City determines the appeal to be frivolous, the Respondent originating the appeal may be determined to be irresponsible and may be ineligible for future purchase orders and/or contracts.

In order to prevail on an appeal based on alleged improprieties not apparent in the RFP as described herein, a Proposer must demonstrate that an error was material and prejudicial to the Proposer's effort to become selected for participation in this Project. In other words, in

## Request for Proposal Measure O – New Police Operations Building

order to prevail, the Proposer must demonstrate that but for the City’s error, the Proposer would have been selected as the Successful Respondent.

If an appeal is received within five (5) business days from receipt of the notice from the City informing of the Successful Proposer, the City will proceed with the following process: 1) City provides a copy of the appeal to the Successful Respondent and, within five (5) business days of receipt, Successful Proposer may provide to the City a written response to the appeal; 2) within ten (10) business days thereafter, City prepares a written response to the appeal and to the Successful Proposer’s response, if any, and provides the analysis to appellant and Successful Proposer; 3) within five (5) business days, appellant and Successful Proposer may provide written responses; 4) City sets a hearing date for a City Council determination on the appeal and prepares a written staff report and recommendation; 5) City staff notifies Successful Proposer and appellant of the date and time of the hearing and prepares and distributes a written record containing all documents necessary for the City Council determination and distributes the record to all parties; 6) City Council hearing in which Successful Proposer and appellant are provided full opportunity to present matter to City Council; 7) City Council renders a final determination.

10. **Governing Law.** The laws of the State of California shall govern the interpretation and enforcement of the contract. Legal action may be instituted only in the Superior Court of the County of Santa Clara, State of California, or in the Federal District Court in the Northern District of California.
11. **Adherence to All Local, State, and Federal Laws and Requirements.** The Proposer shall adhere to all applicable federal, state, and local laws, ordinances, statutes, rules and regulations, and rulings or directives of any agencies having jurisdiction including without limitation those relating to the environment (including, but not limited to, those promulgated by EPA, California Department of Public Health), wages, hours, health and safety (including, but not limited to, those promulgated by CAL-OSHA and FED-OSHA), equal employment opportunity, and working conditions or which pertain in any way to the Project and/or Proposer’s scope of work on the Project.

### K. Attachments

The following attachments are incorporated into the Request for Proposals:

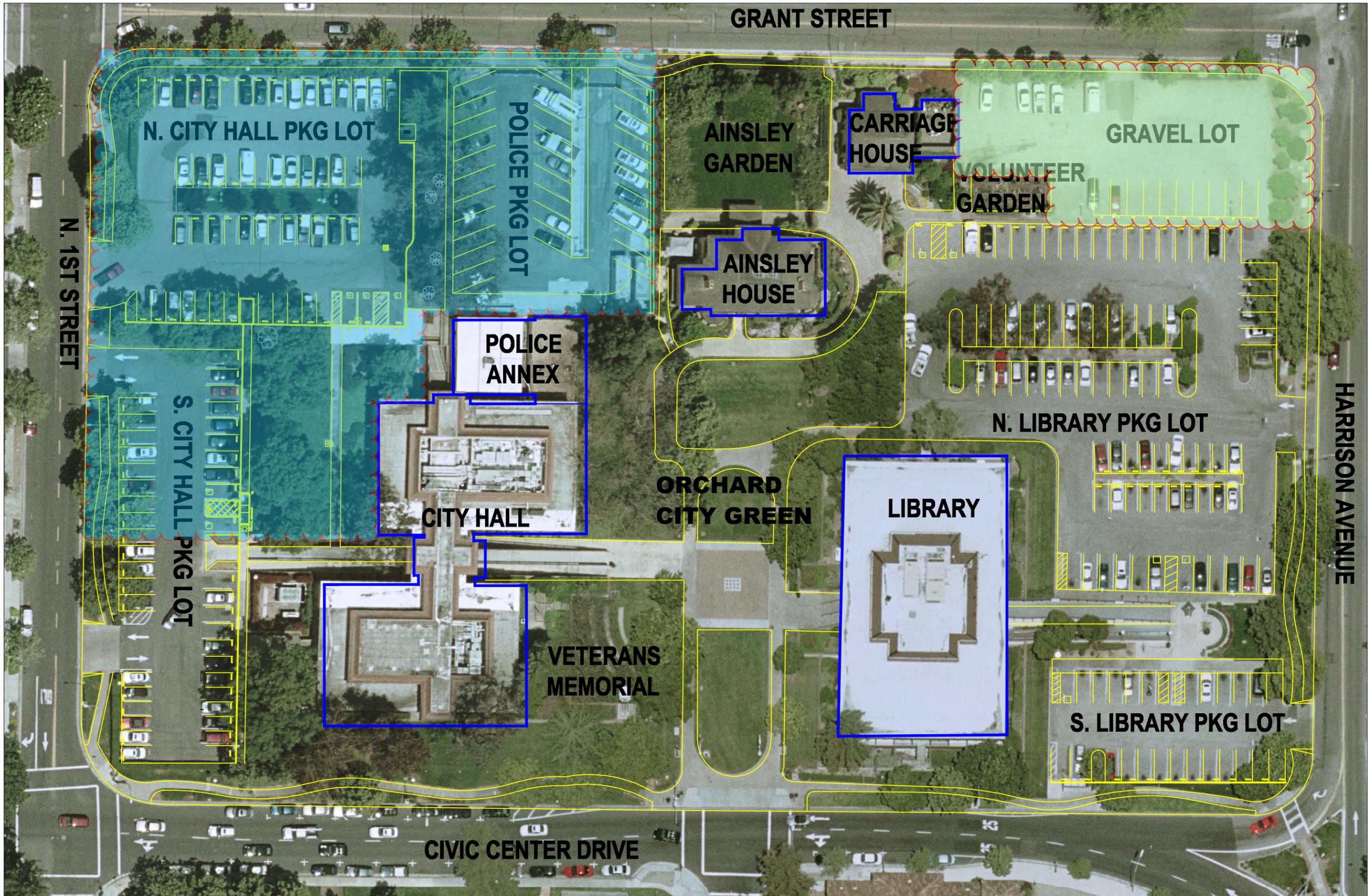
- ATTACHMENT 1 - CIVIC CENTER COMPLEX
- ATTACHMENT 2 - CERTIFICATION OF PROPOSER
- ATTACHMENT 3 - CONFLICT OF INTEREST STATEMENT
- ATTACHMENT 4 - NON-COLLUSION DECLARATION
- ATTACHMENT 5 - MINIMUM QUALIFICATIONS
- ATTACHMENT 6 - REFERENCES
- ATTACHMENT 7 - STATEMENT REGARDING INSURANCE COVERAGE AND  
WORKER’S COMPENSATION ACKNOWLEDGMENT  
CERTIFICATE
- ATTACHMENT 8 - SAMPLE CONSULTANT SERVICES AGREEMENT

Request for Proposal  
Measure O – New Police Operations Building

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DRAFT

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)



N. 1ST STREET

GRANT STREET

HARRISON AVENUE

CIVIC CENTER DRIVE

N. CITY HALL PKG LOT

POLICE PKG LOT

AINSLEY GARDEN

CARRIAGE HOUSE

GRAVEL LOT

VOLUNTEER GARDEN

AINSLEY HOUSE

POLICE ANNEX

N. LIBRARY PKG LOT

CITY HALL

ORCHARD CITY GREEN

LIBRARY

VETERANS MEMORIAL

S. LIBRARY PKG LOT

S. CITY HALL PKG LOT



Northwest Quadrant for POB

# CIVIC CENTER COMPLEX

ATTACHMENT 2 - CERTIFICATION OF PROPOSER

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

MEASURE O – NEW POLICE OPERATIONS BUILDING

By listing the Addenda Numbers below and checking the box next to "ADDENDA" below, Proposer acknowledges receipt of Addenda Number (s) \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, pertaining to this RFP (if any). ADDENDA:

By checking the box next to "QUESTIONS" below, Proposer acknowledges receipt of Questions and Answers to this RFP (if any): QUESTIONS:

I/We (Insert Company Name) \_\_\_\_\_ agree to provide the Services as stipulated in this RFP and pricing as indicated in the Proposal. I/We further agree that the below; undersigned is authorized by the (Insert Company Name) \_\_\_\_\_ to bind the company in contract for the specified contract term. All exceptions (if applicable) are attached as an addendum to this pricing proposal. I understand that the City may not accept exceptions to the RFP. I/We further agree that if awarded the contract, to abide the terms and conditions of the contract and not to materially modify such terms without expressed written consent of the City.

Company Name: \_\_\_\_\_ Legal Entity Type: \_\_\_\_\_

Authorized Contact Title: \_\_\_\_\_ Print Contact Name: \_\_\_\_\_

Contact Signature: \_\_\_\_\_ Contact Email Address: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_ Contact Fax: \_\_\_\_\_

Proposer's Address: \_\_\_\_\_ City, State and ZIP Code: \_\_\_\_\_

Taxpayer I.D. No.: \_\_\_\_\_ Business License No.: \_\_\_\_\_

DIR Registration No. (if applicable): \_\_\_\_\_

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

**ATTACHMENT 3 - CONFLICT OF INTEREST STATEMENT**

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL**

**MEASURE O – NEW POLICE OPERATIONS BUILDING**

The undersigned declares:

I/We \_\_\_\_\_ (Insert Company Name) have the following financial, business, or other relationship with City that may have an impact upon the outcome of the contract or the construction Project. If none, please specify that no other relationships may have an impact on this contract or Project.

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I/We \_\_\_\_\_ (Insert Company Name) have the following current clients who may have a financial interest in the outcome of this contract or the construction Project. If none, please specify that no other clients may have a financial interest with an impact on this contract or Project.

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I/We \_\_\_\_\_ (Insert Company Name) have the following financial interests or relationships with a construction company that might submit a bid for the construction of the Project. If none, please specify that no such relationships exist.

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Pursuant to Government Code section 1090 and any other laws, rules and regulations that may apply, the Proposer covenants that neither it, its subcontractors nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this RFP. Proposer certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFP is an officer or employee of the City. Through its submittal of a proposal, Proposer acknowledges that it is familiar with Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California and will immediately notify the City

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

Furthermore, if there is reason to believe that collusion exists among the Proposers, the City may refuse to consider proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one proposal for the same work unless alternate proposals are called for. A person, firm, or corporation who has submitted a sub-proposal to a Proposer, or who has quoted prices on materials to a Proposer, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Proposers. Reasonable ground for believing that any Proposer is interested in more than one proposal for the same work will cause the rejection of all proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider proposals from participants in such collusion. Proposers shall submit as part of their proposal documents the completed Non-Collusion Declaration provided herein as Attachment 4.

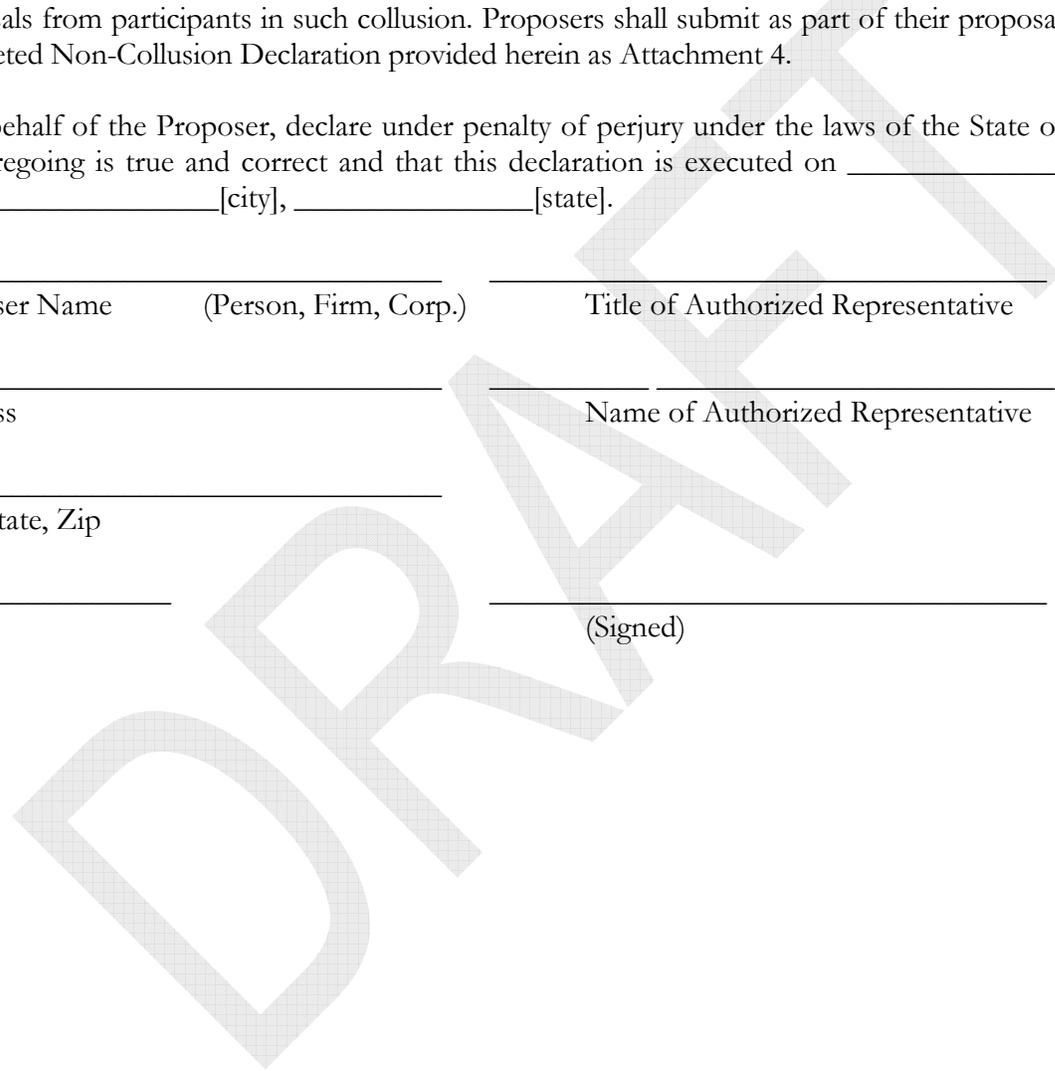
I, on behalf of the Proposer, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_\_ [state].

\_\_\_\_\_  
Proposer Name (Person, Firm, Corp.) Title of Authorized Representative

\_\_\_\_\_  
Address Name of Authorized Representative

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
(Date) (Signed)



**ATTACHMENT 4 – NON-COLLUSION DECLARATION**

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL**

**MEASURE O – NEW POLICE OPERATIONS BUILDING**

The undersigned declares:

I am the \_\_\_\_\_ [Insert Title] of \_\_\_\_\_, [Insert name of company, corporation, LLC, partnership or joint venture] the party making the foregoing Proposal.

The Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The Proposal is genuine and not collusive or sham. The Respondent has not directly or indirectly induced or solicited any other respondent to put in a false or sham Proposal. The Respondent has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham Proposal, or to refrain from responding. The Respondent has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the Respondent or any other respondent, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other respondent. All statements contained in the Proposal are true. The Respondent has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham proposal, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a respondent that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the respondent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_ [state].

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

**ATTACHMENT 5 – MINIMUM QUALIFICATIONS**

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL**

**MEASURE O – NEW POLICE OPERATIONS BUILDING**

List Proposer’s applicable work experience per Minimum Qualifications. Use additional sheets as necessary.

Public Safety, 9-1-1 Dispatch, and EOC Facilities	Owners/Clients	Description of Services	Dates Work Performed	Status

Bridging Documents for Design-Building Projects	Owners/Clients	Description of Services	Dates Work Performed	Status

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

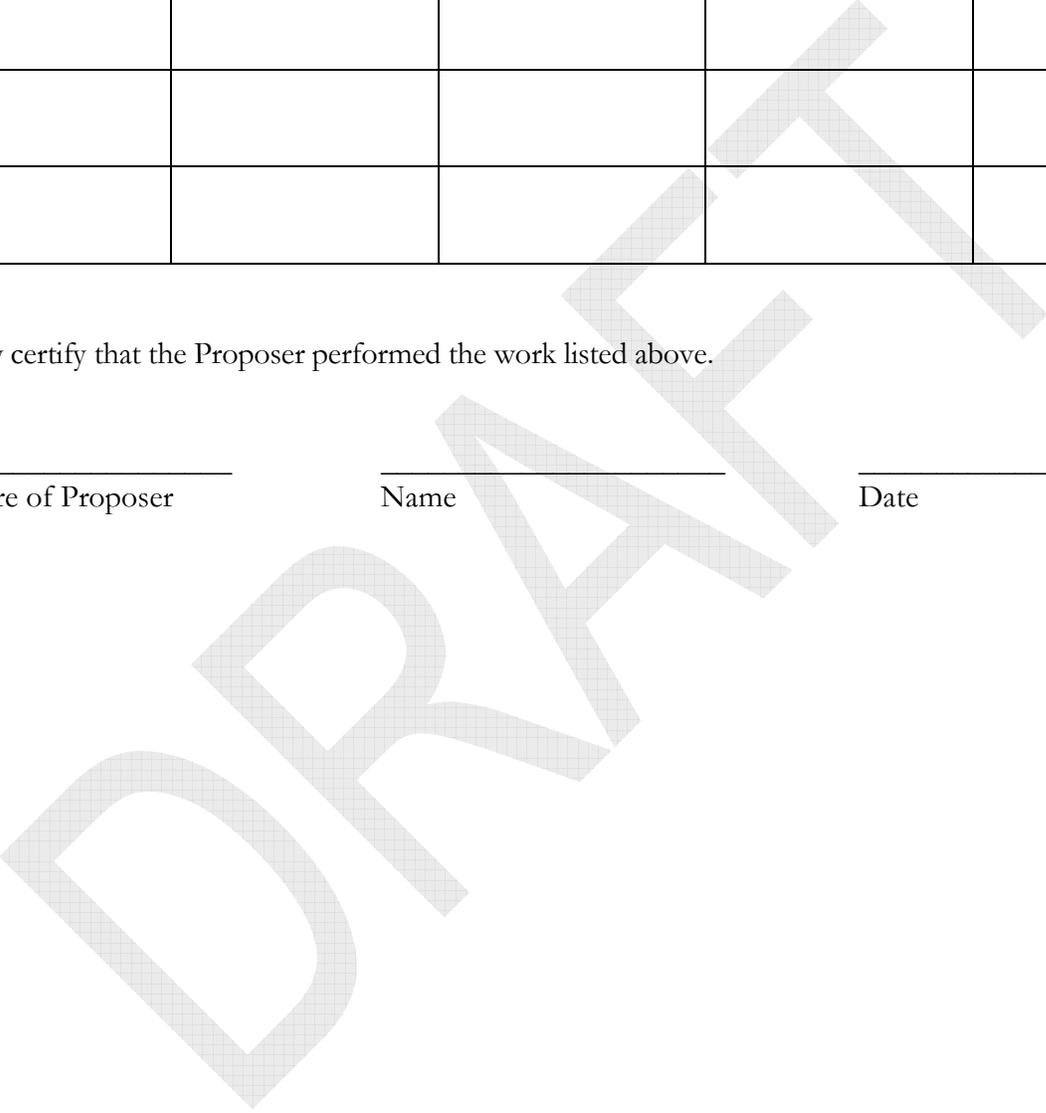
Cost Estimating Projects	Owners/Clients	Description of Services	Dates Work Performed	Status

I hereby certify that the Proposer performed the work listed above.

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date



ATTACHMENT 6 - REFERENCES

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

MEASURE O – NEW POLICE OPERATIONS BUILDING

List three (3) references for work of a similar nature to the Services performed within the last five (5) years. Use additional sheets as necessary.

1. \_\_\_\_\_

_____	_____
Name of Agency	Agency Address
_____	_____
Contact Name	Contact Title
_____	_____
Contact Telephone	Contact Email Address
_____	_____
Contract Period	Contract Amount

Description of services performed including project cost estimates and actual costs.

2. \_\_\_\_\_

_____	_____
Name of Agency	Agency Address
_____	_____
Contact Name	Contact Title
_____	_____
Contact Telephone	Contact Email Address
_____	_____
Contract Period	Contract Amount

Description of services performed including project cost estimates and actual costs.

3. \_\_\_\_\_

_____	_____
Name of Agency	Agency Address
_____	_____
Contact Name	Contact Title
_____	_____
Contact Telephone	Contact Email Address
_____	_____
Contract Period	Contract Amount

Description of services performed including project cost estimates and actual costs.

I hereby certify that the Proposer performed the work listed above.

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

**ATTACHMENT 7 - STATEMENT REGARDING INSURANCE COVERAGE AND  
WORKER'S COMPENSATION INSURANCE ACKNOWLEDGMENT CERTIFICATE**

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE  
PROPOSAL**

**MEASURE O – NEW POLICE OPERATIONS BUILDING**

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the RFP. Should the Proposer be awarded the contract for the Services, Proposer further certifies that the Proposer can meet the specified requirements for insurance, including insurance coverage of the subcontractors, and agrees to name the City as additional insured for the Services specified.

By certifying this form, the Proposer also understands the Worker's Compensation insurance requirement per the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code, which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

\_\_\_\_\_  
Name of Proposer (Person, Firm, or Corporation)

\_\_\_\_\_  
Signature of Proposer's Authorized Representative

\_\_\_\_\_  
Name & Title of Authorized Representative

\_\_\_\_\_  
Date of Signing

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)

## INSURANCE REQUIREMENTS

### A. CERTIFICATE REQUIREMENTS

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Campbell, 70 N. First Street, Campbell, California 95008,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, employees, and volunteers as additional insureds.

### B. MINIMUM SCOPE AND LIMITS OF INSURANCE

Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by Consultant. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE**  
Proof of coverage for \$1 Million per occurrence including products and completed operations, property damage, bodily injury, personal and advertising injury will be provided on Insurance Services Office (ISO) Form CG 00 01 85 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be at least twice the required occurrence limit.

- **PROFESSIONAL LIABILITY (ERRORS AND OMISSIONS): \$2,000,000 PER OCCURRENCE OR CLAIM, \$2,000,000 AGGREGATE.**

Consultant will maintain insurance appropriate to Consultant's profession; with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

- **AUTOMOBILE LIABILITY:**  
Proof of coverage for \$1,000,000 provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.

- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE: \$1,000,000 per accident for bodily injury or disease. **Must include a waiver of subrogation.****

If Consultant maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

### C. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**

The City, its officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an endorsement to Consultant's insurance at least

as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10 and CG 20 37 (if a later edition is used).

- PRIMARY COVERAGE

For any claims related to this agreement, Consultant's insurance coverage will be **primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers will be excess of Consultant's insurance and will not contribute with it.

- NOTICE OF CANCELLATION

Each insurance policy required above shall state that the coverage shall not be canceled, except with notice to the City.

- WAIVER OF SUBROGATION

Consultant hereby grants to the City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss, including attorney's fees under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether the City has received a waiver of subrogation endorsement from the insurer. The Worker's Compensation policy will be endorsed with a waiver of subrogation in favor of the City for all work performed by the Consultant and its employees.

- DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the City. City may require Consultant to purchase coverage with a lower retention or provide proof of ability to pay losses and related expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

- ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

- CLAIMS MADE POLICIES

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *five (5)* years after completion of contract work.

- VERIFICATION OF COVERAGE

Consultant will furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

#### D. SUBCONTRACTORS

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

**ATTACHMENT 8 – SAMPLE CONSULTANT SERVICES AGREEMENT**

**[TO BE ATTACHED BEHIND THIS PAGE]**

**DRAFT**

**CITY OF CAMPBELL**  
**CONSULTANT SERVICES AGREEMENT**

This Agreement is entered into at Campbell, California on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, (“Effective Date”) by and between the **CITY OF CAMPBELL** (hereinafter referred to as "City") and \_\_\_\_\_ (hereinafter referred to as "Consultant") (referred to individually as a “Party” and collectively, as the “Parties”). This Agreement will commence upon the Effective Date and shall continue in full force and effect until completion of all service by Consultant, unless earlier terminated in accordance with the provisions set forth below.

WHEREAS, City desires to engage Consultant’s services relating to the **Measure O – New Police Operations Building Design** (“project”) on behalf of the City’; and

WHEREAS, Consultant represents that it has the expertise, means, and ability to perform said project;

NOW, THEREFORE, in consideration of each other's mutual promises, Consultant and City agree as follows:

**1. DUTIES OF CONSULTANT**

1.1 Consultant agrees to perform services as set forth in Exhibit A - Scope of Services and Compensation, attached hereto and made a part hereof, and as set forth in the Request for Proposal for Measure O – New Police Operations Building Design Consultant Services (“RFP Documents”), which are all incorporated herein by reference, and which shall be interpreted together and in harmony with this Agreement. In the event of any conflict between the RFP Documents and this Agreement (including Exhibit A,) this Agreement shall govern, control, and take precedence.

1.2 Consultant’s project manager will meet with the City’s project manager or designee prior to commencement of the project to establish a clear understanding of the working relationships, authorities, and management philosophy of City as it relates to this Agreement.

1.3 Consultant, working with the City, will gather available existing information concerning the project, and shall review documents as necessary for compliance with the project’s objectives and independently verify the information obtained from those documents.

1.4 Consultant shall meet with authorized City personnel, or third parties as necessary to carry out Consultant’s services. Such meetings shall be held at the request of either Party.

1.5 Consultant acknowledges that it is necessary for Consultant to complete its work on or before as the completion dates set forth in the Scope of Services in order to allow the City

to achieve its objectives for entering into this Agreement. The Parties therefore agree that time is of the essence in the performance of this Agreement.

1.6 Notwithstanding Section 1.5, Consultant shall not be responsible for delay caused by activities or factors beyond Consultant's reasonable control, including delays or by reason of strikes, work slow-downs or stoppages, or natural disasters. Consultant will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement.

1.7 Consultant agrees to perform this Agreement in accordance with the highest degree of skill and expertise exercised by members of Consultant's profession working on similar projects under similar circumstances.

1.8 Consultant shall cooperate in good faith with City in all aspects of the performance of this Agreement.

1.9 In the course of the performance of this Agreement, Consultant shall act in the City's best interest as it relates to the project.

1.10 The designated project manager for Consultant shall be \_\_\_\_\_. The Consultant's project manager or authorized designee shall have all the necessary authority to direct technical and professional work within the scope of the Agreement and shall serve as the principal point of contact with the City and the City's project coordinator. The authorized principal of Consultant executing this Agreement for the Consultant shall have authority to make decisions regarding changes in services, termination and other matters related to the performance of this agreement on behalf of Consultant.

1.11 The Consultant (and its employees, agents, representatives, and subconsultants), in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the City. The City shall not direct the work and means for accomplishment of the services and work to be performed hereunder. The City, however, retains the right to require that work performed by Consultant meet specific standards consistent with the requirements of this Agreement without regard to the manner and means of accomplishment thereof. Subcontractors shall assume all of the rights, obligations and liabilities, applicable to it as an independent contractor hereunder. Consultant represents and warrants that it (i) is fully experienced and properly qualified to perform the class of work and services provided for herein, (ii) has the financial capability and shall finance its own operations required for the performance of the work and services and (iii) is properly equipped and organized to perform the work and services in a competent, timely and proper manner in accordance with the requirements of this Agreement.

1.12 This Agreement contains provisions that permit mutually acceptable changes in the scope, character or complexity of the work if such changes become desirable or necessary as the work progresses. Adjustments to the basis of payment and to the time for performance of the work, if any, shall be established by a written contract amendment (approved and executed by

the City) to accommodate the changes in work.

1.13 Consultant represents that it, and all persons performing services on its behalf are properly licensed to provide the services required under this Agreement, and that they shall maintain all required licenses in good standing during the performance of the services under this Agreement.

1.14 Consultant shall endorse all plans, specifications, estimates, reports and other items described in Scope of Services of Exhibit A prior to delivering them to City, and, where appropriate, indicate his or her registration number.

## 2. DUTIES OF CITY

2.1 City shall furnish to Consultant all available and pertinent data and information requested by Consultant to facilitate the performance of the services called for in this Agreement, which shall be subject to Consultant's independent verification.

2.2 City shall provide Consultant with access to the project site, if applicable, prior to commencement of the work and coordinate meetings with City staff and others, as needed. If, in performing the work, it is necessary for Consultant to conduct field operations, the security and safety of the job site will be the Consultant's responsibility unless the security and safety of any City facility or job site is not under the Consultant's control or within the scope of Consultant's services.

2.3 The work in progress shall be reviewed by the City at such intervals as may be determined in the discretion of the City. The City will be the sole judge of acceptable work. If the work is not acceptable, City will inform Consultant of the changes or revisions necessary to secure approval.

2.4 The City's designated representative for this project shall be WooJae Kim, subject to the right of the City to change the designated representative by providing written notice of the change to Consultant.

## 3. COMPENSATION

3.1 For the full performance of the services described herein by Consultant, City agrees to compensate Consultant for all services and direct costs associated with the performance of the services identified in Exhibit A in an amount not to exceed \$\_\_\_\_\_. If the City elects to have Consultant perform the Additional Services identified in Exhibit A, then Consultant shall be compensated for those Additional Services as also provided in Exhibit A. Consultant's compensation shall be payable as follows:

a. Once each month, Consultant shall submit for payment by City an itemized invoice for services performed during the previous billing period. The invoice shall describe the services rendered and the title of the item of work. Consultant shall furnish progress reports with each

billing statement at no additional charge. Consultant shall include sufficient detail in each progress report, and shall furnish to the City whatever additional information is necessary, to enable the City to determine whether Consultant is performing all tasks described in Section 1.1 of this Agreement pursuant to the schedule set forth in Exhibit A. City shall pay Consultant for services rendered and approved by the City in accordance with Exhibit A within 30 days from the date the itemized invoice is received by the City, subject to the maximum not to exceed amount specified above and the City's right to object.

b. Direct costs are those outside costs incurred on or directly for the project, and substantiated with invoices for the charges. Direct expenses include printing, reproduction, and delivery charges.

3.2 If Consultant identifies other costs which are not specifically covered by the terms of this Agreement, but which are necessary for performance of Consultant's duties, Consultant shall seek approval from the City in advance of incurring such costs. City may approve payment for said costs if authorized in writing by the City in advance.

3.3 City may order changes in the scope or character of services in writing, including decreasing the amount of Consultant's services. In the event that the work is decreased, Consultant is entitled to full compensation for all services performed and expenses incurred prior to receipt of notice of change. Under no conditions shall Consultant make any changes to the work, either as additions or deductions, without the prior written order of the City. In the event, that the City determines that a change to the work or services from that specified in this Agreement is required, the contract time and/or actual costs reimbursable by the City for the project may be adjusted by contract amendment or change order to accommodate the changed work. The maximum not to exceed total amount specified in this Article 3 (Compensation) shall not be exceeded, unless authorized by written contract amendment or change order, approved and executed by the City. Consultant shall obtain prior written approval for a revised fee schedule from the City before exceeding such fee schedule.

3.4 Payment to Consultant shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in the Scope of Work. Consultant agrees that the payments to Consultant specified in this Article 3 will constitute full and complete compensation for all obligations assumed by Consultant under this Agreement. Where conflicts regarding compensation may occur, the provisions of this section apply.

3.5 In no event, unless otherwise agreed to in writing by both Parties, in the form of an amendment or change order. will the Consultant be reimbursed for any costs or expenses at any rates that exceed the rates set forth in the fee schedule found in Exhibit A or are in excess of the "not to exceed" amount set forth in section 3.1.

3.6 City may withhold payment to Consultant following written notice to Consultant that: (i) Consultant has failed to fully perform its obligations under this Agreement (including, without limitation, any failure to submit required deliverable items according to the schedule set forth in Exhibit A), (ii) Consultant has neglected, failed, or refused to furnish information or cooperate with any inspection, review, or audit of its work or records; or (iii) Consultant has failed to sufficiently itemize or document its billing statement.

#### 4. **SUBCONSULTANTS**

4.1 Consultant may not subcontract any services required under this Agreement without the prior written consent of the City.

4.2 Consultant shall be responsible to City for the performance of any and all subconsultants who perform work under this contract, and any acts of negligence or misconduct on their part. Consultant is solely responsible for all payments due to subconsultants.

#### 5. **OWNERSHIP OF DOCUMENTS AND MATERIALS**

All original drawings, documents, papers, data, materials, photographs, negatives and other work products prepared by the Consultant and/or its subconsultants in the performance of the services encompassed in this Agreement (whether in printed or electronic format) (“project-related documents and materials”) shall be the property of the City and may be used on this project without the consent of the Consultant or its subcontractors. City acknowledges that such drawings, documents, and other items are instruments of professional services intended for use only on the subject project. Consultant agrees that all copyrights which arise from creation of the Project-related documents and materials pursuant to this Agreement shall be vested in the City and waives and relinquishes all claims to copyright or other intellectual property rights in favor of the City. Upon the completion or termination of this Agreement for any reason, the City shall be entitled to receive, and Consultant shall promptly provide to the City upon request, all finished and unfinished project-related documents and materials, produced or gathered by or on behalf of Consultant that are in Consultant’s possession, custody or control. Consultant may retain copies of said documents and materials for its files. In the event of termination, any dispute regarding compensation or damages shall not hinder, prevent, or otherwise impact the City’s right to promptly receive and use such documents and materials which are the sole and exclusive property of the City.

#### 6. **TERMINATION**

The City may terminate the Agreement in its sole discretion for convenience by providing written notice to the Consultant not less than 30 calendar days prior to an effective termination date.

The City or Consultant may terminate the Agreement for material breach of agreement by providing written notice to the other party not less than 14 calendar days prior to an effective termination date.

Upon notice of termination, the Consultant will immediately take action not to incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination. All finished or unfinished work or documents procured or produced under the Agreement will become property of the City upon the termination date. The City reserves the right to obtain services elsewhere, and the defaulting Consultant will be liable for the difference between the prices set forth in the terminated Agreement and the actual cost to the City. In no event will the City be liable for any loss of profits on the resulting agreement or portion thereof so terminated. After the effective date of termination, Consultant will have no further claims against the City under the Agreement. Termination of the Agreement pursuant to this paragraph may not relieve the Consultant of any liability to City for damages sustained by City because of any breach of Agreement by Consultant, and City may withhold any payments to Consultant for the purpose of set off until such time as the exact amount of damages due City from Consultant is determined.

If Consultant ceases performing services under this Agreement or otherwise abandons the project prior to completing all of the services described in this Agreement, Consultant shall deliver to City, without delay, all materials and records prepared or obtained in the performance of this Agreement. City shall pay Consultant the amount it determines to be the reasonable value of the services performed up to the time of cessation or abandonment, less a deduction for any damages or additional expenses which City incurs as a result of such cessation or abandonment.

The rights and remedies provided in this section will not be exclusive and are in addition to any other rights and remedies provided by law or under the Agreement.

## 7. **AUDIT AND INSPECTION**

Consultant shall permit authorized representatives of City to inspect and audit all data and records relating to its performance under this Agreement for a period of four years following the final payment for Consultant's services. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of five years from the date of the final City payment for Consultant's services.

## 8. **EQUAL EMPLOYMENT OPPORTUNITY**

Consultant agrees to refrain from discriminatory employment practices on the basis of race, religious creed, color, sex, national origin, disability, sexual orientation, or gender identity, ancestry or any other consideration made unlawful by local, State or Federal law of any employee of, or applicant for employment with, such Consultant or subcontractor.

## 9. INDEMNIFICATION

9.1 With respect to any design professional services provided by Consultant, the Consultant agrees to indemnify, and hold harmless the CITY, its officers, officials, employees, and volunteers to the fullest extent allowed by law from any and all claims, actions, causes of action, damages, liabilities and losses, and expenses, including attorneys' fees and costs (collectively, "Claims") that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents except for any Claims proximately caused by the sole negligence or willful misconduct of CITY. Any defense costs charged to the Consultant relating to design professional services under this paragraph shall not exceed the design professional's proportionate percentage of fault per Civil Code §2782.8, except:

a. That in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, the design professional shall meet and confer with the other parties regarding unpaid defense costs in good faith effort to agree on the allocation of those costs amongst the parties; and

b. Where a project-specific general liability policy insures all project participants for general liability exposures on a primary basis and also covers all design professionals for their legal liability arising out of their professional services on a primary basis, then there shall be no limitation on the design professional's duty to provide a defense and cover the City's cost of defense, and the indemnity obligation under section 9.2 shall apply.

9.2 With respect to all matters other than those covered by Section 9.1, Consultant agrees to indemnify, defend (with counsel reasonably satisfactory to the CITY) and hold harmless the CITY, its officers, officials, , volunteers, and employees to the fullest extent allowed by law from any and all claims, actions, causes of action, losses, damages, liabilities and costs of every nature, including but not limited to all claims, actions, causes of action, losses, damages, liabilities for property damage, bodily injury, or death, and all costs of defending any claim, caused by or arising out of, or alleged to have been caused by or arise out of, in whole or in part, Consultant's performance under this Agreement, except for any claims, actions, causes of action, losses, damages, costs or liabilities proximately caused by the sole negligence or willful misconduct of CITY.

9.3 In no event shall this section be construed to require indemnification by the Consultant to a greater extent than permitted under the public policy of the State of California; and in the event that this Agreement is subject to California Civil Code section 2782(b), the foregoing indemnity provisions shall not apply to any liability for the active negligence of the City.

9.4 The defense and indemnity provisions obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations contained in this Agreement. The foregoing indemnity provisions are intended to fully allocate

the parties' risk of liability to third-parties; and there shall be no rights to indemnity or contribution, in law or equity or otherwise between the Parties that are not set forth in this section. Consultant waives all rights to subrogation for any matters covered by the provisions of this section. Consultant's responsibility for such defense and indemnity obligations as set forth in this section shall survive the termination or completion of this Agreement for the full period of time allowed by law.

## 10. INSURANCE

10.1 Consultant shall maintain insurance conforming to the following specifications to the fullest amount allowed by law for a minimum of five years following the termination or completion of this Agreement:

### A. Types and Scope of Coverage

Coverage shall be at least as broad as:

1. Commercial General Liability: \$1,000,000 combined single limit per occurrence including products and completed operations, for bodily injury, personal and advertising injury and property damage on Insurance Services Office (ISO) Form CG 00 01 11 85 covering CGL. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.

3. Workers' Compensation and Employer's Liability: Workers' Compensation limits as required by the Labor Code of the State of California and Employer's Liability limits of \$1,000,000 per accident. In executing this Agreement, Consultant certifies as follows: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to under take self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

4. Professional Liability and/or Errors and Omissions: \$2,000,000 per occurrence or claim and \$2,000,000 in the annual aggregate. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase

“extended reporting” coverage for a minimum of five (5) years after completion of contract work.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (as agreed to in this Agreement) before the City’s own insurance or self-insurance shall be called upon to protect it as a named insured.

#### **B. Deductible and Self-Insured Retention**

Any deductibles or self-insured retention must be declared to and approved by the City, and shall not reduce the limits of liability. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its agents, officers, attorneys, employees, officials and volunteers; or the Consultant shall procure a bond guaranteeing payment of losses related to investigations, claim administration, and defense expenses. Policies containing any self-insured retention provision shall provide or be endorsed to provide that the self-insured retention may be satisfied by either the named insured or the City.

#### **C. Other Insurance Provisions**

The policies are to contain, or be endorsed to contain, the following provisions:

##### **1. General Liability and Automobile Liability Coverage:**

a. The City, its officials, officers, employees, and volunteers are to be covered as additional insureds as respects: liability arising out of this Agreement performed by or on behalf of the Consultant, products and completed operations of the Consultant, premises owned, occupied or used by the Consultant, or automobiles owned, leased, hired or borrowed by the Consultant. It is a requirement of this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits set forth in this Agreement shall be available to the City as an additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is affords greater coverage.

b. The Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, attorneys, employees, officials and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, attorneys, employees, officials and volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officials, officers, employees, and volunteers.

d. The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the insurer's liability.

2. **Workers' Compensation and Employer's Liability Coverage:** The insurer shall agree to waive all rights of subrogation against the City, its agents, officers, attorneys, employees, officials, and volunteers for losses arising from work performed by the Consultant for the City.
3. **All Coverages:** Any unintentional failure to comply with reporting provisions of the policies shall not affect coverage provided to the City; and unless otherwise approved by the City, each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice by regular mail has been given to the City, or ten (10) days for cancellation for non-payment of premium.

#### **D. Claims Made Policies**

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

#### **E. Suspension or Cancellation**

If any of the coverages required by this Agreement should be suspended, voided, cancelled or reduced in coverage during the term of this Agreement, Consultant shall immediately notify City and replace such coverage with another policy meeting the requirements of this Agreement.

#### **F. Subcontractors**

Consultant agrees that any and all contracts with subcontractors for performance

of any matter under this Agreement shall require the subcontractors to comply with the same indemnity and insurance requirements set forth in this Agreement to the extent that they apply to the scope of the subcontractors' work. Subcontractors are to be bound to contractor and to City in the same manner and to the same extent as the Consultant is bound to City under this Agreement. Subcontractors shall further agree to include these same provisions with any sub-subcontractor. A copy of this Agreement will be furnished to the subcontractor on request. The Consultant shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in the Agreement prior to commencing any work, and will provide proof of compliance to the City.

**G. Acceptability of Insurers**

Without limiting Consultant's indemnification provided hereunder, the policies of insurance listed in this Agreement are to be issued by an issuer with a current A.M. Best Rating of A:V and who is authorized to transact business in the State of California, unless otherwise approved by the City.

**H. Verification of Coverage**

Consultant shall furnish the City with endorsements and certificates of insurance evidencing coverage required by this clause. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates are to be on forms acceptable to the City. Where required by statute, forms approved by the Insurance Commissioner are to be submitted. All certificates are to be received and approved by the City before work commences.

**I. Survival After Termination**

The provisions of this Article 10 of the Agreement shall survive the termination of this Agreement for the full period of time allowed by law.

**11. MISCELLANEOUS**

11.1 This Agreement shall be binding on the heirs, executors, assigns and successors of Consultant.

11.2 Neither party may assign this Agreement, or any portion hereof, without the prior written consent of the other.

11.3 This Agreement shall not be construed to alter, affect, or waive any lien or stop notice rights, which Consultant may have for the performance of services pursuant to this Agreement.

11.4 Neither party's waiver of any term, condition or covenant, or breach of any term, condition or covenant shall be construed as the waiver of any other term, condition or covenant

or waiver of the breach of any other term, condition or covenant.

11.5 This Agreement, the RFP Documents, and any attachments contains the entire Agreement between City and Consultant relating to the project and the provision of services to the project. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. Subsequent modifications to this Agreement shall be in writing and signed by both City and Consultant.

11.6 If any term, condition or covenant of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall be valid and binding on City and Consultant.

11.7 This Agreement shall be governed and construed in accordance with the laws of the State of California.

11.8 The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

11.9 All changes or amendments to this Agreement must be in writing and approved by all parties.

11.10 The term of this Agreement shall commence upon execution of the Agreement and terminate as indicated herein. Any extension of the Agreement shall be mutually agreed upon in writing and shall require an amendment to the Agreement signed by both parties.

11.11 Consultant owes the City a duty of undivided loyalty in performing the work and services under this Agreement, including, but not limited to, the obligation to refrain from having economic interests and/or participating in activities that conflict with the City's interests in respect to the work and/or services and project. The Consultant shall list current clients who may have a financial interest in the outcome of this Agreement. The Consultant hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this agreement. Consultant shall not make or participate in making or in any way attempt to use Consultant's position to influence a governmental decision in which Consultant knows or has reason to know Consultant has a direct or indirect financial interest other than the compensation promised by this Agreement. Consultant will immediately advise the City if Consultant learns of a financial interest of Consultant's during the term of this Agreement.

11.12 During the course of this Agreement, each Party may disclose to the other certain information which may be considered confidential by the disclosing party. ("Confidential Information"). Confidential Information shall mean any and all information or proprietary materials (in every form and media) not generally known to the public and which has been or is hereafter disclosed or made available by either Party (the "Disclosing Party") to the other Party

(the “Receiving Party”), either verbally or in writing, in connection with this Agreement, including the terms of this Agreement.

Unless otherwise required by law, and except as expressly provided in this Agreement, the Receiving Party will not use or disclose any Confidential Information of the Disclosing Party without the Disclosing Party’s prior written consent, except disclosure to and subsequent uses by the Receiving Party’s employees or consultants on a need-to-know basis, provided that each are under confidentiality obligations similar to those contained herein. The Disclosing Party’s Confidential Information may only be used by the Receiving Party for the purpose of implementing this Agreement. The Receiving Party agrees to use at least the same care and precaution in protecting such Confidential Information as the Receiving Party uses to protect the Receiving Party’s own Confidential Information and trade secrets, and in no event less than reasonable care. Upon the Disclosing Party’s written request, the Receiving Party shall return or certify the destruction of all Confidential Information.

11.13 This Agreement is entered into, and to be performed in Santa Clara County, California, and any action arising out of or related to this Agreement shall be maintained in a court of appropriate jurisdiction in Santa Clara County, California.

11.14 All activities of Consultant, its employees, subcontractors and/or agents will be carried out in compliance with all applicable federal, state and local laws.

11.15 Consultant warrants that Consultant, its subcontractors and/or agents (if any) has/have complied with any and all federal, state, and local licensing requirements and agrees to provide proof of compliance upon request.

11.16 The Parties agree to attempt in good faith to resolve through negotiation any dispute, claim or controversy arising out of or relating to this Agreement. Either party may initiate negotiations by providing written notice in letter form to the other party, setting forth the subject of the dispute and the relief requested. Promptly upon such notification, the Parties shall meet at a mutually agreeable time and place in order to exchange relevant information and perspective, and to attempt to resolve the dispute. In the event that no resolution is achieved, and if, but only if, the parties mutually agree, then prior to pursuing formal legal action, the parties shall make a good faith effort to resolve the dispute by non-binding mediation or negotiations between representatives with decision-making power, who, to the extent possible, shall not have had substantive involvement in the matters of the dispute.

## 12. NOTICES

Notices required under this Agreement may be delivered by first class mail addressed to the appropriate party at one of the following addresses:

CITY: City of Campbell  
Attention: WooJae Kim  
70 North First Street

Campbell, CA 95008

CONSULTANT: \_\_\_\_\_  
Attention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13. WARRANTY OF AUTHORITY.**

The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.

Having read and understood the foregoing Agreement, the undersigned parties execute this Agreement on the first date and year above written:

CONSULTANT

By \_\_\_\_\_

Print Name: \_\_\_\_\_

Title \_\_\_\_\_

**CITY OF CAMPBELL**

By \_\_\_\_\_

Title \_\_\_\_\_

Exhibit A - Scope of Services and Compensation

**Exhibit A**

**Scope of Services and Compensation**

*To be completed and attached upon completion of negotiations.*

Attachment: New Police Operations Building Design RFP (Measure O - Request for Proposals Authorization)



City of Campbell

REQUEST FOR PROPOSAL

**MEASURE O -  
CAMPBELL LIBRARY IMPROVEMENTS  
DESIGN CONSULTANT SERVICES**

Date Issued: February 6, 2020

**Proposal Deadline: March 9, 2020 by 4:00p.m.**

**Mandatory Pre-Proposal Site Tour: 10:00 a.m., Tuesday, February 18, 2020**

Issued By: City of Campbell  
70 North First Street  
Campbell, CA 95008-1423  
[www.campbellca.gov](http://www.campbellca.gov)

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

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Request for Proposal  
 Measure O – Campbell Library Improvements

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Glossary of Terms:

ADA – Americans with Disability Act	Library – Campbell Library
CCC – Civic Center Complex	MEP – Mechanical/Electrical/Plumbing
CCMP – Civic Center Master Plan	Police – Campbell Police
CEQA – California Environmental Quality Act	Project – Campbell Library Improvements
City – City of Campbell	PS&E – Plans, Specifications, and Estimates
DD – Design Development	RFP – Request for Proposal

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

Request for Proposal  
Measure O – Campbell Library Improvements

EOC – Emergency Operations Center  
FF&E – Furniture, Fixtures, and Equipment

ROM – Rough Order of Magnitude  
SCCLD – Santa Clara County Library District

Schedule of Activities: The City reserves the right to amend the schedule below as necessary.

<u>Activity</u>	<u>Dates</u>
RFP release	February 6, 2020
Mandatory Pre-Proposal Site Tour	February 18, 2020, 10:00 a.m.
Deadline for Addendum Issuance	March 4, 2020
Proposal Submission Deadline (4:00 p.m.)	March 9, 2020
Proposal Evaluation	March 2020
Consultant Interviews/Presentations	April/May 2020
Contract Award	May 2020

DRAFT

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

Request for Proposal  
Measure O – Campbell Library Improvements

**RFP FOR MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS  
DESIGN CONSULTANT SERVICES**

**Proposals Due:** 4:00 p.m., Monday, March 9, 2020

**Pre-proposal Site Tour (Mandatory):** Consultants submitting proposals must attend the Pre-proposal Site Tours scheduled for 10:00 a.m. on Tuesday, February 18, 2020. Attendees to convene in front of Campbell Library located at 77 Harrison Avenue, Campbell, California 95008.

## A. Overview

The City of Campbell (City) is seeking proposals from qualified professional architectural firms (Proposers) for design services for the Measure O – Campbell Library Improvements (Project). Campbell Library (Library) is located at 77 Harrison Avenue within the Civic Center Complex (CCC), bound by Civic Center Drive, North First Street, Grant Street, and Harrison Avenue. See *Attachment 1 – Civic Center Complex*. Campbell Library is operated by the Santa Clara County Library District (SCCLD), but the building is owned by the City.

Proposers may download the RFP documents electronically for free by selecting Request on QuestCDN Page and input the Question Request #----- (to be provided). All relevant Project documents are also available on the City’s website (website to be provided). It shall be the consultant’s responsibility to check the City’s website and Quest CDN to obtain any addenda that may be issued.

Proposed scope of design services for this RFP shall include, as applicable and not limited to, the following for the Campbell Library Improvements:

### Phase 1 – Feasibility Study and Design Development:

- Task A - Review of existing documents and conditions
- Task B - Develop Work Plan, Cost Plan, and Project Schedule
- Task C - Confirm programming and space Needs
- Task D - Building and Site concept design alternatives
- Task E - Schematic (20%) Design Documents
- Task F - Design Development (40%) Documents

### Phase 2 –Construction Documents:

- Task G - Construction Documents (65%, 95%, and 100% PS&E)

### Phase 3 – Bid and Construction:

- Task H – Bid and contract award support
- Task I – Construction administration support

Consultant disciplines anticipated, but not limited to, the following:

- Architecture

## Request for Proposal Measure O – Campbell Library Improvements

- Soil Testing & Geotechnical Engineering
- Civil Engineering/Site Grading/Site Storm Water Management Plan
- Fire Suppression
- Landscape Architecture
- Structural Engineering
- Mechanical
- Plumbing
- Electrical/Lighting Engineering/Low Voltage Wiring
- Communications
- Cost Estimating
- Commissioning

A Project Budget of \$20 million is set aside from the Measure O fund for the Project, which shall cover design services, pre-construction, temporary relocation, construction, and contingency costs.

### **B. MINIMUM QUALIFICATIONS FOR THE CONSULTANT**

The City is seeking proposals from design consultants with the following minimum qualifications with preference for experience within the greater San Francisco Bay Area:

1. Minimum five (5) years of applicable and recent experience in programming and designing library facilities as the lead architect or architect-of-record.
2. Third-party cost estimator with at minimum five (5) years of recent experience in estimating library and/or civic building projects in the greater San Francisco Bay Area at various design stages.
3. A design team with expertise in architecture, structural and civil engineering, landscape architecture, Mechanical/Electrical/Plumbing (MEP), lighting, energy-efficiency, budget and cost analysis, and in the field of public meeting facilitation.
4. Availability and willingness to frequently travel to the City for site visits and meetings with the City Council and City staff.
5. **Pre-proposal Site Tour.** No Proposer shall be qualified to submit a proposal on this Project unless it has attended the mandatory pre-proposal site tour on February 18, 2020 at 10:00 a.m. at the Campbell Library located at 77 Harrison Avenue, Campbell, California 95008.

Furthermore, Proposers shall also comply with the following provisions:

1. Each Proposer is responsible for determining and complying with all applicable business licensing requirements necessary to complete the Project's scope of work. The successful Proposer shall be required to provide evidence to the City that it is authorized to do business in California and provide a current City of Campbell Business License prior to award of the contract.

## Request for Proposal

### Measure O – Campbell Library Improvements

2. Each Proposer is responsible for determining and complying with all applicable professional licensing requirements necessary to complete the Project's scope of work. All final work products shall be stamped and sealed by an appropriately registered and licensed professional.
3. If applicable, California Department of Industrial Relations (“DIR”) Registration is required. If applicable, Proposer will be required to certify that it has verified that its subcontractors on this Project are registered with the DIR in compliance with Labor Code sections 1771.1 and 1725.5, and Proposer shall provide such proof of registration to the City.

### C. Background

The CCC is a 6-acre City site located in the Campbell's historic downtown district. City Hall (with Campbell Police) and Library are located within the complex, along with the Ainsley House, Carriage House, Orchard City Green, and Veterans Memorial where numerous public and private events are hosted. Ainsley and Carriage Houses are listed on the National Register of Historic Places. North Central Avenue previously ran directly west of the Library through the current Orchard City Green before a portion of the street was vacated in 1992.

Since 2014, the City evaluated various improvement options for the Civic Center Master Plan (CCMP) to incorporate the program and space needs for the City Hall operations/services, Police, Library, Veterans Memorial, Historical Museum, and parking within the CCC. Due to high costs of the overall CCMP, the Measure O program scope was established to focus on the Campbell Library, police emergency operations, 9-1-1 dispatch, and emergency operations center (EOC).

Measure O is a \$50,000,000 general obligation bond passed during the November 2018 general elections to fund the Library and the Campbell Police (Police) building projects. For reference, the overall Measure O goals are as follows:

1. New Police Operations Building with 9-1-1 dispatch and emergency operations center fitted with up-to-date crime fighting technology meeting operational standards and adaptable to future needs and new technology.
2. Improve Campbell Library for building code compliance, accessibility, energy-efficiency, efficient and versatile use of space to include senior reading, after-school homework programs, children's story times, children's collection, summer reading programs, public computer lab, and more.
3. If permissible within the Project budget, improvements to the existing police facility for other City purposes.

The Library is a two-story, 25,000 square foot building constructed in 1974. The building consists of concrete slabs, steel columns, and concrete masonry walls for the first-story, and steel columns and wood-framed walls and roof for the second-story. In 1987, there was an interior remodel of the library which included electrical and mechanical upgrades. As highlighted in **Attachment 1**, the Campbell Library site covers 34,000 square foot of parking and areas immediately around the

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Library. SCCLD has leased the Library (and site) from the City since it was first constructed and is responsible for its operations and maintenance. The Library is open seven days a week and accommodates over 1,000 visitors daily.

Key challenges at the Library include, but not limited to, the lack of single defined point of public entry, ADA access, general building code compliance, seismic and fire safety, building security, insufficient daylight, need for large capacity community room adjacent to children’s area, lack of sight line for supervision, limited reading and quiet areas, acoustics, space for growth, meeting spaces for small groups, dedicated delivery entrance for daily shipments of books, one unified automated materials handling system equipment integrated with return relocations and delivery, existing elevator and roofing are at the end of life cycle, energy efficiency, outdated electrical and communication systems, water infiltration through the roof and first-level masonry walls, and age of the building. The Library site currently does not accommodate service vehicles, and parking lot is often full.

In 2017, Biggs Cardosa Associates, Inc. conducted Tier 1 structural assessments of the Library. According to the assessment reports, the Library is in good structural conditions but requires some seismic retrofit work to comply with the current level of performance standards.

SCCLD commissioned a feasibility study in 2019 to investigate a potential solution to address deficiencies and key programming needs within the existing Library site while slightly increasing the total footprint of the existing Library (currently 25,045 square foot) to 26,420 square foot. The study estimated a cost of \$23.5 million for the Library renovation, which factored in cost escalation to year 2021, but did not include costs for design and other professional services, site work, site utilities, construction contingency, and temporary relocation.

The following project related documents can be viewed through ([website to be provided](#)):

1. Original Campbell Library Plans
2. 1987 Remodel of Campbell Library
3. 2014 Program and Space Needs Assessment for Campbell Library
4. Tier 1 Seismic Evaluations of Campbell Library
5. 2019 SCCLD Feasibility Study

The City is in the process of preparing a topographic and boundary survey of the CCC and hazardous materials testing of the Library. Both are anticipated to be completed and made available by March 2020. Hazardous materials testing report shall provide recommendations and specifications for the abatement needed and a preliminary cost estimate.

### D. Project Description

The consultant shall work with the City and SCCLD to confirm the programming and space needs as graphically reflected in the SCCLD’s 2019 Feasibility Study. The consultant then shall develop a minimum of two (2) viable and feasible concept design alternatives for improvements to the Library

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that address key programming, deficiencies, and building challenges. The design alternatives shall also address site issues such as parking, vehicle circulation, service vehicle accommodation, and any zoning requirements. The consultant should anticipate providing minor variations of the two alternatives as requested by the City.

The design proposal in SCCLD’s 2019 Feasibility Study should be considered as one of the design alternatives with refinements as necessary to meet the Project Budget. This shall include the consultant conducting a cost benefit analysis of moving the Library’s second story exterior perimeter walls to the outer edge of the floor slab/wood frame. If there are significant costs and challenges to moving the exterior walls relative to its benefits, the City may not consider that option as one of the viable design alternatives for the Library.

Once the preferred concept design alternative, Schematic Design, and Design Development Documents are approved by the City, SCCLD, and the City Council, the consultant shall complete Construction Documents for the Project, and provide bid/award and construction administration support services as described under the proposed Scope of Services.

### E. General Design Criteria

The following general design criteria shall guide the design process for the Project:

- Develop cost-effective solutions within the Project budget.
- Address existing deficiencies and key challenges.
- Maximize the useable floor area of the Library building.
- Large capacity multi-purpose community room adjacent to children’s area.
- One main point of entry for the public.
- Waterproofing the building.
- Daylight is a key quality to library spaces and activities.
- Dedicated delivery entrance.
- Truck loading area while addressing vehicular circulation in the parking lot.
- Space for one unified Automated Materials Handling System (AMHS) connected to all book returns and close to the delivery entrance.
- Build a sustainable and resilient building.
- Consider a photovoltaic system on the roof.
- Consider a “Green Roof” system.
- Consider all-electric powered building with electric vehicle charging stations.
- Retain as much of the heritage and protected trees as possible in the CCC. City Arborist to assist with tree inventory and assessment.
- Work with the design consultant for the New Police Operations Buildings to deal with site planning and logistical issues.
- Minimum impacts to the CCC and existing programs and activities. Orchard City Green needs to remain a functional public space during the construction.

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## F. General Provisions and Requirements

1. A Technical Advisory Committee (TAC), consisting of Council members, SCCLD staff, and City staff, will be established for the Project to assist with the review of the design deliverables and provide project guidance. In general, TAC will participate in design deliverable review meetings with the consultant and the City's Project Manager. Any correspondence with the TAC shall be through the City's Project Manager.
2. The City's Project Manager shall be the consultant's primary contact for the City and shall manage the design consultant services for this Project. Although the proposed scope of design services may state that the consultant shall coordinate the work and obtain approvals from other entities and stakeholders, the consultant shall receive final directions from the City's Project Manager or an authorized designee only.
3. Throughout the design phase, the consultant's project manager shall provide bi-weekly updates to the City's Project Manager at minimum. Updates can be in a form of a report, meeting, or telephone conference.
4. The consultant shall assist with the project management/coordination to fulfill project tasks.
5. The consultant shall prepare technical documents in compliance with the latest applicable codes, rules, regulations, and guidelines.
6. The consultant shall coordinate design and construction logistics matters with City's consultant for the New Police Operations Building through the City's Project Manager.
7. The consultant shall manage, coordinate, and review work submitted by the Project's sub-consultants for accuracy and conflicts with other disciplines.
8. The consultant shall maintain the consultant's key personnel through the entire duration of services; and therefore, the consultant will conduct their business in a professional manner to schedule and support their personnel to provide the scope of services in a timely and professional manner. The City must approve of any key personnel change in advance through personnel qualifications review and oral interviews with City staff.
9. The consultant shall prepare and periodically update the Project Schedule by identifying milestones, dates for decisions required by the City, design services furnished by the consultant and sub-consultants, deliverables to be furnished, completion of documentation, commencement of construction, and substantial completion. The schedule shall include adequate periods of time for review by City/SCCLD/Stakeholders (minimum three weeks) and shall incorporate pertinent calendar information including holidays and public meeting dates for the City Council (and agenda item due dates to be provided by the City). The Project Schedule shall include these milestones:
 

i. Start of Design Services	June 2020
ii. Completion/confirmation of Program and Space Needs	August 2020
iii. Completion of Building and Site Concept Alternatives	December 2020
iv. Complete Schematic Design Documents	Early Winter 2021
v. Complete Design Development Documents	Spring 2021
vi. Completion of 100% Construction Documents	Fall 2021
vii. Start of Construction	Spring 2022

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10. The consultant shall not proceed further with next phases or tasks until each design submittals and cost estimates are reconciled within the Project/Construction Budget and until authorized by the City.
11. The consultant shall submit design documents for City’s review, evaluation, and comments and address comments provided by the City into a single set of coordinated comments/responses and make revisions as required by the City within two (2) weeks. In responding to review comments and revising the design documents, the consultant shall review, coordinate and address all associated consequences of the revisions to maintain the integrity of the documents and the design intent.
12. The City does not warrant the accuracy or completeness of its documents. The consultant shall verify all information to consultant’s professional satisfaction and note and report any discrepancies observed in the course of professional activities covered by the services.
13. Plans that are prepared by sub-consultants and not incorporated into sets of complete plans will not be accepted by the City.
14. The consultant shall provide design coordination of structural system, mechanical, HVAC, plumbing, fire protection, data/voice raceway, audio/visual technology, electrical, lighting, telecommunications, alarm, and other systems, for proper location, clearance and space requirements in order to reduce potential conflicts between these systems.
15. The consultant shall be responsible for design services related to built-in fixtures and furnishings including layout, design details, specifications, and estimates.
16. The consultant shall make recommendations and assist SCCLD with the selection of moveable furniture, fixtures, and equipment (FF&E) for functionality and space planning. FF&E will be provided and funded by SCCLD.
17. The consultant shall design and incorporate backbone infrastructure systems and space required to accommodate the installation of FF&E. FF&E shall be schematically shown on design plans to be “provided by others”.
18. Generally, systems or products that are proprietary, licensed, or require periodic payments for continued use, are not acceptable. Exceptions may be allowed for certain software and other items, where the consultant has provided reasonable information that indicates the use is necessary and cost-effective to the City.
19. The consultant shall neatly list submittals required in the Specifications, organized in categories, indicating: the item, at least one acceptable manufacturer or material supplier, and references to the item mentioned in the Construction Documents, and other pertinent comments or information. Quantities will be indicated in the drawings.
20. Green Infrastructure and Sustainability: The consultant shall include sustainability features into the design of the Project and consider measures that will improve energy efficiency, water conservation, storm water quality control, and occupant health. The building design will meet Cal Green Standards. Photovoltaic panels shall be considered. If photovoltaic panels are not feasible, the consultant shall provide conduit runs as required and space shall be provided in the electrical room for future connections.
21. Work shall be done in an electronic format, appropriate to the work product, including (AutoCAD) drawings, plans, elevations, sections, diagrams, details, etc., (Word) specifications, reports, and other narrative, (PowerPoint) presentations, (Excel) Spreadsheets, (Project) schedules, and other appropriate digital electronic formats.

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22. Deliverables will be submitted in electronic format (PDF) and in native document formats such as Word, Excel, AutoCAD, etc. unless otherwise specified. Large files will be transferred through cloud services approved by the City.

### G. Scope of Services

#### Phase 1 – Feasibility Study and Design Alternatives

The consultant will be responsible for implementing the following scope elements for Phase 1, which shall include, as applicable and not limited to, the following tasks to complete a Feasibility Study, Building and Site concept design alternatives, Schematic Design Documents, and Design Development Documents and obtain approvals from the City Council:

##### Task A: Review of existing documents and conditions

1. Kick-off Meeting: Meeting with key members and decision makers of the City and SCCLD, TAC, and consultant team to discuss backgrounds, goals, scope, expectations, schedule, and budget.
2. Obtain and review existing documents (e.g. as-built drawings, program and space needs assessments, Tier 1 structural assessments, CCMP studies, topographic survey of the CCC, hazardous materials testing, and other reports). Develop a list of questions and clarifications for discussions with the City and SCCLD. Review the topographic survey and identify any additional survey information needed for the Project.

##### Deliverables:

1. Minutes of meetings.
2. A memorandum with list of questions for the City and SCCLD.

##### Task B: Work Plan, Cost Plan, and Project Schedule

1. Assist the City in developing a Work Plan and Cost Plan. The Work Plan shall outline the Project approach, progression of detailed tasks, approval process, and critical issues to be addressed to complete the Project. The City's Cost Plan shall summarize all costs involved and anticipated with the Project with an expenditure schedule. The Cost Plan shall refine and establish anticipated Construction Budget that aligns with the Project Budget. Design consultant services shall align with the Cost Plan and designs provided shall be within the Construction Budget.
2. Develop a Project Schedule incorporating tasks, deliverable timelines, the City's review periods, City Council schedules (to be provided by the City), public bidding process, construction, etc. for the City's review and approval.
3. The Work Plan, Cost Plan, and Project Schedule shall be interdependent documents to be updated periodically and with each design and construction document submittals.
4. Advise the City regarding external funding opportunities for the Project and assist the City with completion of grant applications.

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### Deliverables:

1. Work Plan, Cost Plan, and Project Schedule.
2. List of external funding/grant opportunities.

### **Task C:** Programming and Space Needs

1. Review 2019 Campbell Library Feasibility Study.
2. Interview SCCLD managers to update and confirm programs and space needs for the Library. Prepare program spreadsheet identifying proposed site elements, rooms, assigned staff, functions, space requirement, and net/gross square footages that will be accommodated in the Library. Employ strategies and innovation to identify effective and efficient program spaces.
3. Identify adjacency requisites for programmed spaces. Diagrammatically show general locations of interior and exterior functions factoring in adjacency information.
4. Assess current parking conditions and future parking needs. Identify delivery and loading vehicle needs.
5. Work with the City, SCCLD, and SCCLD’s vendors to identify FF&E needs and make selection recommendations for coordination and space planning. Prepare an FF&E schedule that can be incorporated with the program spreadsheet. Provide a cost estimate for FF&E.
6. Strategize, refine, and confirm the programming and space needs with spacing diagrams for the Library that meet Measure O goals and the Project Budget through an interactive and iterative process.
7. During the programming and space needs process, work with the City and SCCLD to determine the needs for a temporary facility and site during the library construction.
8. Submit the confirmed programming and space needs report to the City’s Project Manager for review and comments. Meet with the City, SCCLD, and TAC to discuss.
9. Address the City’s comments and assist the City and SCCLD facilitate meetings/workshops with key stakeholders to solicit feedback on priorities, programming, space needs, and other improvements at the Library. Incorporate feedback to the program and space needs, as feasible.
10. Obtain approval of the final program and space needs from the City, SCCLD, and TAC.
11. Compile the final program and space needs into a report with submittals and deliverables from Tasks A and B.

### Deliverables:

1. Minutes of meetings and manager interviews.
2. Draft program and space needs assessments.
3. Presentation materials to key stakeholders with certain presentation materials to be on foam boards.
4. Final program and space needs.
5. A compiled report of Tasks A, B, and C.

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### **Task D:** Building and Site Concept Design Alternatives

1. Conduct a cost benefit analysis of moving the Library’s exterior perimeter walls to the edges of the second level floor as proposed in the 2019 Feasibility Study.
2. Develop at minimum two (2) viable and feasible building concept design alternatives with associated site work for the Library improvements meeting programmatic needs. A revised version of the design proposed in the SCCLD’s Feasibility Study should be considered as one of the alternative if deemed viable and feasible.
3. Building concept designs should reflect architectural styles, building envelopes, building heights, etc., and should include perspective sketches, and elevation views, and layout plans showing ingress/egress and position relative to the site layout.
4. Site concept designs should show potential improvements to parking, delivery and truck loading area, vehicle circulation, book drop near parking, and pedestrian access.
5. Assess any impacts and list pros, and cons for each concept designs proposed.
6. Both design alternatives shall be workable and feasible within the Project/Construction Budget. Prepare ROM cost estimates for each option to confirm feasibility in a format agreed by the City. ROM cost estimates shall factor in market conditions, pre-construction, mitigation work, temporary library facilities, hazardous materials abatement, construction, contingencies, and escalation to midpoint of construction.
7. Concept designs shall comply with zoning and building requirements as applicable at this stage.
8. The City’s consultant for the new Police Operations Building is responsible for site planning and analysis for the overall Measure O program and goals. Coordinate site related work with the Police Operations Building consultant. Site planning will also address construction logistics and coordination needed.
9. Submit concept design alternatives and ROM cost estimates to the City’s Project Manager for review. Meet with the City, SCCLD, and TAC to discuss.
10. Address City’s comments and assist City staff in presenting the updated building and site concept alternatives to key stakeholders and the community to obtain feedback and approval on the one preferred option.
11. Assist City staff present concept design alternatives to the City Council for approval on one preferred option.
12. Compile findings and design documents from Phase 1 tasks into a Feasibility Study Report for review and comments by the City.

#### **Deliverables:**

1. Summary of meetings/meeting minutes.
2. Minimum two (2) Building and Site Concept Design Alternatives with ROM cost estimates for each alternative.
3. Community workshop materials with certain presentation materials to be on foam boards.
4. Revised Building and Site Concept Design Alternatives per community and stakeholder feedback and as directed by the City.
5. Presentation material (PowerPoint) for the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

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### 7. Feasibility Study Report.

#### **Task E:** Schematic (20%) Design Documents

1. Meet with key members and decision makers of the City, SCCLD, TAC, and the consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and budget.
2. Develop Schematic Design (SD) Documents for the one preferred concept design for the Library building and site. SD Documents shall include plans, specifications, and estimates (PS&E) appropriate for 20% design level and other pertinent information for the Project.
3. Refine the FF&E schedule and work with the SCCLD and their vendors with FF&E selections and coordination. Obtain necessary cut sheets for FF&E to graphically illustrate locations and placements and to design backbone infrastructure needed. Provide a separate cost estimate for FF&E, which will be funded by the SCCLD.
4. In coordination with the City and SCCLD, identify optional building and site enhancements and materials to be prioritized for cost control. Provide the City with information and recommendations on the value of optional materials, durability, life cycle costs, building systems and equipment, together with other considerations based on the program, budget, resilience, and aesthetics in developing the design.
5. Provide detailed design plans and details to show how programmed spaces such as the main public entry, book drops and sorting, checkout areas, large multi-purpose community room, children’s reading area, computer stations, and other programmed space will function and accommodate operational needs.
6. Identify and show improvements or upgrades required to utility services. If new utility services or connections are required, provide necessary loads/demands and design drawings required to assist the City complete and file utility applications in advance.
7. Provide details for site improvements including for parking, vehicle circulation, path of travel, shading, trash enclosure, lighting, landscaping, stormwater treatment, utilities, etc.
8. Incorporate applicable zoning and building code requirements and any Municipal Regional Stormwater Regional Permit (MRP) regulations specific to Provision C.3 for new development and redevelopment.
9. Conduct geotechnical and environmental analysis for soil profile, ground water levels, and other factors necessary for design and estimates.
10. Incorporate the hazardous materials testing report and abatement recommendations provided by the City in the SD PS&E.
11. SD Documents shall include, but not limited to, the following:
  - a. PS&E necessary to establish the final scope, relationships, forms, size, appearance and cost of the Project.
  - b. Perspective renders, interior and exterior layout plans, elevations views and sections that reflect architectural details, materials, dimensions, and more.
  - c. Study models, electronic modeling or combinations of these media. Models shall illustrate the building's day and nighttime appearance from interior and exterior perspectives and the impact of solar effects on the building.

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- d. Site plan, landscape plan, floor plan, roof plan, building section, exterior elevations, FF&E layout plan, and single line plans for structural, mechanical and electrical systems. Plans shall include a description of materials and equipment.
  - e. Building plan located dimensionally with pertinent adjacencies, street lines and grades, property lines, required setbacks, easements, rights of way, utilities, light standards, etc. Interfaced the building plan with the topographic survey to be provided by the City.
12. SD plans shall include following scale drawings, but not limited to:
    - a. The site plan with on-site and off-site work information
    - b. Building and site plans depicting the area and configuration requirements for all interior and exterior spaces and demonstrating the solution for pedestrian & vehicular access and adjacency requirements;
    - c. Elevations and sections including the context; and, colored plan diagrams showing programmed uses and circulation.
  13. Provide a detailed cost estimate in a format approved by the City.
  14. If the cost estimate is over the Project or Construction Budget, the consultant shall value engineer and modify the design as necessary.
  15. Submit SD Documents to the City’s Project Manager for review and comments. Meet with the City, SSCLD, and TAC to present and discuss.
  16. Refine SD Documents based on comments received from the City’s Project Manager.
  17. If required, obtain any zoning clearance from the Planning Department.
  18. Assist City staff in presenting the SD Documents to key stakeholders and the community.
  19. Assist City staff with the presentation of the SD Documents to the City Council for approval.

#### Deliverables:

1. Summary of meetings/meeting minutes.
2. Draft SD Documents.
3. Revised SD Documents based on comments from the City’s Project Manager.
4. Presentation materials for stakeholders and community.
5. Presentation material (PowerPoint) for the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

#### **Task E:** Design Development (40%) Documents

1. Meet with key members and decision makers of the City, SSCLD, TAC, and the consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and budget.
2. Meet with key stakeholders to reconfirm the direction of the Project and gather comments and additional feedback.
3. Further develop SD Documents to Design Development (DD) 40% design level documents.
4. Documents shall identify space requirements for structural and building enclosure systems, space requirements for all mechanical systems and other equipment, and points of connection for utilities including but not limited to electric, water, sanitary, storm, telecom, fiber optics, cable TV, and others.

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5. Provide 40% design level specifications.
6. Further refine the FF&E schedule, specifications, and cost estimates and graphically show them on the DD plans to be “provided by others”.
7. Establish final optional building and site enhancements and materials to be considered for cost control and bid alternates.
8. Update the detailed cost estimate. If the DD cost estimate is over the Project or Construction Budget, the consultant shall value engineer and modify the design as necessary.
9. Submit DD Documents to the City’s Project Manager for review and comments. Meet with the City, SCCLD, and TAC to present and discuss.
10. Refine DD Documents based on comments received from the City’s Project Manager.
11. Assist City staff in presenting the DD Documents to key stakeholders
12. Assist the City obtain CEQA notice of determination and clearance as required.
13. Assist City staff with the presentation of the DD Documents to the City Council for approval.

#### Deliverables:

1. Summary of meetings/meeting minutes.
2. Draft DD Documents.
3. Revised DD Documents based on comments from the City’s Project Manager.
4. Presentation materials for stakeholders.
5. Presentation material (PowerPoint) for the City Council.
6. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

### **Phase 2 –Construction Documents**

Once the City Council approves of the DD Documents, the City may authorize the consultant to progress with Phase 2 to complete Construction Documents.

#### **Task G:** Construction Documents (CDs) – 65%, 95%, and 100% PS&E

1. Before developing 65% CDs, meet with key members and decision makers of the City, SCCLD, TAC, and the consultant team to discuss the status of the Project, goals, scope, expectations, schedule, and budget. Further refine design documents per comments received through the City’s Project Manager.
2. 65% CDs to include the following PS&E at minimum:
  - a. Title Sheet
  - b. Construction notes
  - c. Building Code analysis and calculations
  - d. Bid alternates
  - e. Demolition Plan.
  - f. Stormwater Management Plan as required.
  - g. Architectural, Civil, Structural, MEP, and Landscape Plans.
  - h. Grading and landscaping plans coordinated with MEP for utility entry points.

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- i. Site and exterior building lighting scheme with identification of fixture types and photometric studies.
- j. Site plans with utilities, parking area, paths, stairs, ramps, berms, terraces, etc.
- k. Floor Plans with at minimum the following plans and details:
  - i. Building perimeter footprint and exterior wall type, thickness and composition.
  - ii. Structural column grid.
  - iii. Major MEP systems determined, and their requirements reflected and indicated on plans.
  - iv. Indicate building core, elevators, stairs, etc.
  - v. Internal partitions and types indicated.
  - vi. Door swings indicated.
  - vii. Adequate internal and external dimensions.
  - viii. Floor, slab, and level elevations.
  - ix. Typical door types.
  - x. Typical partition types.
  - xi. Building core element with dimensions.
- l. Enlarged Plans - Detail lobby, entries, major corridors, special spaces, etc. Typical to provide interior elevations of enlarged plan areas with surfaces delineated.
- m. Exterior Elevations with at minimum following plans and details:
  - i. Total full-height facades including roof structures
  - ii. Fenestration fixed and related to interior walls and internal slab heights
  - iii. Overall vertical building and floor heights indicated and related to established building datum
  - iv. Indicate grid lines
  - v. Indicate setbacks, building profiles, expansion joints, etc.
  - vi. Indicate treatment of visible mechanical equipment
  - vii. Systems impact (precast concrete, stone, panel systems, metal/glass curtain wall, etc.)
- n. Sections with at minimum the following plans and details:
  - i. Overall building longitudinal and transverse or cross section at same scale as floor plans.
  - ii. Wall Sections - Full height sections conveying building configuration.
  - iii. Interior Elevations - Typical and special spaces, interfaced with, and cross-referenced to, floor and reflected ceiling plans.
  - iv. Reflected Ceiling Plans - Typical and special spaces. Integrated plans reflecting structural, mechanical, and electrical impacts including lighting, skylights, HVAC grilles, exposed structure, etc.
  - v. Room, door, and window or storefront schedules.
- o. Structural Drawings detailing non-typical framing scheme where required.
- p. Mechanical / Plumbing / Electrical/Fire Prevention/Information Technology/Communication/Security systems with details.
- q. FF&E general layout plan for the Library.

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- r. Prepare in-progress detailed specifications including City’s General Conditions and Provisions.
- s. Construction cost estimate and a project schedule including lead times for permits
3. Meet and confer with the City’s Building Division for preliminary review of plans.
4. Present 65% CDs for review and approval by the City, SCCLD, and TAC.
5. Once 65% CDs are approved, proceed with 95% CDs setting forth in detail requirements for the construction of the Project include the following, but not limited to:
  - a. Logistic plans with construction staging and parking locations
  - b. Erosion Control Plan
  - c. Pollution prevention and storm water control measures
  - d. Bid Schedule
  - e. City’s General Provisions and Construction Contract template for the specifications
  - f. Any other contract document required for construction
  - g. Detailed construction cost estimate
6. Submit 95% CDs to the City’s Project Manager for review and comments. Meet with the City’s Project Manager and TAC to present and discuss.
7. Address comments received from the City’s Project Manager.
8. Submit 100% CDs for building plan check. Address Building Division comments to secure building permits. The City will be responsible for other City Department reviews and permit fees.
9. Assist the City with the preparation construction bid package for public bid process.
10. Assist City staff with the presentation of the construction bid package to the City Council for approval.

### Deliverables:

1. Summary of meetings/meeting minutes.
2. 65%, 95%, and 100% CDs.
3. 100% CDs for building permit submittal in PDF format and six (6) sets of full-size hardcopies wet stamped and signed.
4. Public construction bid package with 100% CDs incorporating all plan check comments. Submit certified PDFs of the Final Construction Documents wet stamped and signed and two full-size sets of hardcopies.
5. Updated Work Plan, Cost Plan, and Project Schedule as necessary.

## **Phase 3 – Bid and Construction**

### **Task H:** Bid/Award Support

1. Assist City staff in obtaining approval from the City Council to bid the CDs.
2. The City shall coordinate the public bid process. The consultant shall provide separate construction bid packages as required for temporary facilities/relocation for Campbell Library.

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3. Assist the City during bid phase to solicit bids from qualified contractors, attend pre-bid meetings, address requests for information, prepare addendums if required, and assist with the evaluation of bids.
4. If the lowest responsible bid for the base scope of the CDs exceeds the Construction Budget by more than 5%, the consultant shall assist the City to value engineer the CDs to incorporate necessary cost saving measures and obtain necessary approvals from the City and stakeholders for a rebid. Value engineering, if needed, shall be conditioned as part of the consultant’s base scope of services at no additional cost to the City.
5. Once a bid is accepted and approved by the City, compile any addendums and changes to the bid package and provide the City with a conformed CDs set labeled “conformed set for construction”.

#### Deliverables:

1. Summary of meetings/meeting minutes.
2. Presentation material (PowerPoint) for the City Council.
3. As applicable and not limited to, addendums, evaluation of bids, value engineered CDs, etc.
4. Conformed set for construction in editable original format and PDF files.

#### **Task I:** Construction Administration Support

1. During construction, the consultant will attend the pre-construction meeting and periodic site observations (monthly at minimum), observe construction progress, respond to Requests for Information and substitution requests, address design changes, and review submittals and shop drawings. The consultant will also assist the City in the preparation of design/engineering bulletins, change orders related to design issues, and substantial completion and final completion certificates.
2. Assist SCCLD with review of submittals related to FF&E.
3. Assist the City with review of contractor pay applications and requests for change orders.
4. Assist the City with any commissioning process and closeout of the Project for full occupancy.
5. For the Project closeout, furnish the City with editable files in original formats (Word, AutoCAD, etc.) and PDF files of Record Documents incorporating all changes and discoveries made during construction. Record Documents shall include PS&E and other Project documents with as-built conditions and information provided by the Contractor.
6. Assist the City in compiling a comprehensive Operations and Maintenance matrix/document for the Library building from closeout documents provided by the contractor for future asset management.

#### Deliverables:

1. Summary of meetings/meeting minutes.
2. As applicable and not limited to, construction progress reports, response to RFIs and substitution requests, review of submittals, design/engineering bulletins, design change orders, and substantial completion punch list.

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3. Record Documents incorporating as-built information from the contractor in editable original format and in PDF files.
4. Project closeout documents.
5. Operations and Maintenance matrix/document for asset management.

### H. Additional Services

The following design services are not included in the initial scope and may be included as Additional Services with contract amendments per terms described in the consultant services agreement:

1. Additional design alternatives for the Campbell Library Improvements.
2. Additional meetings in excess of the meetings contemplated in the foregoing sections.
3. Additional deliverables.
4. Assist City and SSCLD staff in developing temporary relocation plans or tenant improvement plans as necessary. The consultant shall assist the City and SSCLD prepare design and construction documents as needed for the City to solicit bids for the Library temporary facility.
5. Other pertinent analysis and studies related to the Project.

### I. Proposal Format and Submission Requirements

#### Submitting Proposals:

The Proposal and Fee Proposal must be received by the City no later than March 9, 2020 by 4:00 p.m. Pacific Standard Time. The City requires that all Proposals and Fee Proposals be submitted in an electronic format (e.g. PDF) via a CD/DVD or flash drive. The Fee Proposal shall be submitted in a single sealed envelope separate from other Proposal documentation. Both the Proposal and Fee Proposal shall be clearly marked “**Measure O – Campbell Library Improvements**” and delivered or mailed to:

WooJae Kim  
c/o City Clerk  
City of Campbell  
70 N. First Street, Campbell, CA 95008

All Proposal documents shall be delivered in sealed packaging. The sealed packaging must note the Proposer’s name, address, contact person(s), and phone number.

Receipt of a Proposal by any other City office will not constitute “delivery” as required by this RFP. Each Proposer assumes full responsibility for timely delivery of its Proposal at the required location. Proposals received after the time and date specified above will be considered nonresponsive and will be returned to the consultant. Oral, telephone, facsimile, telegraph, or email Proposals are invalid and will not receive consideration. No Proposer may submit more than one Proposal.

## Request for Proposal Measure O – Campbell Library Improvements

Proposals must include the following information:

Cover Letter (Maximum 2 pages) - Cover letter giving an overview of the consultant’s general expertise, experience, and approach to perform the scope of services described in this RFP. The cover letter shall be signed by an authorized representative of the firm and bind the firm to all commitments made in the submittal. **Attachment 8** is the City’s contract template for the Consultant Services Agreement. In the cover letter, state that the City’s contract template is acceptable to the Proposer or list any exceptions or change requests to the contract provisions.

Certification Forms – Complete and sign the following certification forms:

**Attachment 2** – *Certification of Proposer*

**Attachment 3** – *Conflict of Interest Statement*

**Attachment 4** – *Non-Collusion Declaration*

**Attachment 7** – *Statement Regarding Insurance Coverage and Worker’s Compensation Insurance Acknowledgment Certificate*

Review of Scope of Services/Project Approach (Maximum 3 pages) – Proposers must comment on the firm’s ability to realistically provide the services listed in the Scope of Services as outlined. Provide comments, and suggest modifications, changes and/or additions as appropriate. Indicate how your firm/team would approach the project and what specialized services or unique insights your team would bring to the project. Provide examples of your team’s vision and approach for this project.

Related Project Experience and Expertise – Discuss prior related project experience satisfying Minimum Qualifications for the Project and what would make the firm the best qualified for this Project. Emphasize projects of similar scope and magnitude. Discuss the firm’s capabilities and experience in facilitation of public meetings and consensus building. Emphasize the firm’s experience in ranking/prioritizing needs versus construction budget constraint. Discuss the firm’s experience in the accurate coordination of trades and sub-consultants, and the quality control process. Discuss the firm’s ability to meet schedules and budget and ability to control costs.

Minimum Qualifications for Proposer (complete **Attachment 5**) - The City is seeking proposals from design consultants with the following minimum qualifications with a preference for experience within the greater San Francisco Bay Area:

1. Minimum five (5) years of applicable and recent experience in programming and designing library facilities as the lead architect or architect-of-record.
2. Third-party cost estimator with at minimum five (5) years of recent experience in estimating library and/or civic building projects in the greater San Francisco Bay Area at various design stages.

## Request for Proposal

### Measure O – Campbell Library Improvements

3. A design team with expertise in architecture, structural and civil engineering, landscape architecture, Mechanical/Electrical/Plumbing (MEP), lighting, energy-efficiency, budget and cost analysis, and in the field of public meeting facilitation.
4. Availability and willingness to frequently travel to the City for site visits and meetings with the City Council and City staff.
5. **Pre-proposal Site Tour.** No Proposer shall be qualified to submit a proposal on this Project unless it has attended the mandatory pre-proposal site tour on February 18, 2020 at 10:00 a.m. at the Campbell Library located at 77 Harrison Avenue, Campbell, California 95008.

Qualifications of Key Personnel – Identify the project manager and key individuals on the consultant team and their resumes highlighting relevant qualifications and experiences. State projects that they were assigned to and their specific roles and responsibilities. Provide a statement regarding the firm’s commitment to keep the same personnel throughout the Project. Indicate how your firm’s resources will work together to complete this Project. Identify additional resources available in your firm.

Sub-Consultants – Identify any sub-consultants your firm will utilize. Include resumes of key individuals who will be directly involved in this Project, and briefly describe any past involvement in joint projects with these sub-consultants. Indicate why the particular sub-consultant has been selected to work on the Project team. Indicate how the prime firm will ensure quality control and coordination of documents between the prime and the various sub-consultants.

Preliminary Project Schedule – Provide a detailed preliminary project timeline schedule. Add any significant milestone dates necessary to complete all tasks. Indicate resources that will be allocated to each major task category to meet this schedule and discuss your firm’s flexibility to “catch up” if milestone dates are not met. Discuss your firm’s commitments to other projects in the time frame coinciding with this Project.

References (complete **Attachment 6**) – A minimum of three (3) current references from past projects (of similar size and scope) completed by the proposed project manager and/or project team should be provided. All references must contain relevant projects completed within the past five (5) years. Provide the following information for each reference:

Firm, Owner, or Agency Name  
 Address, Telephone Number  
 Email Address  
 Project Description  
 List of Services Provided  
 Engineer’s cost estimate vs actual construction cost

Insurance Coverage (**Attachment 7**) - Identify carriers, A.M. Best ratings, and types and limits of insurance carried by your firm. If consultant is selected by City, consultant shall maintain

## Request for Proposal Measure O – Campbell Library Improvements

minimum coverage requirements for commercial general liability, automobile liability, professional liability, and workers' compensation. The consultant may achieve the required limits and coverage through a combination of primary and excess or umbrella liability insurance provided such policies result in the same or greater coverage as the coverages required by City, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. If consultant is selected by City, consultant shall cause the insurance policies required herein to include the City and SCCLD, and their respective officials, officers, employees and volunteers as additional insureds for claims caused in whole or in part by consultant's negligent acts or omissions. Consultant shall provide certificates of insurance to the City that evidence compliance with the above.

**Fee Proposal** –Submit a Fee Proposal in a separate sealed envelope that provides a guaranteed maximum price to perform consultant's services. The guaranteed maximum price shall be inclusive of all work and labor from notice to proceed through completion of the Scope of Services, including but not limited to consultant's costs for site visits and travel expenses. The Fee Proposal should itemize the fee for each task, showing the estimated hours of each staff member assigned and the associated fee for that staff member or sub-consultant. Also, provide hourly rate schedules for all key project staff, including sub-consultants. All price and cost information shall be included only in the Fee Proposal. No price information shall be included in the other parts of the Proposal.

### **Addenda**

If any revisions to this RFP become necessary, the City shall provide responses and clarifications to questions via addenda. The last day for issuance of an addendum is March 4, 2020. A Proposer shall submit any questions or requests for clarification to the City's Project Manager by February 28, 2020.

Addenda to this RFP, if issued, will be posted on the City website at <http://www.cityofcampbell.com/bids.aspx> and Quest CDN at <https://www.questcdn.com/>.

Proposers may download the RFP documents for free by selecting Request on QuestCDN Page and input the Question Request #-----.

All proposers shall verify the City has issued any addenda for this Project prior to submitting the proposal. It shall be the Proposer's responsibility to check the City's website and Quest CDN to obtain any addenda that may be issued and ensure that all requirements of addenda are included in the Proposal.

## **J. Evaluation Process**

All Proposals will be evaluated by a City Selection Committee (Committee). The Committee may be composed of City staff and stakeholders that may have expertise or experience in the services described herein. The Committee will review the submittals and will rank the Proposers. The

## Request for Proposal Measure O – Campbell Library Improvements

evaluation of the Proposals shall be within the sole judgment and discretion of the Committee. All contacts during the evaluation phase shall be through the City’s Project Manager only. Proposers shall neither contact nor lobby evaluators during the evaluation process. Attempts by Proposer to contact members of the Committee may jeopardize the integrity of the evaluation and selection process and risk possible disqualification of Proposer.

During the Proposal evaluation process, written questions or requests for clarification may be submitted by the City to a Proposer regarding its Proposal or related matters. Failure to respond in a timely manner to any such questions or requests may be grounds for elimination of the Proposer from further consideration.

The Committee will evaluate each Proposal meeting the qualification requirements set forth in this RFP. After the review of proposal, the highest-ranked Proposers may be invited for oral interviews as part of the selection process. The Proposer will be notified of the time and place of oral interviews and if any additional information may be required to be submitted. Upon completion of the evaluation and selection process, only the Fee Proposal from the most qualified consultant will be opened to begin cost negotiations.

The City shall be the sole judge of the evaluation of all Proposals. The City’s decision(s) shall be final. The City reserves the right to reject any and all Proposals and waive any irregularity or minor defects in any Proposal received.

### **Proposal Evaluation Criteria**

Each member of the Committee will independently evaluate each Proposal using the following criteria and point systems:

- 1. Conflict of Interest Statement and Non-Collusion Declaration (Pass/Fail)**
  - a. Discloses any financial, business or other relationship with the City that may have an impact upon the outcome of the contract or the construction project.
  - b. Lists current clients who may have a financial interest in the outcome of this contract or the construction project that will follow.
  - c. Discloses any financial interest or relationship with any construction company that might submit a bid on the construction project.
- 2. Completeness/Organization of the Proposal (10 Points)**
  - a. Proposal that is current, accurate, and complete in accordance with the requirements of this RFP. The Proposal format and organization shall follow the requirements herein. Responses that do not include the proposal content requirements identified within this RFP and subsequent addenda and do not address items listed shall be considered incomplete.
- 3. Organization, Approach, & Schedule (15 points)**
  - a. Describes familiarity of the Project and demonstrates understanding of work completed to date, if applicable, and Project objectives moving forward.

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- b. Project team and management approach responds to Project issues. Team structure provides adequate capability to perform both volume and quality of needed work within Project schedule milestones.
  - c. Roles and Organization of Proposed Team
    - i. Proposes adequate and appropriate disciplines of Project team.
    - ii. Some or all of team members have previously worked together on similar project(s).
    - iii. Overall organization of the team relevant to City needs.
  - d. Working Relationship with City
    - i. Team and its leaders have experience working in the public sector and knowledge of public sector procurement process.
    - ii. Team leadership understands the nature of public sector work and its decision-making process.
    - iii. Proposal responds to need to assist City during the Project.
- 4. Team’s Qualifications & Experiences (20 points)**
- a. Meets Minimum Qualifications as completed in *Attachment 5*.
  - b. Relevant experience, specific qualifications, and technical expertise of the firm and sub-consultants related to the Project.
- 5. Qualifications of Key Individuals (20 points)**
- a. Team is managed by an individual(s) with appropriate experience in similar projects. This person’s time is appropriately committed to the project.
  - b. Proposed team members, as demonstrated by enclosed resumes, have relevant experience for their role in the project.
  - c. Key positions required to execute the project team’s responsibilities are appropriately staffed.
- 6. Scope of Services to be Provided (20 points)**
- a. Detailed Scope of Services to be Provided
    - i. Proposed scope of services is appropriate for all phases of the work.
    - ii. Scope addresses all known Project needs and appears achievable in the timeframes set forth in the Project schedule.
    - iii. Demonstrates team’s ability to reach and engage broad user groups, stakeholders, and communities.
  - b. Project Deliverables
    - i. Deliverables are appropriate to the Project schedule and scope set forth.
  - c. Cost Control and Budgeting Methodology
    - i. Proposer has a system or process for managing cost and budget.
    - ii. Evidence of successful budget management for a similar project.
  - d. Proposer’s schedule shows completion of the work within acceptable timeline.
- 7. Proposer Accessibility (5 points)**
- a. A statement addressing firm’s ability to fulfill regular on-site Project responsibilities including meetings and on-site visits, and whether it has an office or can establish an office within Santa Clara County.

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**8. References (10 points)**

- a. Provide as reference the name of at least three (3) agencies the Proposer has previously consulted for in the past five (5) years.

No.	Proposal Evaluation Criteria	Possible Points
1	Conflict of Interest Statement and Non-Collusion Declaration	Pass/Fail
2	Completeness/Organization of Proposal	10
3	Organization and Approach	15
4	Team's Qualifications and Experiences	20
5	Qualification of Key Personnel	20
6	Scope of Services to be Provided	20
7	Proposer Accessibility	5
8	References	10
<b>Subtotal:</b>		<b>100</b>

**Oral Interview by the City Council**

The top-ranking Proposers may be invited to participate in Oral Interviews by the City Council for a consultant presentation and Q&A session. Interviews may be scheduled for April and May 2020 at Campbell City Hall, 70 N. First Street Campbell, California. A Proposer will be notified of the time and place for oral interviews and if any additional information may be required to be submitted.

After the evaluation process is complete, the City will notify the Proposers of the rankings. Following the City's determination of the firm best qualified for this work, final terms will be negotiated, and the consultant and the City will execute the City's standard Consultant Services Agreement (*Attachment 8*). If negotiations with the top-ranked Proposer are not successful, the City will select the next-ranked Proposer for award and negotiate the final terms of the contract.

The proposed schedule is as follows:

RFP release	February 6, 2020
Mandatory Pre-Proposal Site Tour	February 18, 2020, 10:00 a.m.
Deadline for Addendum Issuance	March 4, 2020
Proposal Submission Deadline (4:00 p.m.)	March 9, 2020
Proposal Evaluation	March 2020
Consultant Interviews/Presentations	April/May 2020
Contract Award	May 2020

**K. Additional Information**

1. **Reservation of Rights.** The City reserves the right to accept or reject any or all Proposals, or to alter the selection process if warranted, to postpone the selection process for its own convenience at any time, and to waive any defects in the Request for Proposals. The City also reserves the right to accept or reject any individual sub-consultant that a candidate proposes

## Request for Proposal Measure O – Campbell Library Improvements

to use. This RFP and the interview process shall in no way be deemed to create a binding contract or agreement of any kind between the City and the Proposers. The City’s standard form of consultant agreement will form the basis of the contract between the parties.

2. **Proposer’s Costs.** Each proposer responding to this RFP acknowledges and agrees that the preparation of all materials for submittal to the City and all presentations, related costs, and travel expenses, including but not limited to vehicle miles, vehicle rentals, flights, transit fares, and meals, are at the Proposer’s sole expense. The City shall not, under any circumstances, be responsible for any cost or expense incurred by the Proposer. In addition, each proposer acknowledges and agrees that all documentation and/or materials submitted with the RFP shall remain the property of the City.
3. **DIR Monitoring.** This Project may be subject to compliance monitoring and enforcement by the DIR.
4. **Communicating with City.** If you have any questions regarding this RFP, please contact WooJae Kim, the City’s Project Manager:

WooJae Kim, PE  
Senior Project Manager  
City of Campbell  
70 N. First Street  
Campbell, California 95008  
(408) 866-2157  
woojaek@campbellca.gov

The City’s sole point of contact for this RFP shall be the City’s Project Manager who shall administer the RFP process. All communications shall be submitted in writing and shall specifically reference this RFP (identify in the subject line the Project). Only answers issued by Addendum will be binding. Oral and other interpretations or clarifications will be without legal effect. No contact with other City staff, City council members, or any other public official concerning the Project during the procurement process is allowed. A violation of this provision may result in the disqualification of the consultant.

5. **Assumptions of Proposers.** The City is not responsible for the assumptions of Proposers. Neither the participation of the City in any pre-proposal meeting, nor the subsequent award of the contract by the City shall in any way be interpreted as an agreement or approval by the City that a Proposer’s assumptions are reasonable or correct. The City specifically disclaims responsibility or liability for any Proposer’s assumptions in developing its Proposal.
6. **Retention of Records.** The consultant shall retain all books and records related to the Project for a minimum of four (4) years after the end of the Project. Notwithstanding the above, if there is litigation, claims, audits, negotiations, or other actions that involve any of the records cited and that have started before the expiration of the four (4) year period, then such records must be retained until completion of the actions and the resolution of all issues, or the expiration of the four (4) year period, whichever occurs later.

## Request for Proposal Measure O – Campbell Library Improvements

All records, accounts, documentation, and other materials maintained by the consultant regarding the Project shall be accessible to the City upon reasonable prior notice for the purpose of examination or audit. Access to said records shall be consistent with applicable federal, State, and local laws regarding privacy and obligations of confidentiality.

7. **Public Record.** All responses to this RFP become property of the City and will be kept confidential, subject to the requirements of the California Public Record Act, until a recommendation for award of a contract has been announced. Submittals are subject to public inspection and disclosure under the California Public Records Act. (Cal. Govt. Code sections 6250 *et seq.*) Unless the information is exempt from disclosure by law, the content of any Proposal, request for explanation, or any other written communication between the City and any Proposer, and between City employees or consultants, regarding the procurement, shall be available to the public. In any event, the City shall have no liability to Proposer for making disclosures required by the California Public Records Act or other law, court order, legal proceeding discovery request, investigative demand, subpoena, or order from a regulatory body having jurisdiction over either of the parties. Nothing contained herein shall be construed as requiring or obligating the City to withhold information in violation of the California Public Records Act or other laws.
8. **Equal Opportunity.** The City hereby notifies all Proposers that it will affirmatively insure that in any contract entered into pursuant to this procurement, minority business enterprises will be afforded full opportunity to submit Proposals in response to this RFP and will not be discriminated against on the grounds of race, creed, color, national origin, ancestry, sexual orientation, political affiliations or beliefs, sex, age, physical disability, medical condition, marital status, pregnancy, or other protected characteristic as set forth hereunder.
9. **Appeal.** The City will entertain appeals regarding this RFP process only as set forth herein. The appeal process presented in this RFP will take precedence in the case of any conflict with the appeal processes contained in the City's Policies and Procedures. The City will not entertain appeals regarding, or reconsider, substantive scores or determinations made in the evaluation process.

Appeals may be based upon restrictive requirements or alleged improprieties in the RFP that are apparent or reasonably should have been discovered prior to the City's receipt of Proposals. Such appeals shall be written and hand delivered or sent via certified mail to be received by the City's Project Manager at least fourteen (14) calendar days prior to the City's receipt of Proposals. The appeal must clearly specify in writing the grounds and evidence on which the appeal is based.

Appeals may also be based upon alleged improprieties that are not apparent in the RFP or that could not reasonably have been discovered prior to the City's receipt of the Proposals. Such appeals are limited to 1) the City's failure to follow its own appeal procedures set forth in this Section; and 2) other procedural errors in the RFP process. The appeal must clearly specify in writing the grounds and evidence on which the appeal is based. Such appeals shall be in writing and hand delivered or sent via certified mail to be received by the City. Contact within five (5) calendar days from receipt of the notice from the City informing of the Successful Proposer.

## Request for Proposal Measure O – Campbell Library Improvements

The City’s Project Manager will respond to an appeal in writing within ten (10) business days of receipt, and the City’s Project Manager’s determination shall be final.

The appeal procedures summarized in this Section are mandatory and comprise the sole and exclusive appeal procedures for this RFP. A Proposer’s failure to comply with the procedures set forth herein will result in rejection of the appeal and constitute a waiver of any right to further pursue a protest or appeal (including, but not limited to, filing a Government Code claim or legal proceeding). If the City determines the appeal to be frivolous, the Respondent originating the appeal may be determined to be irresponsible and may be ineligible for future purchase orders and/or contracts.

In order to prevail on an appeal based on alleged improprieties not apparent in the RFP as described herein, a Proposer must demonstrate that an error was material and prejudicial to the Proposer’s effort to become selected for participation in this Project. In other words, in order to prevail, the Proposer must demonstrate that but for the City’s error, the Proposer would have been selected as the Successful Respondent.

If an appeal is received within five (5) business days from receipt of the notice from the City informing of the Successful Proposer, the City will proceed with the following process: 1) City provides a copy of the appeal to the Successful Respondent and, within five (5) business days of receipt, Successful Proposer may provide to the City a written response to the appeal; 2) within ten (10) business days thereafter, City prepares a written response to the appeal and to the Successful Proposer’s response, if any, and provides the analysis to appellant and Successful Proposer; 3) within five (5) business days, appellant and Successful Proposer may provide written responses; 4) City sets a hearing date for a City Council determination on the appeal and prepares a written staff report and recommendation; 5) City staff notifies Successful Proposer and appellant of the date and time of the hearing and prepares and distributes a written record containing all documents necessary for the City Council determination and distributes the record to all parties; 6) City Council hearing in which Successful Proposer and appellant are provided full opportunity to present matter to City Council; 7) City Council renders a final determination.

10. **Governing Law.** The laws of the State of California shall govern the interpretation and enforcement of the contract. Legal action may be instituted only in the Superior Court of the County of Santa Clara, State of California, or in the Federal District Court in the Northern District of California.
11. **Adherence to All Local, State, and Federal Laws and Requirements.** The Proposer shall adhere to all applicable federal, state, and local laws, ordinances, statutes, rules and regulations, and rulings or directives of any agencies having jurisdiction including without limitation those relating to the environment (including, but not limited to, those promulgated by EPA, California Department of Public Health), wages, hours, health and safety (including, but not limited to, those promulgated by CAL-OSHA and FED-OSHA), equal employment opportunity, and working conditions or which pertain in any way to the Project and/or Proposer’s scope of work on the Project.

Request for Proposal  
Measure O – Campbell Library Improvements

**L. Attachments**

The following attachments are incorporated into the Request for Proposals:

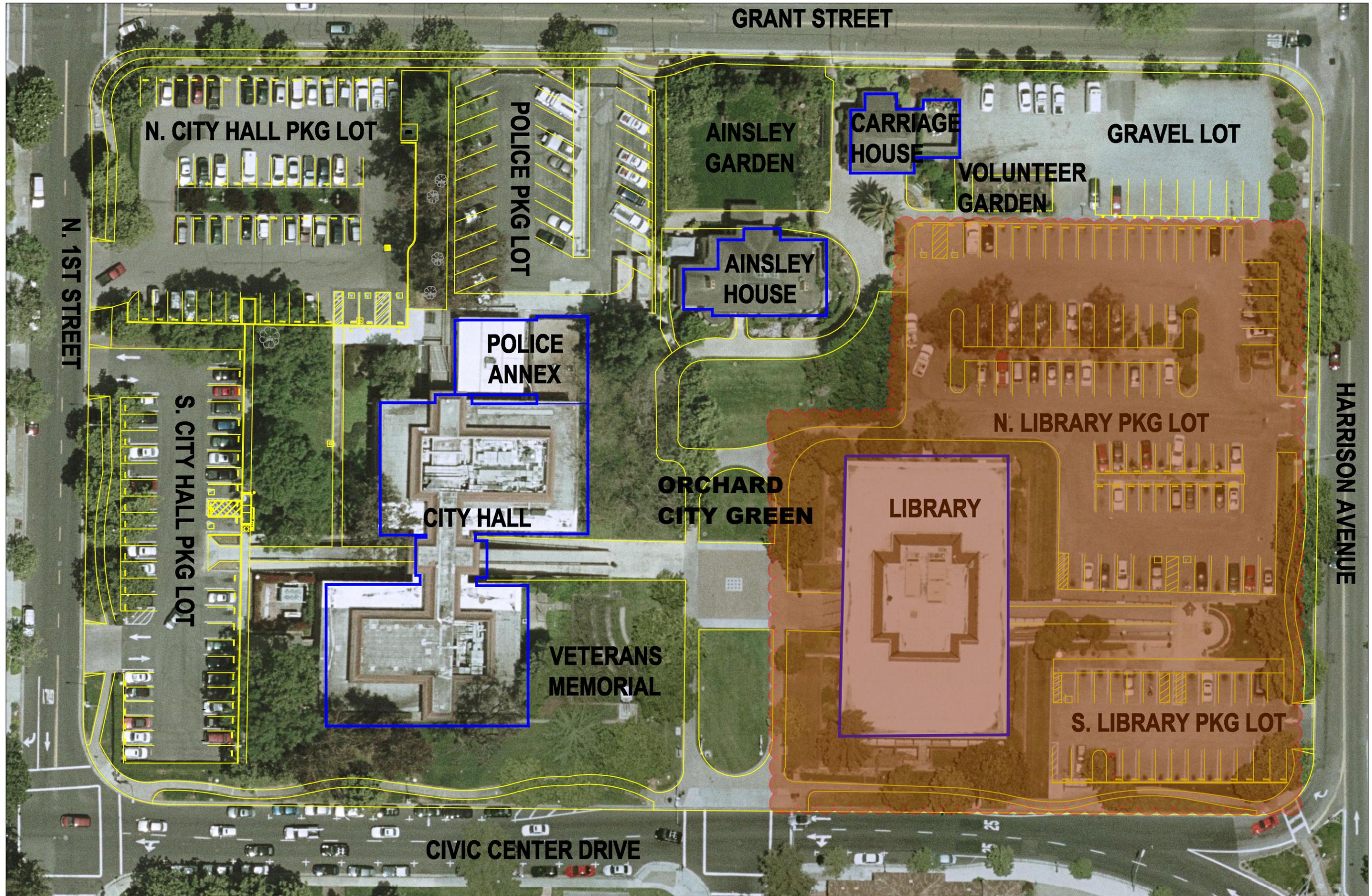
- ATTACHMENT 1 - CIVIC CENTER COMPLEX
- ATTACHMENT 2 - CERTIFICATION OF PROPOSER
- ATTACHMENT 3 - CONFLICT OF INTEREST STATEMENT
- ATTACHMENT 4 - NON-COLLUSION DECLARATION
- ATTACHMENT 5 - MINIMUM QUALIFICATIONS
- ATTACHMENT 6 - REFERENCES
- ATTACHMENT 7 - STATEMENT REGARDING INSURANCE COVERAGE AND  
WORKER'S COMPENSATION ACKNOWLEDGMENT  
CERTIFICATE
- ATTACHMENT 8 - SAMPLE CONSULTANT SERVICES AGREEMENT

DRAFT

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

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**CIVIC CENTER COMPLEX**



Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

ATTACHMENT 2 - CERTIFICATION OF PROPOSER

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS

By listing the Addenda Numbers below and checking the box next to "ADDENDA" below, Proposer acknowledges receipt of Addenda Number (s) \_\_\_\_, \_\_\_\_, \_\_\_\_, \_\_\_\_, pertaining to this RFP (if any). ADDENDA:

By checking the box next to "QUESTIONS" below, Proposer acknowledges receipt of Questions and Answers to this RFP (if any): QUESTIONS:

I/We (Insert Company Name) \_\_\_\_\_ agree to provide the Services as stipulated in this RFP and pricing as indicated in the Proposal. I/We further agree that the below undersigned is authorized by the (Insert Company Name) \_\_\_\_\_ to bind the company in contract for the specified contract term. All exceptions (if applicable) are attached as an addendum to this pricing proposal. I/We understand that the City may not accept exceptions to the RFP. I/We further agree that if awarded the contract, to abide the terms and conditions of the contract and not to materially modify such terms without expressed written consent of the City.

Company Name: \_\_\_\_\_ Legal Entity Type: \_\_\_\_\_

Authorized Contact Title: \_\_\_\_\_ Print Contact Name: \_\_\_\_\_

Contact Signature: \_\_\_\_\_ Contact Email Address: \_\_\_\_\_

Contact Telephone: \_\_\_\_\_ Contact Fax: \_\_\_\_\_

Proposer's Address: \_\_\_\_\_ City, State and ZIP Code: \_\_\_\_\_

Taxpayer I.D. No.: \_\_\_\_\_ Business License No.: \_\_\_\_\_

DIR Registration No. (if applicable): \_\_\_\_\_

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

ATTACHMENT 3 - CONFLICT OF INTEREST STATEMENT

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS

The undersigned declares:

I/We \_\_\_\_\_ (Insert Company Name) have the following financial, business, or other relationship with City that may have an impact upon the outcome of the contract or the construction Project. If none, please specify that no other relationships may have an impact on this contract or Project.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I/We \_\_\_\_\_ (Insert Company Name) have the following current clients who may have a financial interest in the outcome of this contract or the construction Project. If none, please specify that no other clients may have a financial interest with an impact on this contract or Project.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I/We \_\_\_\_\_ (Insert Company Name) have the following financial interests or relationships with a construction company that might submit a bid for the construction of the Project. If none, please specify that no such relationships exist.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Pursuant to Government Code section 1090 and any other laws, rules and regulations that may apply, the Proposer covenants that neither it, its subcontractors nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this RFP. Proposer certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFP is an officer or employee of the City. Through its submittal of a proposal, Proposer acknowledges that it is familiar with Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California and will immediately notify the City

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

Furthermore, if there is reason to believe that collusion exists among the Proposers, the City may refuse to consider proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one proposal for the same work unless alternate proposals are called for. A person, firm, or corporation who has submitted a sub-proposal to a Proposer, or who has quoted prices on materials to a Proposer, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Proposers. Reasonable ground for believing that any Proposer is interested in more than one proposal for the same work will cause the rejection of all proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider proposals from participants in such collusion. Proposers shall submit as part of their proposal documents the completed Non-Collusion Declaration provided herein as Attachment 4.

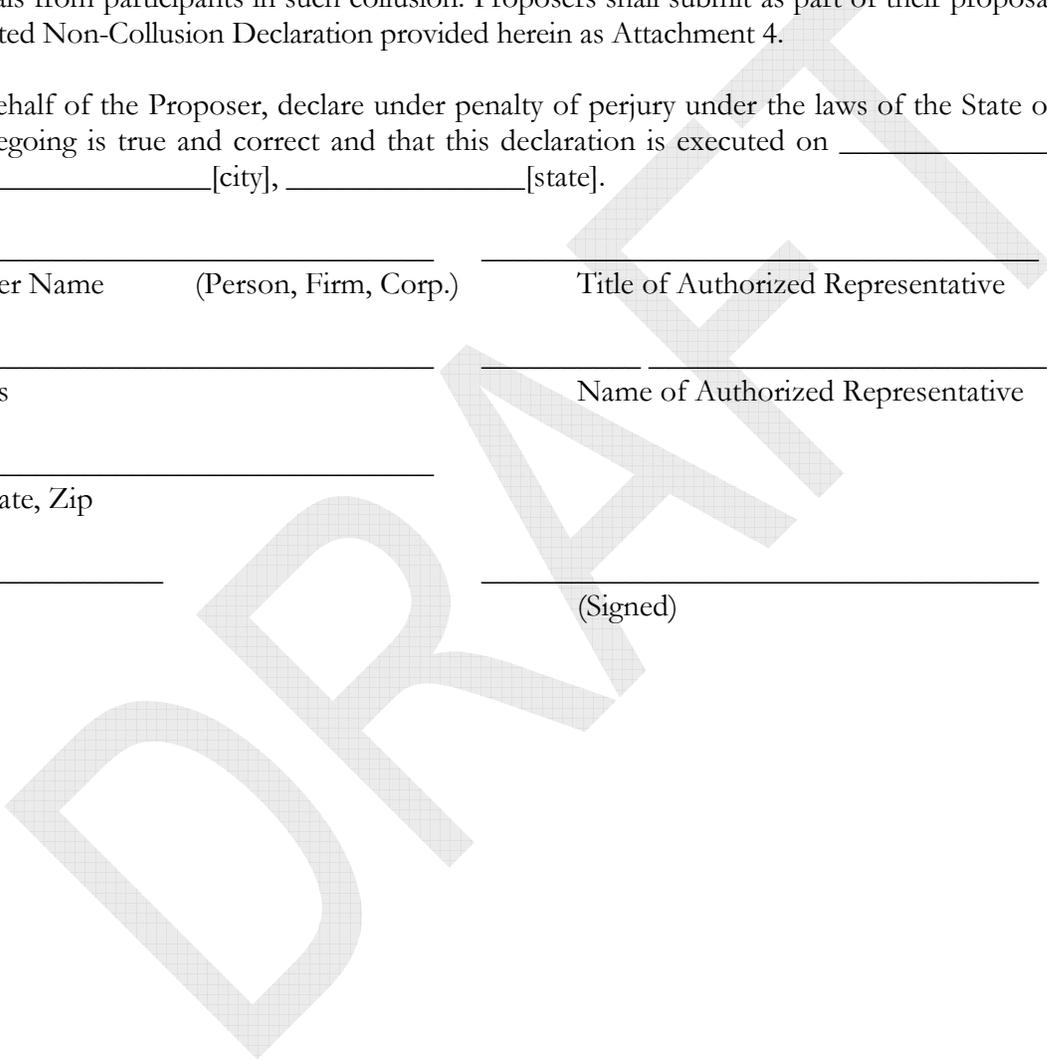
I, on behalf of the Proposer, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_\_ [state].

\_\_\_\_\_  
Proposer Name (Person, Firm, Corp.) Title of Authorized Representative

\_\_\_\_\_  
Address Name of Authorized Representative

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
(Date) (Signed)



Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

**ATTACHMENT 4 – NON-COLLUSION DECLARATION**

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL**

**MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS**

The undersigned declares:

I am the \_\_\_\_\_ [Insert Title] of \_\_\_\_\_, [Insert name of company, corporation, LLC, partnership or joint venture] the party making the foregoing Proposal.

The Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The Proposal is genuine and not collusive or sham. The Respondent has not directly or indirectly induced or solicited any other respondent to put in a false or sham Proposal. The Respondent has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham Proposal, or to refrain from responding. The Respondent has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the proposal price of the Respondent or any other respondent, or to fix any overhead, profit, or cost element of the proposal price, or of that of any other respondent. All statements contained in the Proposal are true. The Respondent has not, directly or indirectly, submitted his or her proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham proposal, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a respondent that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the respondent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_ [state].

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

ATTACHMENT 5 – MINIMUM QUALIFICATIONS

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS

List Proposer’s applicable work experience per Minimum Qualifications. Use additional sheets as necessary.

Library Facilities	Owners/Clients	Description of Services	Dates Work Performed	Status

Cost Estimating Projects	Owners/Clients	Description of Services	Dates Work Performed	Status

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

I hereby certify that the Proposer performed the work listed above.

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

ATTACHMENT 6 - REFERENCES

THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE PROPOSAL

MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS

List three (3) references for work of a similar nature to the Services performed within the last five (5) years. Use additional sheets as necessary.

1. \_\_\_\_\_

_____	_____
Name of Agency	Agency Address
_____	_____
Contact Name	Contact Title
_____	_____
Contact Telephone	Contact Email Address
_____	_____
Contract Period	Contract Amount
_____	
<b>Description of services performed including project cost estimates and actual costs.</b>	

2. \_\_\_\_\_

_____	_____
Name of Agency	Agency Address
_____	_____
Contact Name	Contact Title
_____	_____
Contact Telephone	Contact Email Address
_____	_____
Contract Period	Contract Amount
_____	
<b>Description of services performed including project cost estimates and actual costs.</b>	

3. \_\_\_\_\_

_____	_____
Name of Agency	Agency Address
_____	_____
Contact Name	Contact Title
_____	_____
Contact Telephone	Contact Email Address
_____	_____
Contract Period	Contract Amount
_____	
<b>Description of services performed including project cost estimates and actual costs.</b>	

I hereby certify that the Proposer performed the work listed above.

\_\_\_\_\_  
Signature of Proposer

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

**ATTACHMENT 7 - STATEMENT REGARDING INSURANCE COVERAGE AND  
WORKER'S COMPENSATION INSURANCE ACKNOWLEDGMENT CERTIFICATE**

**THIS FORM MUST BE PRINTED OUT, COMPLETED AND SUBMITTED WITH THE  
PROPOSAL**

**MEASURE O – CAMPBELL LIBRARY IMPROVEMENTS**

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the Insurance Coverage Requirements specified in the RFP, as listed below. Should the Proposer be awarded the contract for the Services, Proposer further certifies that the Proposer can meet the specified requirements for insurance, including insurance coverage of the subcontractors, and agrees to name the City and other required parties as additional insured for the Services specified.

By certifying this form, the Proposer also understands the Worker's Compensation insurance requirement per the California Labor Code, Sections 1860 and 1861:

I am aware of the provisions of Section 3700 of the Labor Code, which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

\_\_\_\_\_  
Name of Proposer (Person, Firm, or Corporation)

\_\_\_\_\_  
Signature of Proposer's Authorized Representative

\_\_\_\_\_  
Name & Title of Authorized Representative

\_\_\_\_\_  
Date of Signing

Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)

## INSURANCE REQUIREMENTS

### A. CERTIFICATE REQUIREMENTS

The City will be issued a Certificate of Insurance (a Memorandum of Understanding will not be accepted) with the following minimum requirements:

- Certificate(s) will show current policy number(s) and effective dates,
- Coverage and policy limits will meet, or exceed, requirements below,
- The Certificate Holder will be City of Campbell, 70 N. First Street, Campbell, California 95008,
- Certificate will be signed by an authorized representative,
- An endorsement will be provided to show the City, its officers, officials, employees, and volunteers as additional insureds.

### B. MINIMUM SCOPE AND LIMITS OF INSURANCE

Consultant acknowledges that the insurance coverage and policy limits set forth in this section constitute the minimum amount of coverage required. The City will be entitled to coverage for the highest limits maintained by Consultant. Coverage will be at least as broad as:

- **COMMERCIAL GENERAL LIABILITY (CGL): \$1,000,000 PER OCCURRENCE**  
Proof of coverage for \$1 Million per occurrence including products and completed operations, property damage, bodily injury, personal and advertising injury will be provided on Insurance Services Office (ISO) Form CG 00 01 85 covering CGL. If a general aggregate limit applies, either the general aggregate limit will apply separately to this project/location or the general aggregate limit will be at least twice the required occurrence limit.
- **PROFESSIONAL LIABILITY (ERRORS AND OMISSIONS): \$2,000,000 PER OCCURRENCE OR CLAIM, \$2,000,000 AGGREGATE.**  
Consultant will maintain insurance appropriate to Consultant's profession; with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- **AUTOMOBILE LIABILITY:**  
Proof of coverage for \$1,000,000 provided on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.
- **WORKERS' COMPENSATION AS REQUIRED BY THE STATE OF CALIFORNIA, WITH STATUTORY LIMITS, AND EMPLOYER'S LIABILITY INSURANCE: \$1,000,000 per accident for bodily injury or disease. **Must include a waiver of subrogation.****

If Consultant maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

### C. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **ADDITIONAL INSURED STATUS**

The City, its officers, officials, employees and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage will be provided in the form of an endorsement to Consultant's insurance at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10 and CG 20 37 (if a later edition is used).

- PRIMARY COVERAGE

For any claims related to this agreement, Consultant's insurance coverage will be **primary** insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers will be excess of Consultant's insurance and will not contribute with it.

- NOTICE OF CANCELLATION

Each insurance policy required above shall state that the coverage shall not be canceled, except with notice to the City.

- WAIVER OF SUBROGATION

Consultant hereby grants to the City a waiver of any right to subrogation which any insurer of said Consultant may acquire against the City by virtue of the payment of any loss, including attorney's fees under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether the City has received a waiver of subrogation endorsement from the insurer. The Worker's Compensation policy will be endorsed with a waiver of subrogation in favor of the City for all work performed by the Consultant and its employees.

- DEDUCTIBLES AND SELF-INSURED RETENTIONS

Any deductibles or self-insured retentions must be declared to and approved by the City. City may require Consultant to purchase coverage with a lower retention or provide proof of ability to pay losses and related expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

- ACCEPTABILITY OF INSURERS

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

- CLAIMS MADE POLICIES

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of *five (5)* years after completion of contract work.

- VERIFICATION OF COVERAGE

Consultant will furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning will not waive the Consultant's

obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

**D. SUBCONTRACTORS**

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

DRAFT

**ATTACHMENT 8 – SAMPLE CONSULTANT SERVICES AGREEMENT**

**[ATTACHED BEHIND THIS PAGE]**

**DRAFT**

**CITY OF CAMPBELL**  
**CONSULTANT SERVICES AGREEMENT**

This Agreement is entered into at Campbell, California on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, (“Effective Date”) by and between the **CITY OF CAMPBELL** (hereinafter referred to as "City") and \_\_\_\_\_ (hereinafter referred to as "Consultant") (referred to individually as a “Party” and collectively, as the “Parties”). This Agreement will commence upon the Effective Date and shall continue in full force and effect until completion of all service by Consultant, unless earlier terminated in accordance with the provisions set forth below.

WHEREAS, City desires to engage Consultant’s services relating to the **Measure O – Campbell Library Improvements Design** (“project”) on behalf of the City; and

WHEREAS, Consultant represents that it has the expertise, means, and ability to perform said project;

NOW, THEREFORE, in consideration of each other's mutual promises, Consultant and City agree as follows:

**1. DUTIES OF CONSULTANT**

1.1 Consultant agrees to perform services as set forth in Exhibit A - Scope of Services and Compensation, attached hereto and made a part hereof, and as set forth in the Request for Proposal for Measure O – Campbell Library Improvements Design Consultant Services (“RFP Documents”), which are all incorporated herein by reference, and which shall be interpreted together and in harmony with this Agreement. In the event of any conflict between the RFP Documents and this Agreement (including Exhibit A,) this Agreement shall govern, control, and take precedence.

1.2 Consultant’s project manager will meet with the City’s project manager or designee prior to commencement of the project to establish a clear understanding of the working relationships, authorities, and management philosophy of City as it relates to this Agreement.

1.3 Consultant, working with the City, will gather available existing information concerning the project, and shall review documents as necessary for compliance with the project’s objectives and independently verify the information obtained from those documents.

1.4 Consultant shall meet with authorized City personnel, or third parties as necessary to carry out Consultant’s services. Such meetings shall be held at the request of either Party.

1.5 Consultant acknowledges that it is necessary for Consultant to complete its work on or before as the completion dates set forth in the Scope of Services in order to allow the City

to achieve its objectives for entering into this Agreement. The Parties therefore agree that time is of the essence in the performance of this Agreement.

1.6 Notwithstanding Section 1.5, Consultant shall not be responsible for delay caused by activities or factors beyond Consultant's reasonable control, including delays or by reason of strikes, work slow-downs or stoppages, or natural disasters. Consultant will, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and will, upon the cessation of the cause, diligently pursue performance of its obligations in this Agreement.

1.7 Consultant agrees to perform this Agreement in accordance with the highest degree of skill and expertise exercised by members of Consultant's profession working on similar projects under similar circumstances.

1.8 Consultant shall cooperate in good faith with City in all aspects of the performance of this Agreement.

1.9 In the course of the performance of this Agreement, Consultant shall act in the City's best interest as it relates to the project.

1.10 The designated project manager for Consultant shall be \_\_\_\_\_. The Consultant's project manager or authorized designee shall have all the necessary authority to direct technical and professional work within the scope of the Agreement and shall serve as the principal point of contact with the City and the City's project coordinator. The authorized principal of Consultant executing this Agreement for the Consultant shall have authority to make decisions regarding changes in services, termination and other matters related to the performance of this agreement on behalf of Consultant.

1.11 The Consultant (and its employees, agents, representatives, and subconsultants), in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the City. The City shall not direct the work and means for accomplishment of the services and work to be performed hereunder. The City, however, retains the right to require that work performed by Consultant meet specific standards consistent with the requirements of this Agreement without regard to the manner and means of accomplishment thereof. Subcontractors shall assume all of the rights, obligations and liabilities, applicable to it as an independent contractor hereunder. Consultant represents and warrants that it (i) is fully experienced and properly qualified to perform the class of work and services provided for herein, (ii) has the financial capability and shall finance its own operations required for the performance of the work and services and (iii) is properly equipped and organized to perform the work and services in a competent, timely and proper manner in accordance with the requirements of this Agreement.

1.12 This Agreement contains provisions that permit mutually acceptable changes in the scope, character or complexity of the work if such changes become desirable or necessary as the work progresses. Adjustments to the basis of payment and to the time for performance of the work, if any, shall be established by a written contract amendment (approved and executed by

the City) to accommodate the changes in work.

1.13 Consultant represents that it, and all persons performing services on its behalf are properly licensed to provide the services required under this Agreement, and that they shall maintain all required licenses in good standing during the performance of the services under this Agreement.

1.14 Consultant shall endorse all plans, specifications, estimates, reports and other items described in Scope of Services of Exhibit A prior to delivering them to City, and, where appropriate, indicate his or her registration number.

## 2. DUTIES OF CITY

2.1 City shall furnish to Consultant all available and pertinent data and information requested by Consultant to facilitate the performance of the services called for in this Agreement, which shall be subject to Consultant's independent verification.

2.2 City shall provide Consultant with access to the project site, if applicable, prior to commencement of the work and coordinate meetings with City staff and others, as needed. If, in performing the work, it is necessary for Consultant to conduct field operations, the security and safety of the job site will be the Consultant's responsibility unless the security and safety of any City facility or job site is not under the Consultant's control or within the scope of Consultant's services.

2.3 The work in progress shall be reviewed by the City at such intervals as may be determined in the discretion of the City. The City will be the sole judge of acceptable work. If the work is not acceptable, City will inform Consultant of the changes or revisions necessary to secure approval.

2.4 The City's designated representative for this project shall be WooJae Kim, subject to the right of the City to change the designated representative by providing written notice of the change to Consultant.

## 3. COMPENSATION

3.1 For the full performance of the services described herein by Consultant, City agrees to compensate Consultant for all services and direct costs associated with the performance of the Basic Services identified in Exhibit A in an amount not to exceed \$\_\_\_\_\_. If the City elects to have Consultant perform the Additional Services identified in Exhibit A, then Consultant shall be compensated for those Additional Services as also provided in Exhibit A. Consultant's compensation shall be payable as follows:

a. Once each month, Consultant shall submit for payment by City an itemized invoice for services performed during the previous billing period. The invoice shall describe the services rendered and the title of the item of work. Consultant shall furnish progress reports with each

billing statement at no additional charge. Consultant shall include sufficient detail in each progress report, and shall furnish to the City whatever additional information is necessary, to enable the City to determine whether Consultant is performing all tasks described in Section 1.1 of this Agreement pursuant to the schedule set forth in Exhibit A. City shall pay Consultant for services rendered and approved by the City in accordance with Exhibit A within 30 days from the date the itemized invoice is received by the City, subject to the maximum not to exceed amount specified above and the City's right to object.

b. Direct costs are those outside costs incurred on or directly for the project, and substantiated with invoices for the charges. Direct expenses include printing, reproduction, and delivery charges.

3.2 If Consultant identifies other costs which are not specifically covered by the terms of this Agreement, but which are necessary for performance of Consultant's duties, Consultant shall seek approval from the City in advance of incurring such costs. City may approve payment for said costs if authorized in writing by the City in advance.

3.3 City may order changes in the scope or character of services in writing, including decreasing the amount of Consultant's services. In the event that the work is decreased, Consultant is entitled to full compensation for all services performed and expenses incurred prior to receipt of notice of change. Under no conditions shall Consultant make any changes to the work, either as additions or deductions, without the prior written order of the City. In the event, that the City determines that a change to the work or services from that specified in this Agreement is required, the contract time and/or actual costs reimbursable by the City for the project may be adjusted by contract amendment or change order to accommodate the changed work. The maximum not to exceed total amount specified in this Article 3 (Compensation) shall not be exceeded, unless authorized by written contract amendment or change order, approved and executed by the City. Consultant shall obtain prior written approval for a revised fee schedule from the City before exceeding such fee schedule.

3.4 Payment to Consultant shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in the Scope of Work. Consultant agrees that the payments to Consultant specified in this Article 3 will constitute full and complete compensation for all obligations assumed by Consultant under this Agreement. Where conflicts regarding compensation may occur, the provisions of this section apply.

3.5 In no event, unless otherwise agreed to in writing by both Parties, in the form of an amendment or change order. will the Consultant be reimbursed for any costs or expenses at any rates that exceed the rates set forth in the fee schedule found in Exhibit A or are in excess of the "not to exceed" amount set forth in section 3.1.

3.6 City may withhold payment to Consultant following written notice to Consultant that: (i) Consultant has failed to fully perform its obligations under this Agreement (including, without limitation, any failure to submit required deliverable items according to the schedule set forth in Exhibit A), (ii) Consultant has neglected, failed, or refused to furnish information or cooperate with any inspection, review, or audit of its work or records; or (iii) Consultant has failed to sufficiently itemize or document its billing statement.

#### 4. **SUBCONSULTANTS**

4.1 Consultant may not subcontract any services required under this Agreement without the prior written consent of the City.

4.2 Consultant shall be responsible to City for the performance of any and all subconsultants who perform work under this contract, and any acts of negligence or misconduct on their part. Consultant is solely responsible for all payments due to subconsultants.

#### 5. **OWNERSHIP OF DOCUMENTS AND MATERIALS**

All original drawings, documents, papers, data, materials, photographs, negatives and other work products prepared by the Consultant and/or its subconsultants in the performance of the services encompassed in this Agreement (whether in printed or electronic format) (“project-related documents and materials”) shall be the property of the City and may be used on this project without the consent of the Consultant or its subcontractors. City acknowledges that such drawings, documents, and other items are instruments of professional services intended for use only on the subject project. Consultant agrees that all copyrights which arise from creation of the Project-related documents and materials pursuant to this Agreement shall be vested in the City and waives and relinquishes all claims to copyright or other intellectual property rights in favor of the City. Upon the completion or termination of this Agreement for any reason, the City shall be entitled to receive, and Consultant shall promptly provide to the City upon request, all finished and unfinished project-related documents and materials, produced or gathered by or on behalf of Consultant that are in Consultant’s possession, custody or control. Consultant may retain copies of said documents and materials for its files. In the event of termination, any dispute regarding compensation or damages shall not hinder, prevent, or otherwise impact the City’s right to promptly receive and use such documents and materials which are the sole and exclusive property of the City.

#### 6. **TERMINATION**

The City may terminate the Agreement in its sole discretion for convenience by providing written notice to the Consultant not less than 30 calendar days prior to an effective termination date.

The City or Consultant may terminate the Agreement for material breach of agreement by providing written notice to the other party not less than 14 calendar days prior to an effective termination date.

Upon notice of termination, the Consultant will immediately take action not to incur any additional obligations, costs or expenses, except as may be reasonably necessary to terminate its activities. The City's only obligation to the Consultant will be just and equitable payment for services authorized by, and received to the satisfaction of, the City up to and including the effective date of termination. All finished or unfinished work or documents procured or produced under the Agreement will become property of the City upon the termination date. The City reserves the right to obtain services elsewhere, and the defaulting Consultant will be liable for the difference between the prices set forth in the terminated Agreement and the actual cost to the City. In no event will the City be liable for any loss of profits on the resulting agreement or portion thereof so terminated. After the effective date of termination, Consultant will have no further claims against the City under the Agreement. Termination of the Agreement pursuant to this paragraph may not relieve the Consultant of any liability to City for damages sustained by City because of any breach of Agreement by Consultant, and City may withhold any payments to Consultant for the purpose of set off until such time as the exact amount of damages due City from Consultant is determined.

If Consultant ceases performing services under this Agreement or otherwise abandons the project prior to completing all of the services described in this Agreement, Consultant shall deliver to City, without delay, all materials and records prepared or obtained in the performance of this Agreement. City shall pay Consultant the amount it determines to be the reasonable value of the services performed up to the time of cessation or abandonment, less a deduction for any damages or additional expenses which City incurs as a result of such cessation or abandonment.

The rights and remedies provided in this section will not be exclusive and are in addition to any other rights and remedies provided by law or under the Agreement.

## 7. **AUDIT AND INSPECTION**

Consultant shall permit authorized representatives of City to inspect and audit all data and records relating to its performance under this Agreement for a period of four years following the final payment for Consultant's services. Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of five years from the date of the final City payment for Consultant's services.

## 8. **EQUAL EMPLOYMENT OPPORTUNITY**

Consultant agrees to refrain from discriminatory employment practices on the basis of race, religious creed, color, sex, national origin, disability, sexual orientation, or gender identity, ancestry or any other consideration made unlawful by local, State or Federal law of any employee of, or applicant for employment with, such Consultant or subcontractor.

## 9. INDEMNIFICATION

9.1 With respect to any design professional services provided by Consultant, the Consultant agrees to indemnify, and hold harmless the CITY, its officers, officials, employees, and volunteers to the fullest extent allowed by law from any and all claims, actions, causes of action, damages, liabilities and losses, and expenses, including attorneys' fees and costs (collectively, "Claims") that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents except for any Claims proximately caused by the sole negligence or willful misconduct of CITY. Any defense costs charged to the Consultant relating to design professional services under this paragraph shall not exceed the design professional's proportionate percentage of fault per Civil Code §2782.8, except:

a. That in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, the design professional shall meet and confer with the other parties regarding unpaid defense costs in good faith effort to agree on the allocation of those costs amongst the parties; and

b. Where a project-specific general liability policy insures all project participants for general liability exposures on a primary basis and also covers all design professionals for their legal liability arising out of their professional services on a primary basis, then there shall be no limitation on the design professional's duty to provide a defense and cover the City's cost of defense, and the indemnity obligation under section 9.2 shall apply.

9.2 With respect to all matters other than those covered by Section 9.1, Consultant agrees to indemnify, defend (with counsel reasonably satisfactory to the CITY) and hold harmless the CITY, its officers, officials, , volunteers, and employees to the fullest extent allowed by law from any and all claims, actions, causes of action, losses, damages, liabilities and costs of every nature, including but not limited to all claims, actions, causes of action, losses, damages, liabilities for property damage, bodily injury, or death, and all costs of defending any claim, caused by or arising out of, or alleged to have been caused by or arise out of, in whole or in part, Consultant's performance under this Agreement, except for any claims, actions, causes of action, losses, damages, costs or liabilities proximately caused by the sole negligence or willful misconduct of CITY.

9.3 In no event shall this section be construed to require indemnification by the Consultant to a greater extent than permitted under the public policy of the State of California; and in the event that this Agreement is subject to California Civil Code section 2782(b), the foregoing indemnity provisions shall not apply to any liability for the active negligence of the City.

9.4 The defense and indemnity provisions obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by the insurance obligations contained in this Agreement. The foregoing indemnity provisions are intended to fully allocate

the parties' risk of liability to third-parties; and there shall be no rights to indemnity or contribution, in law or equity or otherwise between the Parties that are not set forth in this section. Consultant waives all rights to subrogation for any matters covered by the provisions of this section. Consultant's responsibility for such defense and indemnity obligations as set forth in this section shall survive the termination or completion of this Agreement for the full period of time allowed by law.

## 10. INSURANCE

10.1 Consultant shall maintain insurance conforming to the following specifications to the fullest amount allowed by law for a minimum of five years following the termination or completion of this Agreement:

### A. Types and Scope of Coverage

Coverage shall be at least as broad as:

1. Commercial General Liability: \$1,000,000 combined single limit per occurrence including products and completed operations, for bodily injury, personal and advertising injury and property damage on Insurance Services Office (ISO) Form CG 00 01 11 85 covering CGL. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage on ISO Form Number CA 00 01 covering any auto (Code 1), or if Consultant has no owned autos, hired, (Code 8) and non-owned autos (Code 9), per accident for bodily injury and property damage.

3. Workers' Compensation and Employer's Liability: Workers' Compensation limits as required by the Labor Code of the State of California and Employer's Liability limits of \$1,000,000 per accident. In executing this Agreement, Consultant certifies as follows: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to under take self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

4. Professional Liability and/or Errors and Omissions: \$2,000,000 per occurrence or claim and \$2,000,000 in the annual aggregate. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after date of completion of the services under this Agreement. If coverage is canceled or non-renewed and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date or start of work date, Consultant must purchase

“extended reporting” coverage for a minimum of five (5) years after completion of contract work.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (as agreed to in this Agreement) before the City’s own insurance or self-insurance shall be called upon to protect it as a named insured.

#### **B. Deductible and Self-Insured Retention**

Any deductibles or self-insured retention must be declared to and approved by the City, and shall not reduce the limits of liability. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its agents, officers, attorneys, employees, officials and volunteers; or the Consultant shall procure a bond guaranteeing payment of losses related to investigations, claim administration, and defense expenses. Policies containing any self-insured retention provision shall provide or be endorsed to provide that the self-insured retention may be satisfied by either the named insured or the City.

#### **C. Other Insurance Provisions**

The policies are to contain, or be endorsed to contain, the following provisions:

##### **1. General Liability and Automobile Liability Coverage:**

a. The City, its officials, officers, employees, and volunteers are to be covered as additional insureds as respects: liability arising out of this Agreement performed by or on behalf of the Consultant, products and completed operations of the Consultant, premises owned, occupied or used by the Consultant, or automobiles owned, leased, hired or borrowed by the Consultant. It is a requirement of this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits set forth in this Agreement shall be available to the City as an additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured, whichever is affords greater coverage.

b. The Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, attorneys, employees, officials and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, attorneys, employees, officials and volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

c. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officials, officers, employees, and volunteers.

d. The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the insurer's liability.

2. **Workers' Compensation and Employer's Liability Coverage:** The insurer shall agree to waive all rights of subrogation against the City, its agents, officers, attorneys, employees, officials, and volunteers for losses arising from work performed by the Consultant for the City.
3. **All Coverages:** Any unintentional failure to comply with reporting provisions of the policies shall not affect coverage provided to the City; and unless otherwise approved by the City, each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice by regular mail has been given to the City, or ten (10) days for cancellation for non-payment of premium.

#### **D. Claims Made Policies**

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

#### **E. Suspension or Cancellation**

If any of the coverages required by this Agreement should be suspended, voided, cancelled or reduced in coverage during the term of this Agreement, Consultant shall immediately notify City and replace such coverage with another policy meeting the requirements of this Agreement.

#### **F. Subcontractors**

Consultant agrees that any and all contracts with subcontractors for performance

of any matter under this Agreement shall require the subcontractors to comply with the same indemnity and insurance requirements set forth in this Agreement to the extent that they apply to the scope of the subcontractors' work. Subcontractors are to be bound to contractor and to City in the same manner and to the same extent as the Consultant is bound to City under this Agreement. Subcontractors shall further agree to include these same provisions with any sub-subcontractor. A copy of this Agreement will be furnished to the subcontractor on request. The Consultant shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in the Agreement prior to commencing any work, and will provide proof of compliance to the City.

#### **G. Acceptability of Insurers**

Without limiting Consultant's indemnification provided hereunder, the policies of insurance listed in this Agreement are to be issued by an issuer with a current A.M. Best Rating of A:V and who is authorized to transact business in the State of California, unless otherwise approved by the City.

#### **H. Verification of Coverage**

Consultant shall furnish the City with endorsements and certificates of insurance evidencing coverage required by this clause. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates are to be on forms acceptable to the City. Where required by statute, forms approved by the Insurance Commissioner are to be submitted. All certificates are to be received and approved by the City before work commences.

#### **I. Survival After Termination**

The provisions of this Article 10 of the Agreement shall survive the termination of this Agreement for the full period of time allowed by law.

### **11. MISCELLANEOUS**

11.1 This Agreement shall be binding on the heirs, executors, assigns and successors of Consultant.

11.2 Neither party may assign this Agreement, or any portion hereof, without the prior written consent of the other.

11.3 This Agreement shall not be construed to alter, affect, or waive any lien or stop notice rights, which Consultant may have for the performance of services pursuant to this Agreement.

11.4 Neither party's waiver of any term, condition or covenant, or breach of any term, condition or covenant shall be construed as the waiver of any other term, condition or covenant

or waiver of the breach of any other term, condition or covenant.

11.5 This Agreement, the RFP Documents, and any attachments contains the entire Agreement between City and Consultant relating to the project and the provision of services to the project. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. Subsequent modifications to this Agreement shall be in writing and signed by both City and Consultant.

11.6 If any term, condition or covenant of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall be valid and binding on City and Consultant.

11.7 This Agreement shall be governed and construed in accordance with the laws of the State of California.

11.8 The Parties may execute this Agreement in two or more counterparts, which shall, in the aggregate, be deemed an original but all of which, together, shall constitute one and the same instrument. A scanned, electronic, facsimile or other copy of a party's signature shall be accepted and valid as an original.

11.9 All changes or amendments to this Agreement must be in writing and approved by all parties.

11.10 The term of this Agreement shall commence upon execution of the Agreement and terminate as indicated herein. Any extension of the Agreement shall be mutually agreed upon in writing and shall require an amendment to the Agreement signed by both parties.

11.11 Consultant owes the City a duty of undivided loyalty in performing the work and services under this Agreement, including, but not limited to, the obligation to refrain from having economic interests and/or participating in activities that conflict with the City's interests in respect to the work and/or services and project. The Consultant shall list current clients who may have a financial interest in the outcome of this Agreement. The Consultant hereby certifies that it does not now have, nor shall it acquire any financial or business interest that would conflict with the performance of services under this agreement. Consultant shall not make or participate in making or in any way attempt to use Consultant's position to influence a governmental decision in which Consultant knows or has reason to know Consultant has a direct or indirect financial interest other than the compensation promised by this Agreement. Consultant will immediately advise the City if Consultant learns of a financial interest of Consultant's during the term of this Agreement.

11.12 During the course of this Agreement, each Party may disclose to the other certain information which may be considered confidential by the disclosing party. ("Confidential Information"). Confidential Information shall mean any and all information or proprietary materials (in every form and media) not generally known to the public and which has been or is hereafter disclosed or made available by either Party (the "Disclosing Party") to the other Party

(the “Receiving Party”), either verbally or in writing, in connection with this Agreement, including the terms of this Agreement.

Unless otherwise required by law, and except as expressly provided in this Agreement, the Receiving Party will not use or disclose any Confidential Information of the Disclosing Party without the Disclosing Party’s prior written consent, except disclosure to and subsequent uses by the Receiving Party’s employees or consultants on a need-to-know basis, provided that each are under confidentiality obligations similar to those contained herein. The Disclosing Party’s Confidential Information may only be used by the Receiving Party for the purpose of implementing this Agreement. The Receiving Party agrees to use at least the same care and precaution in protecting such Confidential Information as the Receiving Party uses to protect the Receiving Party’s own Confidential Information and trade secrets, and in no event less than reasonable care. Upon the Disclosing Party’s written request, the Receiving Party shall return or certify the destruction of all Confidential Information.

11.13 This Agreement is entered into, and to be performed in Santa Clara County, California, and any action arising out of or related to this Agreement shall be maintained in a court of appropriate jurisdiction in Santa Clara County, California.

11.14 All activities of Consultant, its employees, subcontractors and/or agents will be carried out in compliance with all applicable federal, state and local laws.

11.15 Consultant warrants that Consultant, its subcontractors and/or agents (if any) has/have complied with any and all federal, state, and local licensing requirements and agrees to provide proof of compliance upon request.

11.16 The Parties agree to attempt in good faith to resolve through negotiation any dispute, claim or controversy arising out of or relating to this Agreement. Either party may initiate negotiations by providing written notice in letter form to the other party, setting forth the subject of the dispute and the relief requested. Promptly upon such notification, the Parties shall meet at a mutually agreeable time and place in order to exchange relevant information and perspective, and to attempt to resolve the dispute. In the event that no resolution is achieved, and if, but only if, the parties mutually agree, then prior to pursuing formal legal action, the parties shall make a good faith effort to resolve the dispute by non-binding mediation or negotiations between representatives with decision-making power, who, to the extent possible, shall not have had substantive involvement in the matters of the dispute.

## 12. NOTICES

Notices required under this Agreement may be delivered by first class mail addressed to the appropriate party at one of the following addresses:

CITY: City of Campbell  
Attention: WooJae Kim  
70 North First Street

Campbell, CA 95008

CONSULTANT: \_\_\_\_\_  
Attention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13. WARRANTY OF AUTHORITY.**

The signatories to this Agreement warrant and represent that each is authorized to execute this Agreement and that their respective signatures serve to legally obligate their respective representatives, agents, successors and assigns to comply with the provisions of this Agreement.

Having read and understood the foregoing Agreement, the undersigned parties execute this Agreement on the first date and year above written:

CONSULTANT

By \_\_\_\_\_

Print Name: \_\_\_\_\_

Title \_\_\_\_\_

**CITY OF CAMPBELL**

By \_\_\_\_\_

Title \_\_\_\_\_

Exhibit A - Scope of Services and Compensation

## **Exhibit A**

### **Scope of Services and Compensation**

*To be completed and attached upon completion of negotiations.*

**Attachment: Campbell Library Design RFP (Measure O - Request for Proposals Authorization)**



*City  
Council  
Report*

Item: 9  
 Category: COUNCIL COMMITTEE  
 REPORTS  
 Meeting Date: February 4, 2020

**TITLE: Council Committee Reports**

**RECOMMENDED ACTION**

Report on committee assignments and general comments.

**DISCUSSION**

This is the section of the City Council Agenda that allows the City Councilmembers to report on items of interest and the work of City Council Committees.

**MAYOR LANDRY:**

City Atty. Performance/Comp. Subcommittee  
 City Clerk Performance/Comp. Subcommittee  
 City Mgr. Performance/Comp. Subcommittee  
 Economic Development Subcommittee  
 Recycling and Waste Reduction Commission of SCC\*\*  
 Santa Clara Valley Water District: County Water Commission  
 State Route (SR) 85 Corridor Policy Advisory Board  
 West Valley Mayors and Managers

Cities Association of Santa Clara County Representative, (Alt.)  
 Cities Association Selection Committee & Legislative Action Committee (Alt.)  
 Friends of the Heritage Theater Liaison (Alt.)  
 SCC CDBG Program Committee\*\* (Alt.)  
 Silicon Valley Clean Energy JPA (Alt.)  
 Valley Transportation Authority Policy Advisory Committee (Alt.)  
 West Valley Clean Water JPA (Alt.)  
 West Valley Sanitation District Board (Alt.)  
 West Valley Solid Waste Authority JPA (Alt.)

**VICE MAYOR GIBBONS:**

Association of Bay Area Governments  
 Association of Bay Area Governments Executive Committee\*\*  
 Campbell Historical Museum & Ainsley House Foundation Liaison  
 Cities Association Selection Committee & Legislative Action Committee  
 Comprehensive County Expressway Planning Study Policy Advisory Board\*\*  
 Education Subcommittee

**Legislative Subcommittee**

Silicon Valley Clean Energy JPA (SVCEC)

SVCEC Executive Committee\*\*

SVCEC Finance and Audit Subcommittee\*\*

SCC CDBG Program Committee\*\*

County Library District JPA Board of Directors (Alt.)

SCC Emergency Operations Commission (Alt.)\*\*

West Valley Mayors and Managers (Alt.)

**COUNCILMEMBER BYBEE**

City Atty. Performance/Comp. Subcommittee

City Clerk Performance/Comp. Subcommittee

City Mgr. Performance/Comp. Subcommittee

Downtown Subcommittee

Finance Subcommittee

Friends of the Heritage Theater Liaison

Legislative Subcommittee

Valley Transportation Authority Policy Advisory Committee

Association of Bay Area Governments (Alt.)

Campbell Historical Museum &amp; Ainsley House Foundation Liaison (Alt.)

Comprehensive County Expressway Planning Study Policy Advisory Board\*\*(Alt.)

Santa Clara Valley Water District: County Water Commission (Alt.)

State Route (SR) 85 Corridor Policy Advisory (Alt.)

**COUNCILMEMBER RESNIKOFF**

Advisory Commissioner Appointment Interview Subcommittee

Cities Association of Santa Clara County Representative,

Education Subcommittee

West Valley Clean Water JPA

West Valley Sanitation District

West Valley Solid Waste Authority JPA

Downtown Subcommittee (Alt.)

Recycling and Waste Reduction Commission of SCC\*\* (Alt.)

Silicon Valley Animal Control Authority Board (SVACA)(Alt.)

**COUNCILMEMBER WATERMAN:**

Advisory Commissioner Appointment Interview Subcommittee

County Library District JPA Board of Directors

Economic Development Subcommittee

Finance Subcommittee

Silicon Valley Animal Control Authority Board (SVACA)

**\*\*appointed by other agencies**



Prepared by:

Wendy Wood, City Clerk

**MEMORANDUM**



City of Campbell

City Clerk's Office

**To:** Honorable Mayor and City Council

**Date:** February 3, 2020

**From:** Andrea Sanders, Deputy City Clerk

**Via:** Brian Loventhal, City Manager

**Subject:** Desk Item 6 – Reach Codes Correspondence

---

The City Clerk's office received the attached correspondence from Carol Cross regarding Reach Codes.

## Andrea Sanders

---

**To:** Margarita Mendoza  
**Subject:** RE: Online Form Submittal: Contact Us (Dropdown)

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com) <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Sent:** Saturday, February 01, 2020 4:23 PM  
**To:** Campbell City Managers Office <[cmoffice@campbellca.gov](mailto:cmoffice@campbellca.gov)>  
**Subject:** Online Form Submittal: Contact Us (Dropdown)

WARNING: This email originated from an external sender!

### Contact Us (Dropdown)

First Name	Carol
Last Name	Cross
Address1	[REDACTED]
Address2	<i>Field not completed.</i>
City	[REDACTED]
State	[REDACTED]
Zip	[REDACTED]
Phone Number	[REDACTED]
Email Address	[REDACTED]
Whom would you like to contact?	City Council
Question / Comment	<p>I understand that in your upcoming meeting (February 4) you will be deciding on whether to enact "reach codes" that call for all-electric construction in new buildings. I hope you'll consider banning gas infrastructure entirely; more and more studies are showing the harmful ~ if not dangerous ~ effects of gas in our homes and under our streets.</p> <p>Thank you for taking this issue seriously ~ the climate crisis is bearing down on us rapidly.</p>

Email not displaying correctly? [View it in your browser.](#)

**MEMORANDUM**



**City of Campbell**

**City Clerk's Office**

**To:** Honorable Mayor and City Council

**Date:** February 4, 2020

**From:** Andrea Sanders, Deputy City Clerk

**Via:** Brian Loventhal, City Manager

**Subject:** Desk Item 6 – Reach Codes

---

The City Clerk's office received the attached correspondence regarding Reach Codes.

## Andrea Sanders

---

**Subject:** FW: Strong Support for All-Electric Reach Code from 30 Local Groups  
**Attachments:** FFBSV Support letter for Reach Codes in Campbell.pdf

**From:** Diane Bailey

**Sent:** Monday, February 3, 2020 6:12 PM

**To:** Rich Waterman <[RichW@campbellca.gov](mailto:RichW@campbellca.gov)>; Susan M. Landry <[susanl@campbellca.gov](mailto:susanl@campbellca.gov)>; Paul Resnikoff <[paulr@campbellca.gov](mailto:paulr@campbellca.gov)>; Liz Gibbons <[lizg@campbellca.gov](mailto:lizg@campbellca.gov)>; Anne Bybee <[anneb@campbellca.gov](mailto:anneb@campbellca.gov)>

**Subject:** Strong Support for All-Electric Reach Code from 30 Local Groups

Honorable Mayor Landry and City Council Members,

On behalf of the Campaign for Fossil Free Buildings in Silicon Valley (“FFBSV”), this letter (attached and inline) expresses our strong support for the proposed **Municipal Code to Prohibit the Use of Natural Gas for Warm Air Heating and Water Heating** for new construction under consideration this Tuesday, February 4<sup>th</sup>. We also urge you to consider applying these requirements to **all fossil gas uses in all building types**, utilizing only a single feasibility-based exception as Cupertino has recently done. *(Please see the specific language & reference from Cupertino attached)* Given that we are in a climate crisis, and this policy would also improve air quality, public health, and safety, please move forward swiftly to adopt this All-electric Reach Code.

FFBSV is comprised of the 30 local organizations listed above, working together to support an accelerated phase out of fossil fuels in buildings. A swift transition away from fossil fuel use is necessary to avoid the very worst and irreversible impacts of climate change. Preventing the use of fossil fuels, including natural gas, in new construction will create more affordable, cleaner, healthier, and more resilient housing and buildings for communities throughout Campbell.

This “Reach Code” for all-electric construction that avoids new fossil fuel use in buildings is an important step that Campbell can take to address the Climate Crisis. All-electric construction will lower new building impacts to zero ongoing emissions considering the carbon free electricity provided by Silicon Valley Clean Energy.

Many local cities are taking swift action to prevent new uses of natural gas, a fossil fuel, in an effort to transition away from fossil fuel use to address the climate crisis. In September 2019, Menlo Park adopted a nearly all-electric Reach Code, and seven other cities then followed with all-electric or nearly all-electric Reach Codes including Brisbane, Cupertino, Los Altos Hills, Los Gatos, Mountain View, Pacifica, and Saratoga. Cities are recognizing how important going fossil-free is to community health, safety, and a stable climate future. An all-electric code has many advantages, including:

- All-electric homes are **less expensive** to build (saving at least \$10,000 or more for a single-family home).
- All-electric buildings are **healthier and safer** for occupants. Gas is a leading cause of structure fires, burns, and carbon monoxide poisoning. And gas cooktops contribute to indoor air pollution. Cooking with gas releases fine particulate matter, smog-like compounds, and formaldehyde, and is known to exacerbate asthma.

- All-electric buildings are a highly visible and practical step forward to address the climate crisis, by breaking the cycle of fossil fuel dependency in buildings. **Each new electric home saves up to 4 tons of carbon per year.**
- All-electric buildings are generally **faster to design, permit, and build.** They save design time, the code is easier for building and planning staff to apply, and it is also easier for everyone to understand.
- All-electric buildings include air conditioning combined with heating, resulting in less equipment, reduced maintenance costs and greater climate resilience.
- All-electric code today prevents a complex, costly and likely inevitable switch to electricity in the future, since gas prices are expected to rise sharply, and California is planning to eventually end gas distribution. PG&E has asked for a 24% gas rate increase and SoCalGas, a 42% increase, over the next couple years, and this is just the beginning. **Building all-electric now will help future proof Campbell.**

We hope you will move forward to adopt the all-electric Reach Code right away for more affordable, cleaner, healthier, and more resilient homes and buildings in Campbell. Thank you for your leadership.

Sincerely,

Bruce Karney, Chair of Carbon Free Mountain View

Carol Cross, Fossil Free Mid-Peninsula

Terry Nagel, Sustainable San Mateo County and Citizens Environmental Council of Burlingame

Sven Thesen, Founder Project Green Home

Gary Latshaw, Chair of the Guadalupe Regional Group of the Loma Prieta Chapter of the Sierra Club & Chair of the Bay Area for Clean Environment

Jenny Green, Mothers Out Front South Bay

Zoë Wong-VanHaren, Palo Alto High School student and intern at Menlo Spark

Debbie Mytels, Chair, Peninsula Interfaith Climate Action

James Tuleya, Chair, Carbon Free Silicon Valley

Hoai-An Truong, Silicon Valley Youth Climate Action

Barbara Fukumoto, Sunnyvale Cool

Karen Warner Nelson, Chair of Climate Reality: Santa Clara County

Lauren Weston, Acterra

Suzanne Emerson, San Carlos Green

Bruce Naegel, Sustainable Silicon Valley, CFMV, and CFSV

Janelle London, Coltura

Diane Bailey, Menlo Spark

## Attachment 1: Cupertino Reach Code for All-Electric New Homes and Buildings

The City of Cupertino Reach Code<sup>[1]</sup> defines an “all-electric building,” and then mandates that each building type conform to that definition.

### Definition: “All-Electric Building”

All-Electric Building: a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the sole source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. Outdoor pools, spas, barbeques, and fire pits also cannot use natural gas or propane plumbing. All-Electric Buildings may include solar thermal heating.

### Building types that must meet the definition of an “all-electric building”:

- Single Family Residence (SFR)/Duplex
- Stand Alone Auxiliary Dwelling Units (ADUs)
- Multifamily 3+ Units
- Mixed Use
- Hotel
- Commercial
- Municipal Facilities

### Infeasibility Exemption:

All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D, or E, as applicable and shall be an All-Electric Building as defined in Section 100.1(b). For the purposes of All-Electric Building requirements, newly constructed buildings as defined in Section 100.1 shall not include newly constructed additions and tenant improvements in existing buildings.

Exception 1: Nonresidential F, H, and L Occupancies, or other similar research & development uses as determined by the building official, are exempt from the all-electric building provisions of this section. If this Exception applies, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 2: “Essential Facilities,” as defined by the *California Building Code* are exempt from the all-electric building provisions of this section. If this Exception applies, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 3: Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Building Official for a modification to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. The Building Official may grant this modification if he or she finds the following:

1. There is a business-related reason to cook with a flame; and
2. This need cannot be reasonably achieved with an electric fuel source; and
3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance.

If the Building Official grants a modification, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 4: If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Building Official may grant a modification. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 5: Attached Accessory Dwelling Units and Junior Accessory Dwelling Units shall be exempt from the all-electric building provisions of this section. For purposes of this exception, "Accessory Dwelling Unit" has the same definition as set out in Government Code Section 65852.2, and "Junior Accessory Dwelling Unit" has the same definition as set out in Government Code Section 65852.22.

Note 1: If natural gas appliances are used under Exception 1, 2, 3, and/or 4, each natural gas appliance location in such building must be electrically pre-wired for future electric appliance installation.

Diane Bailey | Executive Director  
MENLO SPARK  
[diane@menlospark.org](mailto:diane@menlospark.org) | 650-281-7073  
Visit us: [www.MenloSpark.org](http://www.MenloSpark.org)  
Find us on [Facebook](#)  
Follow us on [Twitter](#)



EV, PV & Fossil Free: *Guides for Electric Cars, solar & Fossil Free Homes* at: <http://menlospark.org/what-we-do/>

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[1] <https://cupertino.legistar.com/View.ashx?M=F&ID=8012889&GUID=7199320A-DA93-446A-AD0B-A555C4D45E9A>



## The Campaign for Fossil Free Buildings in Silicon Valley

350 Silicon Valley, Acterra, Bay Area for Clean Environment, Carbon Free Silicon Valley, Carbon Free Palo Alto, Carbon Free Mountain View, Citizens' Climate Lobby San Mateo County, Citizens Environmental Council of Burlingame, Clean Coalition, Climate Reality Santa Clara County, Coltura, Cool Block, Fossil Free Mid-Peninsula, GreenTown Los Altos, Kitchens of Life, Menlo Spark, Menlo Together, Mothers Out Front South Bay, Pacifica Climate Committee, Peninsula Interfaith Climate Action, Project Green Home, SIDCO Homes, San Carlos Green, San Francisco Bay Area Physicians for Social Responsibility, Sierra Club Loma Prieta Chapter, Sustainable San Mateo County, Sustainable Silicon Valley, Sunnyvale Cool, Silicon Valley Youth Climate Action, and Silicon Valley Youth Climate Strike.

February 3, 2020

Mayor Landry and City Council Members  
City of Campbell  
70 N. First St.  
Campbell, CA 95008

Via email: richw@cityofcampbell.com; susanl@cityofcampbell.com; paulr@cityofcampbell.com; lizg@cityofcampbell.com; anneb@cityofcampbell.com

### **RE: PLEASE ADOPT STAFF RECOMMENDED ALL-ELECTRIC REACH CODE, ITEM 6**

Dear Honorable Mayor Landry and City Council Members,

On behalf of the Campaign for Fossil Free Buildings in Silicon Valley ("FFBSV"), this letter expresses our strong support for the proposed **Municipal Code to Prohibit the Use of Natural Gas for Warm Air Heating and Water Heating** for new construction under consideration this Tuesday, February 4<sup>th</sup>. We also urge you to consider applying these requirements to **all fossil gas uses in all building types**, utilizing only a single feasibility-based exception as Cupertino has recently done. *(Please see the specific language & reference from Cupertino attached)* Given that we are in a climate crisis, and this policy would also improve air quality, public health, and safety, please move forward swiftly to adopt this All-electric Reach Code.

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- Municipal Facilities

### **Infeasibility Exemption:**

All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D, or E, as applicable and shall be an All-Electric Building as defined in Section 100.1(b). For the purposes of All-Electric Building requirements, newly constructed buildings as defined in Section 100.1 shall not include newly constructed additions and tenant improvements in existing buildings.

Exception 1: Nonresidential F, H, and L Occupancies, or other similar research & development uses as determined by the building official, are exempt from the all-electric building provisions of this section. If this Exception applies, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 2: “Essential Facilities,” as defined by the *California Building Code* are exempt from the all-electric building provisions of this section. If this Exception applies, the applicant shall comply with the pre-wiring provision of Note 1 below.

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<sup>1</sup><https://cupertino.legistar.com/View.ashx?M=F&ID=8012889&GUID=7199320A-DA93-446A-AD0B-A555C4D45E9A>

Exception 3: Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Building Official for a modification to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. The Building Official may grant this modification if he or she finds the following:

1. There is a business-related reason to cook with a flame; and
2. This need cannot be reasonably achieved with an electric fuel source; and
3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance.

If the Building Official grants a modification, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 4: If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Building Official may grant a modification. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 5: Attached Accessory Dwelling Units and Junior Accessory Dwelling Units shall be exempt from the all-electric building provisions of this section. For purposes of this exception, "Accessory Dwelling Unit" has the same definition as set out in Government Code Section 65852.2, and "Junior Accessory Dwelling Unit" has the same definition as set out in Government Code Section 65852.22.

Note 1: If natural gas appliances are used under Exception 1, 2, 3, and/or 4, each natural gas appliance location in such building must be electrically pre-wired for future electric appliance installation.

**Andrea Sanders**

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**Subject:** FW: Reach Code vote tonight

**From:** Hoai-An

**Sent:** Tuesday, February 4, 2020 8:25 AM

**To:** Rich Waterman <RichW@campbellca.gov>; Susan M. Landry <susanl@campbellca.gov>; Paul Resnikoff <paulr@campbellca.gov>; Liz Gibbons <lizg@campbellca.gov>; Anne Bybee <anneb@campbellca.gov>

**Cc:** Web Distribution City Clerk <WebDistributionCityClerk@campbellca.gov>

**Subject:** Reach Code vote tonight

**WARNING: This email originated from an external sender!**

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Honorable Mayor Waterman and City Council Members,  
I am a climate activist and member of Mothers Out Front mobilizing for a livable climate, and Silicon Valley Youth Climate Action.

I was living in Santa Rosa when we experienced one of the most destructive fires in history, and which is still recovering from the Tubbs fire 2 years ago. Now the recent Kincade Fire in Sonoma County has destroyed an area twice the size of San Francisco. With the climate crisis the fires are only going to get worse.

40 wild horses were found dead at a dried up waterhole, dead of heat and lack of water. There is a 30 year delay in the effects of emissions. This is in our future, before things start to get better. You can help stave off some of the worst effects but only if you act now.

<https://www.bbc.com/news/world-australia-46981750>

We can't dither and delay on reducing and removing methane emissions. Methane, the main ingredient of natural gas, is more than 80 times more potent a greenhouse gas than CO2. Our aging gas infrastructure is leaking methane. U.S. oil and gas operations are leaking 60 PERCENT more methane than the EPA had previously calculated. We cannot be adding more fossil fuel infrastructure. We are running out of time. If we don't reduce and REMOVE carbon in the atmosphere, these fires, drought, food insecurity, homelessness and many other problems are just going to get worse, and prohibitively expensive.

On behalf of Silicon Valley Youth Climate Action, I ask you to do your part to save our future. Vote for an all electric code. All-electric buildings are safer, healthier, and less expensive to build than buildings with mixed fuels (including gas).

Don't delay this action which we must take.

**Buildings produce the 2nd largest emissions in Campbell after transportation.** Fossil fuels are killing us, killing the planet. You have the chance to speed us along to a clean energy future, and away from fossil fuels. Where cities lead, the State of California often follows. You could help set the standard for the state. Which in turn will inspire other cities and states across the nation and across the globe.  
Thank you.

Hoai-An Truong

Sent by carrier pigeon

\*\*\* 350ppm \*\*\* 350ppm \*\*\* 350ppm \*\*\* 350ppm \*\*\* 350ppm \*\*\*

**ALL HANDS ON DECK!**  
**Climate Action: Do it for everyone you LOVE!**

**Food as Climate Action:** Changing how we eat, how we farm (carbon farming!), and reducing food waste are some of the FASTEST and easiest ways to REVERSE climate change

#WeCanSolveThis: Surprising Solutions to The Climate Crisis from Project Drawdown  
<https://www.youtube.com/watch?v=fH10qkL-SK0>

Support Divestment & Public Banking to defund the fossil fuel industry, protect indigenous and other at-risk communities AND put money back into our local economy!  
<http://publicbanksantarosa.org>

\*\*\* 350ppm \*\*\* 350ppm \*\*\* 350ppm \*\*\* 350ppm \*\*\* 350ppm \*\*\*

MEMORANDUM



City of Campbell

City Clerk's Office

**To:** Honorable Mayor and City Council

**Date:** February 3, 2020

**From:** Andrea Sanders, Deputy City Clerk

**Via:** Brian Loventhal, City Manager

**Subject:** Desk Item 7 – Dell Avenue Correspondence

---

The City Clerk's office received the attached correspondence from Rebecca Yates and Audrey Kiehtreiber of STACC regarding Item 7 – Dell Avenue.

RECEIVED

JAN 29 2020

CLERK'S OFFICE

Rebecca L. Yates

28 January 2020

City of Campbell  
70 N. First St.  
Campbell, CA 95008

RE: 1700 Dell Avenue

Dear Mayor and Councilmembers,

I've been observing the progress of the proposed project at 1700 Dell Avenue winding its way through the maze of the Campbell bureaucracy. On 3 December 2019 I attended the STACC meeting to hear Scott Athearn of Dollinger Properties presentation. I expected to see a building similar to the "white elephant" on Hamilton Avenue near San Tomas Expressway and was pleasantly surprised to see a well thought out building and landscaping. Bravo!

However there is one problem. It's too tall. According to the existing General Plan guidelines for a Controlled Manufacturing project the height is restricted to 45-feet. This building is 75-feet tall which is 30-foot too high. If this goes through, future developers will turn into whiny children and want an exception to the rules.

At the STACC meeting, Mr. Athearn was asked who are the new tenants. His response was Dollinger Properties signed a non-disclosure agreement and could not say. Yet at the Planning Commission meeting Mr. Athearn said they are in negotiations with three companies. What is the truth? He also complained that the process is taking too long; is tired of waiting; and wants the project approved. Well, if they had followed the rules to begin with, the project would be well on its way to completion.

In conclusion, the project is well thought out except for the height. Rules are set in place to be followed for a reason and should be adhered to so we don't have another "white elephant" or a development with turrets like the ones on the corner of Hacienda and San Tomas Aquino Road.

Thank you for your time,



Rebecca Yates



## San Tomas Area Community Coalition

1509 Walnut Dr.  
Campbell, CA 95008

408.410.6528 phone  
info@staccna.org  
<http://staccna.org>

City of Campbell  
70 N. First Street  
Campbell CA 95008

February 3, 2020

**Attn:** Susan M. Landry, Mayor  
Liz Gibbons, Vice Mayor  
Paul Resnikoff, Council Member  
Anne Bybee, Council Member  
Rich Waterman, Council Member  
Paul Kermoyan, Director Community Development Department  
Brian Loventhal, Campbell City Manager

**Subj:** 1700 Dell Avenue, PLN2017-381 (Zone Change and PD Permit) and PLN2018-148

Dear City Council Members and Staff:

Upon reviewing the Agenda for the February 4, 2020 City Council meeting, it is with great astonishment that I have discovered that NONE of the letters, comments and presentations that the public and STACC have submitted regarding this project have been passed on to the City Council.

This is a pattern of behavior that I just do not understand. If the public is supposed to be participants in the process, but their input is not entered as part of the public record, is this truly a democratic and legal process?

I have been told that if the documents were not specifically addressed to the City Council then they were not obligated to be passed along. If this is true, then it means that every member of the public must submit their documents to both Planning Commission and Council whether the City Council is hearing the case or not.

This is a tremendous disservice to the public, particularly those that remain engaged in the future of this city. This policy is doing great harm to the reputation of the City. I have heard Council Members comment frequently about why there is not more engagement

by the residents. Well, this is one reason. They feel that the Council is not paying attention to their input, and of course they are absolutely right.

I am resubmitting for the council's information the following documents, in the original order they were submitted to the Planning Commission. I have every expectation that this letter, and all of the attachments, will be passed on to the City Council members so they can see the entire history of this project and the public input.

Submittal date	Filename	Document
July 18, 2017	1700 Dell Ave Letter1.pdf	STACC letter from Audrey Kiehtreiber, President
Oct 10, 2017	1700 Dell Opposition Presentation 10102017-1.pdf	Presentation made by STACC members to the Planning Commission
Oct 10, 2017	1700 Dell Study Session 10102017 Jen Moore.pdf	Letter submitted by Jen Moore on Study Session
July 25, 2018	180725_SCVAS_Dell.pdf	Letter submitted by Audubon Society (STACC cc'ed)
July 31, 2018	1700 Dell Ave EIR Questions Joanne.pdf	EIR questions submitted by Joanne Carroll, STACC member
July 31, 2018	1700 Dell Questions for EIR.pdf	EIR questions submitted by STACC President Audrey Kiehtreiber
Dec 8, 2019	1700 Dell Letter 12082019.pdf	STACC letter from Audrey Kiehtreiber, President

Thank you for your kind attention. Best regards,



Audrey Kiehtreiber

President



## San Tomas Area Community Coalition

P.O. Box 320663  
Los Gatos CA 95032

408.410.6528 phone  
info@staccna.org  
<http://staccna.org>

City of Campbell  
70 N. First Street  
Campbell CA 95008

July 18, 2017

**Attention:**

Paul Kermoyan, Director Community Development Department  
Cindy McCormick, Senior Planners  
Honorable Mayor and City Council Members

**Subj:** 1700 Dell Avenue Office Building and Parking Structure

Dear City Council Members and Staff:

STACC members have reviewed the proposed development for a 75 ft tall (90 ft tall with services) building proposed by Dollinger Properties.

The Staff report documents the zoning amendments or exceptions that would be required, and the more than 200% FAR this structure and it's accompanying multi story garage would need approved to be built. It also addresses the significant deficit of parking spaces, the removal of several protected mature trees, the lack of green landscaping, particularly as it abuts the Los Gatos Creek Trail and nature area. So I will leave it to you to take the Staff Report information into account as you consider your guidance on this project.

I would like to note though, that Planned Development Municipal Code 21.12.030 states "*The zoning district allows within its boundaries a use or development, or a combination of uses or types of uses or types of developments that is (are) determined to be in conformance with the underlying land use designation of the General Plan.*" The land use designation of this lot is C-M (Controlled Manufacturing) and should therefore comply with it's requirements for FAR (40%) and Height (45 ft). Permitting this development to exceed the prevailing rules by this much would set a dangerous precedent, endangering our vital nature area without offering any compensating benefit to the city.

I had a very pleasant meeting with Mr. Scott Athearn of Dollinger Properties, and I appreciate his taking the time to meet with me. During our conversation this project was described as meeting or exceeding LEED (U.S. Green Building Council) standards in building design. Upon review, I believe that this building in fact **does not**, in a very significant way, meet the *LEED Pilot Credit 55: Bird Collision Deterrence* standards. This is the standard applied to buildings along a nature area, which this building due to its proximity to a riparian corridor, certainly qualifies as. A building as described in this proposal would result in numerous bird deaths, and the large amount of artificial light a building of this size would project at night will have a negative effect on many creatures including amphibians, birds, mammals, insects and plants. To meet the LEEDS standard, a building must have as fundamental to the building's design its seamless integration with the natural landscape, scale, and aesthetic of the area.

As to the financial gain for the City of Campbell, I have substantial doubts that this project will be able to bring in either the property tax revenue or other revenues something of this scope should provide. If it becomes part of a Hospital system, it is exempt from property tax fees. If it is used solely for office space, there is no sales tax revenue. Developing strong revenue streams for the future needs to be a priority for our community. Building for the past does not bring us into the future.

And really, that statement "seamless integration with the natural landscape, scale and aesthetic of the area" is truly key to the problems with this development. It doesn't fit. It's too big, too much concrete, too much glass, too little design aesthetic reflective of the City of Campbell heritage.

Best regards,



Audrey Kiehtreiber

President



# 1700 DELL AVE

Staff Report outlines clearly the 200% FAR, excessive height, and other issues.





# STANDARDS WHAT A CONCEPT

- Will set the standard for new development along the Los Gatos Creek Trail to Downtown Campbell.
- Campbell is NOT Sunnyvale or Cupertino. Residents want to preserve the “old world” feel while still providing structures adapted to our modern needs.



# DESIGN

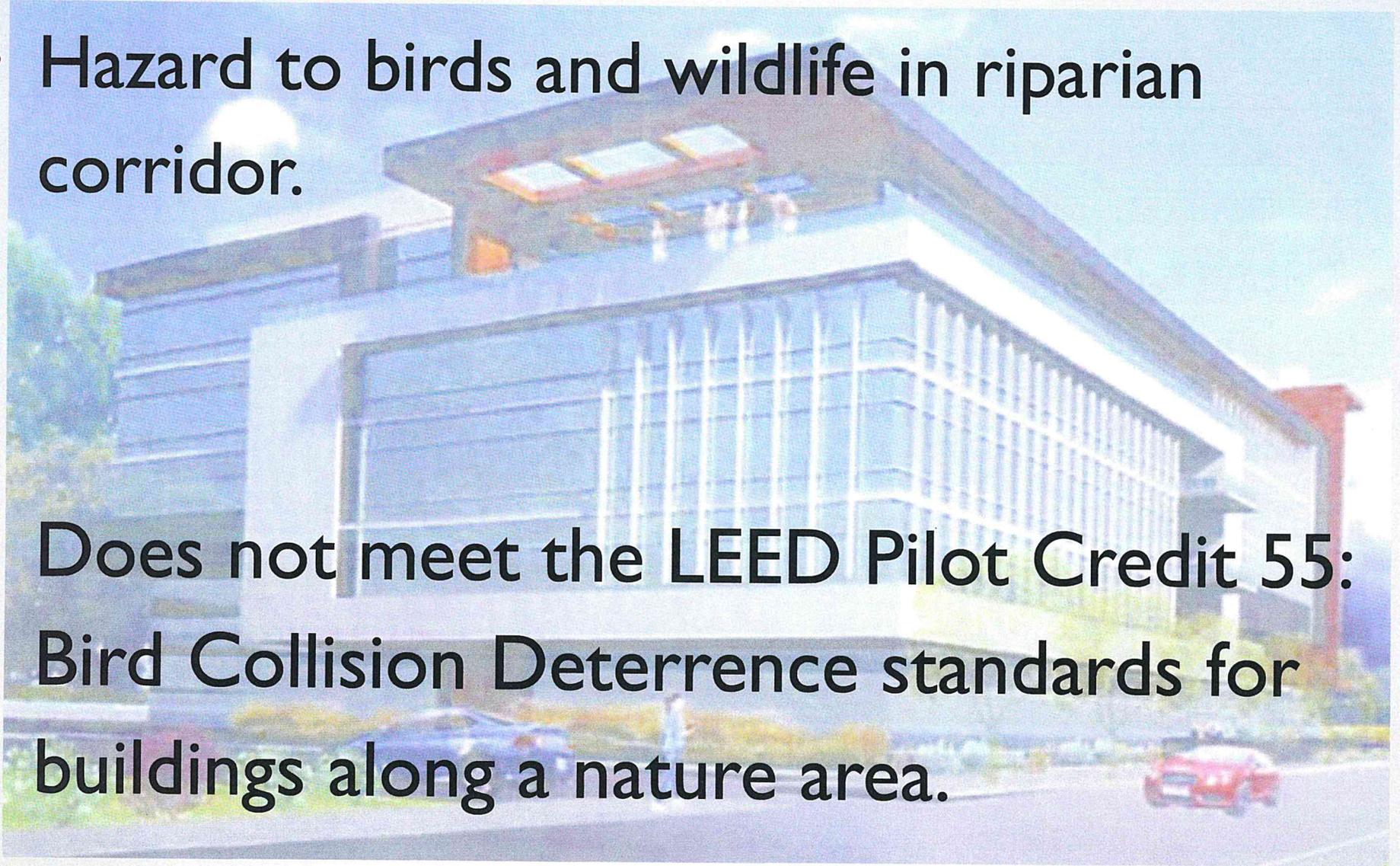


- Concrete and glass - cold, unwelcoming.
- Lacking elements which tie into the natural environment.



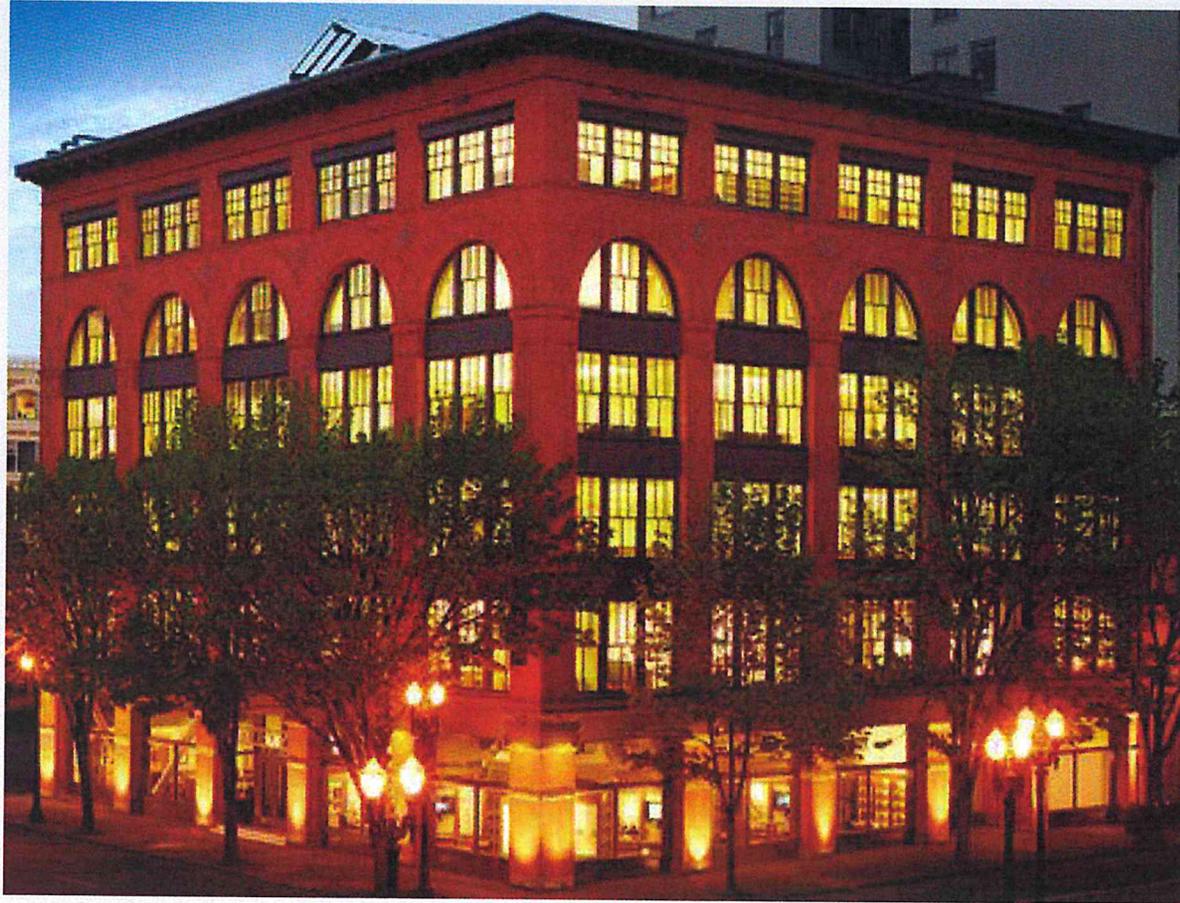
# LEEDS STANDARDS

- Hazard to birds and wildlife in riparian corridor.
- Does not meet the LEED Pilot Credit 55: Bird Collision Deterrence standards for buildings along a nature area.





# CONCEPT BUILDINGS



- Buildings should have seamless integration with the natural landscape, scale and aesthetic of the area. This is one example STACC has presented to the developer.



- More examples STACC has presented to the developer.





- It's too big, too much concrete, too much glass, and the design aesthetic has no ties to Campbell's Orchard City heritage.





## San Tomas Area Community Coalition

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City of Campbell  
70 N. First Street  
Campbell CA 95008

October 10, 2017

**Attn:** Brian Loventhal, City Manager  
Paul Kermoyan, Director Community Development Department  
Planning Commission  
Cindy McCormick, Senior Planner

**Subj:** 1700 DELL-Study Session 10/10/17-Public comment

Dear Planning Commission and Staff:

This project will set a precedent for how others will be handled in advance of crafting any new DAAP document to consider. Since the old DAAP was rejected in 2016 by the public, stakeholder agencies and the City Council, current zoning prevails and governs what can be approved, not wishful thinking.

This first project up blatantly disregards current zoning requirements in pursuit of something twice as massive as allowed. Oversized boxy structures, glaring big city design, minimal landscaping and lack of regard for creativity, compatibility or proximity to a water/wildlife dominated park system are exactly the kind of project features to avoid.

City Council and staff already provided input that STACC concurs with on these factors and more, months ago, asking for 3 new proposal options. Yet at the STACC Board meeting last week, nothing new was presented by the company except insignificant tweaks. The main objections were not addressed and current zoning requirements were still ignored, noted as not applicable to what the City “wants” there. STACC felt that previous input fell on deaf ears.

Disregard for current regulations, City input and Council decisions is disappointing. This proposal should be flat out rejected, and any dismissive approach to presenting the same thing yet again discouraged. Please do both, and point the applicant back to their drawing board, literally.

Send a vital message to all developers urging respect for city regulations and goals. As for STACC, we will be more receptive to applicants who gracefully embrace that advice, and focus on compliant, appropriate proposals, including reasonable requests for variances or zoning changes.

Best regards,

Jennifer Moore, 1110 Sonuca, STACC Board Member, Area 6 Captain,  
area6captain@staccna.org



July 25, 2018

Planning Department  
City of Campbell  
70 N 1st St  
Campbell, CA 95008

*via email*

**Re: Scoping Comments for the Proposed 1700 Dell Avenue Project**

Dear Ms. McCormick,

The Santa Clara Valley Audubon Society (SCVAS) appreciates the opportunity to provide scoping comments for the 1700 Dell Avenue Project (Project) in Campbell. Our mission is to promote the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. SCVAS represents many members in Campbell who care to see birds and their habitats protected, including the Los Gatos Creek Corridor.

Please address the following concerns in the Environmental Impact Report (EIR) for the Project:

**Glass and Bird Collisions**

The issue of bird collision with glass structures should be paramount in evaluating the biological resource impacts of the proposed Project. SCVAS is very concerned that renderings of the Project show a four-story reflective and transparent curtain of glass facing the Los Gatos Creek Corridor and Los Gatos Creek County Park, where over 180 avian species have been documented<sup>1</sup>. This design is extremely hazardous for birds, especially along a riparian corridor where birds migrate and congregate, and may result in a potentially significant impact to migrating passerines and shorebirds. Birds collide with glass buildings and structures during the day as they attempt to access resources reflected by or seen through the glass. At night, brightly lit glass buildings lure migrating birds to their death.

The EIR should adhere strictly to Bird-safe Building Design principles when setting out mitigations and design guidelines for the site. We recommend reviewing the Bird-safe Building Design guidelines in Mountain View's North Bayshore Precise Plan as a local example.<sup>2</sup> The EIR should also look at an alternative that would minimize the potential for bird strikes.

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<sup>1</sup> <https://ebird.org/hotspot/L295710>

<sup>2</sup> <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15050>

(Bird-safe Design on Pages 125-126)

## Light Pollution

The EIR should evaluate and mitigate for the impacts of light spill in the Los Gatos Creek Corridor. Artificial light at night – light pollution – is now pervasive as a background, with few brightly contrasting beams or buildings.

Two recent papers now confirm that urban glow attracts birds towards the built environment.<sup>3,4</sup> This applies primarily to migrating songbirds, found in unexpectedly high densities in areas lit at night. As migratory birds stop-over in these areas, they are vulnerable to collisions with glass, predation by cats, and other unintended consequences of urban life. For all wildlife, critical behaviors such as reproduction, foraging or hunting for food, and hiding from predators are impacted by increased illumination at night, even on a temporary basis. Riparian ecosystems are particularly sensitive to artificial light. The EIR should include mitigation measures to reduce light pollution, with focus on reducing unnecessary light, especially during bird migration season. We recommend the following mitigations for reducing light pollution at night:

- Turn off exterior decorative lighting
- Extinguish spot and floodlights
- Reduce lobby and atrium lighting wherever possible
- Turn off interior lighting especially on upper floors
- Substitute task and area lighting for workers staying late or pull window coverings
- Down-shield exterior lighting to eliminate all light directed upward and horizontal glare
- Install motion sensors and automatic controls wherever possible
- When converting to new lighting carefully assess quality and quantity of light needed, avoiding over-lighting with newer, brighter technology
- All outdoor lighting shall be low intensity and should be designed to minimize light trespass into adjacent natural areas

Thank you for your time and consideration.

Sincerely,



Mackenzie Mossing  
Environmental Advocacy Associate  
Santa Clara Valley Audubon Society

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<sup>3</sup> McLaren, J. D., Buler, J. J., Schreckengost, T., Smolinsky, J. A., Boone, M., Emiel van Loon, E., Dawson, D. K. and Walters, E. L. (2018), Artificial light at night confounds broad-scale habitat use by migrating birds. *Ecol Lett.* doi:10.1111/ele.12902

<sup>4</sup> McLaren, J. D., Buler, J. J., Schreckengost, T., Smolinsky, J. A., Boone, M., Emiel van Loon, E., Dawson, D. K. and Walters, E. L. (2018), Artificial light at night confounds broad-scale habitat use by migrating birds. *Ecol Lett.* doi:10.1111/ele.12902 <https://doi.org/10.1111/gcb.13792>

Joanne Carroll  


July 31, 2018

City of Campbell  
70 N. First Street  
Campbell CA 95008

**Attn:** Planning Commission  
City Council  
Paul Kermoyan, Director Community Development Department  
Brian Loventhal, City Manager

**Subj:** Dell Avenue Development -1700 Dell Ave. PLN2017-381, PLN2018-148  
Environmental Impact (EIR) questions

I have reviewed the proposed Plan and am providing written questions that I would like addressed in this specific EIR.

In initial review of the plan I have concerns about the direction the city is taking in the development of Dell Ave. The proposed redevelopment of 1700 Dell Avenue doesn't meet the cities FAR (161,870 sq. ft four story building, 29,180 sq. ft. five story parking garage) or existing height limits.

I would appreciate the following issues and questions be addressed in the EIR for this development.

- The existing DAAP EIR does not reflect the desires of citizens, nor does it meet the standards as required in the STANP.
- According to the existing DAAP EIR development of this kind is unsupportable due to the many Significant and Unavoidable (SU) and unmitigated impacts, in particular on the traffic, air quality, and habitat areas.

Respectfully,

Joanne Carroll  


## Questions to be addressed:

- The existing DAAP EIR traffic section 4.13 states that traffic on the Winchester corridor is currently unacceptable from Blossom Hill to Hamilton Blvd. Estimates for light rail are approximately 780 trips per day. Since the existing DAAP EIR was created there have and will be numerous developments along the Winchester corridor.
  - How will the additional employees and visitors get to this location?
  - How will the addition of the number of anticipated employees and visitors effect traffic in this area?
  - Will there be VTA bus routes along Dell Ave in order to ensure the reduction of traffic?
  - Will there be VTA bus routes to and from the VTA Light Rail stations?
  - Will there be an incentive to carpool by the employees?
  - Will there be adequate parking for employees as well as visitors?

NOTE: Reduction in parking spaces should NOT be considered until alternate transportation is available.

- 1700 Dell Avenue will be developed directly adjacent to a unique geographical and geological location on a major watershed, in a groundwater recharge basin, along a riparian wildlife corridor, and within the Pacific Flyway Migration Corridor. Although the office structure is only 4 floors, the overall height of the building with support systems will be 5 stories or higher. And the parking structure is 5 stories. This does not follow the existing Campbell Guidelines.
  - How will this development affect these areas and specifically the underground water table below this development? What will be the guidelines and standards for developing above our aquifers.
  - How will this building height impact the environment?
  - How will this proposed building height cut off the adjacent residential view of the riparian corridor and the mountains?

NOTE: Campbell should adopt the 'Story Pole Policy' and citizen evaluation on how this new height will impact the citizens and wildlife. Height poles and netting provide a visual representation of the building heights and dimensions and are a valuable tool to assist the neighboring residence and businesses to see and comment on the location and height of the building in relationship to their properties and their expectations of line of site, noise, privacy, and visual massing impact.

- How will this proposed height impact the daily migration of some of the local wildlife to the creeks and trails?
- How does the additional FAR impact the environment?
- In the original DAAP plan there was a cost to the city for Utility Infrastructure Improvements and services.
  - What will be the costs to the City of Campbell to support this development?
  - Will there be a need for additional street development to support the additional traffic?
  - Will there be a need for additional sewer capacity?

- Will development impact fees be increased in order to provide funding to offset costs of improvements that will need to be done by the City?
- Currently some of our streets become small lakes and streams after a regular rain storm.
  - What are the predictions and plans for when the area is hit with a STRONG El Nino as is predicted for this year?
- Air Quality Standards - Existing DAAp EIR states potential impact.
  - What will be the potential violation of air quality standard from this proposed plan ?
- Existing DAAP EIR states - cumulative considerable net increase of any criteria pollutant for which the project region is in non attainment standard".needs mitigation.
  - Will there be a mitigation measure says that anyone within 1000 Ft of a roadway exceeding 10,000 cars per day should submit a health risk assessment to the City of Campbell?
- Hazards and Hazardous Materials - are there hazardous materials in the existing building.
  - What will be the impact to the environment is these are found?
  - What will be the resolution if incurring hazardous material during construction?
- Hydrology and Water Quality - The proposed development would be within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map.
  - Will this development be effected by this?
  - What will be the mitigation plan?
- Noise - Development might result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. such as pile driving, rock blasting and vibratory rollers that would occur within 200 feet of existing residential, commercial, and school buildings,
  - Will there be a vibration mitigation plan developed in close coordination with Campbell City staff so that alternative construction techniques or scheduling approaches are undertaken?
- Ironically and unfortunately, the availability of imported water supply conveyed through the Delta has become more unreliable at a time when the region has become increasingly dependent upon this water source. The structural issue of the County's reliance on the Delta water supply is further challenged by the impacts of continued population growth, endangered species rulings, and multiyear droughts.
  - What will be the impact of this development on the Cities water supply?
- Greenhouse Gas Emissions.
  - How does car emissions equate to greenhouse gas emissions?



## San Tomas Area Community Coalition

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<http://staccna.org>

City of Campbell  
70 N. First Street  
Campbell CA 95008

July 31, 2018

**Attn:** Cindy McCormick, Senior Planner  
Paul Kermoyan, Director Community Development Department  
Brian Loventhal, City Manager

**Subj:** 1700 Dell Avenue, PLN2017-381 (Zone Change and PD Permit) and  
PLN2018-148 (CEQA)

The San Tomas Area Community Coalition (STACC) has reviewed the proposed development at 1700 Dell Avenue, PLN2017-381 (Zone Change and PD Permit) and PLN2018-148 (CEQA) and has a number of concerns and questions which should be addressed in the proposed EIR (Environmental Impact Report).

This project will be a landmark project in the sensitive area next to a riparian corridor, the Los Gatos Creek and Trail, and will be accessed via Winchester Blvd, an already very busy main connecting roadway.

This project would establish the Campbell City practice for this region and future developments, and is seen as a "Back Door" for the previously proposed, and rejected, DAAP Plan. We find it disingenuous of the developer to use the "Planned Development" request as a method to bypass all of the existing, and future, development standards.

Elements of concern are the fact that this project cannot be built under the existing General Plan development guidelines for a C-M Controlled Manufacturing project, which has height restrictions of 45ft and FAR (Floor to Area Ratio) of 40%. This project far exceeds both of these standards, coming in at 60' in height with another 15' of mechanical above for a total height of 75' for the main building, and a FAR of 83%.

Thank you for this opportunity to have our questions addressed in the EIR.

Best regards,

Audrey Kiehtreiber, President

Questions for the EIR:

1. How will this building, with its 736 parking stalls, affect traffic in and out of the Dell Area, including Winchester Blvd and Dell Avenue?
2. Now that additional construction has commenced or been completed along the Winchester Corridor, including the new Netflix buildings, Santana Row Offices, and housing, how do these new projects and proposed projects affect the traffic overall along Winchester Blvd to and from the proposed site? We request that you extend the EIR to take these additional developments into consideration and examine the effect on traffic from Winchester/Forest to Winchester/Lark.
3. Assuming that this project sets the new standards for development for the Dell Avenue area, how will additional similar buildings cumulatively effect the traffic along Winchester? If this building is permitted how many more in the area can go in, before the negative impacts of the original EIR (DAAP) occur? Please address this issue specifically. This building and two more, six more, ten more?
4. The General Plan Update is currently in process, and will be the standard for development once it is completed. How would the approval of this project impact the current General Plan update?
5. Will modifications to the roadways and infrastructure be necessary to accommodate the additional traffic? Would new traffic signals, stop-signs, and other traffic management tools be required?
6. Who bears the burden of the costs of developing the required infrastructure, road, water, sewer, power, Police, and Fire just to name a few, to support a development of this size? What effect will these additional resources have on existing services? What effect will the additional costs have on the residents?
7. What effect on air quality will this structure and its additional vehicular traffic have? On the wildlife?
8. What effect will the noise from the additional traffic have on the environment? What effect will noise from the mechanical systems on the roof have on the environment?
9. The Santa Clara Valley Water District is currently managing the groundwater basin in a conservative fashion in order to avoid ground subsidence. The water recharge stations (percolation ponds) are in close proximity to this structure. What effect will the weight of this building and garage have on the ability of the underlying soil to absorb water and reduce land subsidence?
10. What effect will the underground portion of the garage structure have on the environment, including leaching of chemicals from concrete and contaminated

water into the surrounding soil? What types of drainage systems will ensure that contaminated runoff does not end up in the Los Gatos Creek?

11. What effect will pollutants from the building, landscaping and parking have on the ground water? What mitigation to ensure ground water contamination does not occur will be proposed?
12. What effect will pollution runoff from the parking structures, landscaping, and building have on the riparian corridor of the Los Gatos Creek and Trail? This would include pollution from vehicles, and chemicals such as fertilizers, chemical sprays and cleaning materials used to maintain the building.
13. What effect will light pollution from a building of this size have on wildlife in and next to the riparian corridor of the Los Gatos Creek and Trail? What steps to mitigate the negative effects will be proposed?
14. What effect with the shadow from this building have on the environment and the wildlife? On the Los Gatos Creek?
15. How will this building effect the wildlife, including both land based and birds? What effect will the glass and structure of the proposed building and garage have on bird strikes? What will be done to mitigate the death toll and damage to the wildlife and habitats?
16. The proposed park area is in the rear of the lot next to the Los Gatos Creek Trail. This will be an attractive nuisance for homeless and transient populations and we request you determine what effect this population, with its accompanying hazards such as human waste and trash, will have on the environment and wildlife in the area? On the use and enjoyment of the Los Gatos Creek Trail? What methods to manage this hazard will be implemented?
17. This building is next to the Los Gatos Creek which is part of a regulatory floodway. What provisions, if any, have been made to deal with the consequences of a flood in that region?



## San Tomas Area Community Coalition

P.O. Box 320663  
Los Gatos CA 95032

408.410.6528 phone  
info@staccna.org  
<http://staccna.org>

City of Campbell  
70 N. First Street  
Campbell CA 95008

December 8, 2019

**Attn:** Cindy McCormick, Senior Planner  
Paul Kermoyan, Director Community Development Department  
Brian Loventhal, City Manager  
**cc:** Scott Athearn, Dollinger Properties

**Subj:** 1700 Dell Avenue, PLN2017-381 (Zone Change and PD Permit) and  
PLN2018-148 (CEQA)

The San Tomas Area Community Coalition (STACC) has reviewed the proposed development at 1700 Dell Avenue, PLN2017-381 (Zone Change and PD Permit) and PLN2018-148 (CEQA).

This project will be a landmark project in the sensitive area next to a riparian corridor, the Los Gatos Creek and Trail, will be accessed via Winchester Blvd, an already very busy main connecting roadway, and would establish the Campbell City practice for this region and future developments.

As the first new development in the Dell Area it will set the standards for all future buildings to come. This project not in compliance with the General Plan guidelines for this property, it is too tall.

As residents we have noticed that the last few years Staff makes recommendations to approve many development projects, despite the fact that they do not meet the building standards for the area. The fact is that this project could not be approved - as is - under the existing General Plan development guidelines for a C-M Controlled Manufacturing project, which has height restrictions of 45ft and FAR (Floor to Area Ratio) of 40%. This project far exceeds both of these standards, coming in at 60' in height with another 15' of mechanical

above for a total height of 75' with a FAR of 83%, which is more than double the 40% FAR allowed, and does not include the garage as part of the calculation.

The "Planned Development" request is being used as a method to bypass all of the existing, and future, development standards and developers are being actively encouraged to use this tactic to get what they want. Residents, on the other hand, are forced to comply with all of the standards in their area when they want to do a home remodel or build a new home.

**We ask: is this right?** We are not even asking if it is fair because it patently is not. What we would like to know is why, if we have standards, the city is not requiring everyone to comply with them? Rather than insisting that projects be designed to meet the guidelines, the City of Campbell makes exceptions for them by allowing Planned Development designations. A planned development is supposed to keep to the underlying zoning designation, but even that rule has been overridden with the stroke of a pen. We are tired of this! The project does not meet the standards as proposed.

We would like to thank Scott Athearn from Dollinger Properties for taking the time to reach out to us and meet to review the Dollinger development project. The willingness of a developer to engage with the community, and to make changes to a design based on feedback from the community, is greatly appreciated.

Significant changes Dollinger has made to their design based are:

1. Reduced the height of the building by one floor, taking it from five floors and 80' (with roof services 95') to a current proposed height of four floors and 60' (with roof services 75').
2. Modifications to the design of the building based on feedback from STACC members and the Audubon Society. These changes include extensive redesign of the building and garage to include brick and wood elements, dark trim, and a commitment to using bird strike safe glass in the windows. The overall changes to the design make it more suitable to Campbells identity as a "small town", and are a nod to the history of the city as an orchard and fruit processing area. The brick and wood and even the shape of the building fits in better with the natural setting of the Los Gatos Creek Trail, and is complimentary to the existing "Factory" building and garage in downtown Campbell. The graphic illustrations show the progression of elevation changes made to the design based on community feedback.



# 1

CHANG ARCHITECTURE  
ARCHITECTS & PLANNERS  
1700 DELL AVE  
CAMPBELL, CA 95008  
TEL: 408.225.1111  
WWW.CHANGARCHITECTURE.COM



OFFICE + PARKING STRUCTURE



CHANG ARCHITECTURE  
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# 2



OFFICE + PARKING STRUCTURE

1700 DELL AVE  
CAMPBELL, CA

REAR OFFICE VIEWS

# A6.1



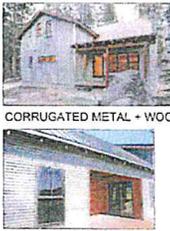
BRICK + BLACK STEEL



# 3



CORRUGATED METAL + WOOD



OFFICE + PARKING STRUCTURE

1700 DELL AVE  
CAMPBELL, CA

BUILDING RENDERINGS

# A6.1

3. Overall, the changes made to the design are very positive and include:
  - A. The current design proposes 48,229sf of landscaping, 15% more than is required by code. Not only have they increased the landscaping area, they will also be converting some of the area to Bioswales which collect stormwater runoff while removing debris and pollution, and which can be beneficial in recharging groundwater.
  - B. Pushing back the building to create a green sward area along Dell Ave., with the added advantage of preserving a number of mature trees. This is a critical element that improves the overall appearance of the site.
  - C. The removal of a number of parking spots at the rear of the building so that the lights from cars do not disturb the wildlife along the Los Gatos Creek trail
  - D. Expansion of the pocket park area at the rear of the property adjacent to the Los Gatos Creek Trail.

We would also like to suggest:

- As a nod to the history of Campbell as the Orchard City plant a small grove of fruit trees in the pocket park area.
- Elements such as exterior lighting and hardware be more “retro” style to go with the design of the building.



While we understand that the developer has put considerable time and money into this project, we must consider the benefit overall of a project to the City. As the first new development in the Dell Area it will set the standards for all future buildings to come. It is our hope that the Planning Commission and City Council will encourage the developer to go back and reduce the size of the building and garage by one more floor to bring it into compliance with the General Plan guidelines for this property.

STACC board members are in agreement that once the compliance issues are met, this project would be an excellent one for the area.

A handwritten signature in cursive script that reads "Audrey Kiehtreiber".

Best regards,

Audrey Kiehtreiber, President

**MEMORANDUM**



**City of Campbell**  
**City Clerk's Office**

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**To:** Honorable Mayor and City Council **Date:** February 4, 2020  
**From:** Andrea Sanders, Deputy City Clerk  
**Via:** Brian Loventhal, City Manager  
**Subject:** Desk Item 7 – Dell Avenue Correspondence

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The City Clerk's office received the attached correspondence from Sean Marciniak regarding Item 7 – Dell Avenue.

## Andrea Sanders

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**Subject:** FW: February 3, 2020 Ltr. to City of Campbell City Council from Hanson Bridgett re 1700 Dell Avenue Project (Item 7 on City Council's February 4, 2020 Agenda)  
**Attachments:** February 3 2020 Ltr. to City of Campbell City Council from Hanson Bridgett.PDF

**From:** Sean Marciniak  
**Sent:** Monday, February 3, 2020 6:52 PM  
**To:** Susan M. Landry <[susanl@campbellca.gov](mailto:susanl@campbellca.gov)>; Liz Gibbons <[lizzg@campbellca.gov](mailto:lizzg@campbellca.gov)>; Paul Resnikoff <[paulr@campbellca.gov](mailto:paulr@campbellca.gov)>; Anne Bybee <[anneb@campbellca.gov](mailto:anneb@campbellca.gov)>; Rich Waterman <[RichW@campbellca.gov](mailto:RichW@campbellca.gov)>  
**Cc:** Planning Division <[planning@campbellca.gov](mailto:planning@campbellca.gov)>; Patricia Cerda <[PCerda@hansonbridgett.com](mailto:PCerda@hansonbridgett.com)>  
**Subject:** February 3, 2020 Ltr. to City of Campbell City Council from Hanson Bridgett re 1700 Dell Avenue Project (Item 7 on City Council's February 4, 2020 Agenda)

Dear Honorable Members of the City Council,

Please find attached a letter, sent on behalf of Dollinger Properties, concerning its property at 1700 Dell Avenue and the associated office campus project that you will be considering tomorrow evening (Item 7). Thank you for your time,

**Sean Marciniak**

**Partner**

Hanson Bridgett LLP  
(925) 746-8471 Direct  
(925) 746-8490 Fax  
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The foregoing applies even if this notice is embedded in a message that is forwarded or attached.

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February 3, 2020

City of Campbell City Council  
70 N. First Street  
Campbell, CA 95008  
Email: [susanl@campbellca.gov](mailto:susanl@campbellca.gov); [lizg@campbellca.gov](mailto:lizg@campbellca.gov);  
[paulr@cityofcampbell.com](mailto:paulr@cityofcampbell.com); [anneb@cityofcampbell.com](mailto:anneb@cityofcampbell.com);  
[richw@campbellca.gov](mailto:richw@campbellca.gov)

Re: Item 7, City Council Hearing of February 4, 2020, 1700 Dell Avenue Project

Dear Honorable Members of the City Council:

I represent Dollinger Properties in connection with its ownership of the 4.5-acre property at 1700 Dell Avenue, where an office project is being proposed. We are excited to appear before you on February 4th and talk about this project, the goal of which is to establish a premier hi-tech employer or other innovative business in the Dell Avenue area.

We are excited about the possibility of hosting a dynamic land use on the property, and think this office campus project would be a great fit for the Dell Avenue area. Such a use would maximize open space, increase the City's tax base, and situate jobs nearer to residential homes, where more than 90 percent of Campbell residents spend hours commuting to work outside the City every day. The project would also address the needs of the local business community, who hope this project will brighten the Dell Avenue area. This investment would bring millions of dollars of revenues to these neighboring businesses.

We are also proud this project would have minimal environmental impacts. The project's Final Environmental Impact Report ("Final EIR") studied more than a hundred topics, and identified significant and unmitigable impacts to a single intersection — a delay amounting to little more than one second above the relevant standard. Meanwhile, as we will discuss on Tuesday night, we believe that even this impact is in fact less-than-significant, since the Final EIR's traffic analysis relied on County data that misidentified the geometry of the intersection. It is a wonky, technical issue, but we will do our best to break it down into digestible bits of information (with the assistance of a traffic engineer).

We understand that your time is precious and limited, and submit this letter to summarize various issues that might be of interest to you about this project (and to obviate the need to read prior correspondence from the applicant). Finally, we have attached to this letter three documents: (1) information from our traffic engineer; (2) a table responding to all public comments received by the City after publication of the Final EIR; and (3) a list of resolutions and findings we have drafted, using past City resolutions as a template, that would allow for approval of the project and its entitlement package.

**Hanson Bridgett LLP**  
425 Market Street, 26th Floor, San Francisco, CA 94105 [hansonbridgett.com](http://hansonbridgett.com)

16234310.1

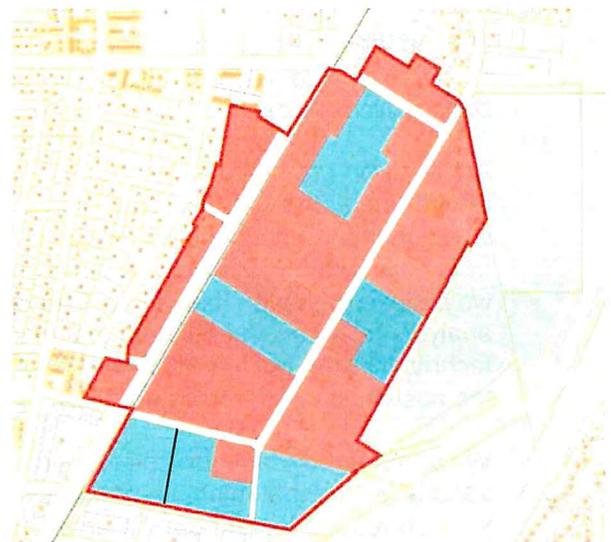
**BULK AND MASSING.** The project's entitlement package includes a request to rezone the project site as a P-D (Planned Development) zone, which entails an increase in floor area ratio ("FAR") limitation from 0.40 to about 0.83, and an increase in height from 45 feet to 60 feet. (Mechanical screening on the structure reaches a height of 72 feet, but is not counted toward height limitations per the City's zoning code.)

The reason for this request is that, in order to create an office campus capable of attracting a "marquee," innovative business, it is necessary to offer a critical mass of space. BAE Urban Economics, an economic consulting firm in the Bay Area, has provided the City with a report<sup>1</sup> concluding that the critical mass of office space necessary to (1) create a regionally competitive campus and (2) attract a high-tech or other innovative business, is approximately 150,000 square feet. More specifically, BAE Urban Economics' report provides that competitive office campus projects range from 140,000 feet to 320,000 square feet. (BAE Report, App. A), although "marquee" tech and other businesses have sought office space well in excess of 70,000 square feet, with the average office demand of about 265,000 square feet (BAE Report, Table 1).<sup>2</sup>

We respectfully request that the City Council consider that the height and density relaxations sought by Dollinger Properties are appropriate.

Height and FAR regulations are designed to regulate massing and, understandably, a city does not want to approve a building that "looks too big" for the area in which it is being proposed. Context, however, is very important when it comes to the aesthetics of buildings. A big building on a small site will look disproportionately larger, whereas a big building on a big site will not look out of place. Here, we submit that the following facts justify relaxation of height and FAR standards:

- (1) The project site, which is approximately 4.5 acres, is among the largest parcels in the Dell Avenue area such that the bulk and massing of proposed buildings will not appear incompatible with the surrounding neighborhood. Specifically, of the approximately 62 parcels comprising the Dell Avenue area, the project site, at 4.5 acres, is larger than 56 of them (about 90 percent). The map to the right illustrates this configuration. The six larger parcels are designated in blue, whereas the 56 smaller parcels are designated in red.



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<sup>1</sup> This report is dated June 10, 2019, and attached to correspondence submitted by applicant on September 12, 2019.

<sup>2</sup> A 72,000-square-foot office building exists on the property and has not managed to attract a regionally significant hi tech, med tech/modern medical, or other innovative business regionally competitive tenant.

- (2) The proposed office building (the only structure exceeding 45 feet) will not be visible from Dell Avenue, where setbacks are smallest, owing to the vegetation that exists between the building and the street; to this end, the arborist's study shows that trees as tall as 85 feet (i.e., taller than the proposed structure) will obscure views of it from public thoroughfares;
- (3) Whereas the office building will be visible from the creek trail to the east, setbacks here are greatest along the project site's easterly boundary, ranging from about 70 feet to more than 100 feet; and
- (4) The project proposes 48,229 square feet of landscaping, equivalent to about 25 percent of the project site, exceeding by more than double the City's minimum 10 percent open space requirement for C-M zoned properties.

The applicant team, including the architect, can speak more to these issues at the meeting. We only wish to impress that the size of the site, the line of trees along Dell Avenue, and the ample setbacks and open space will mitigate any bulk and massing concerns that are associated with a larger building.

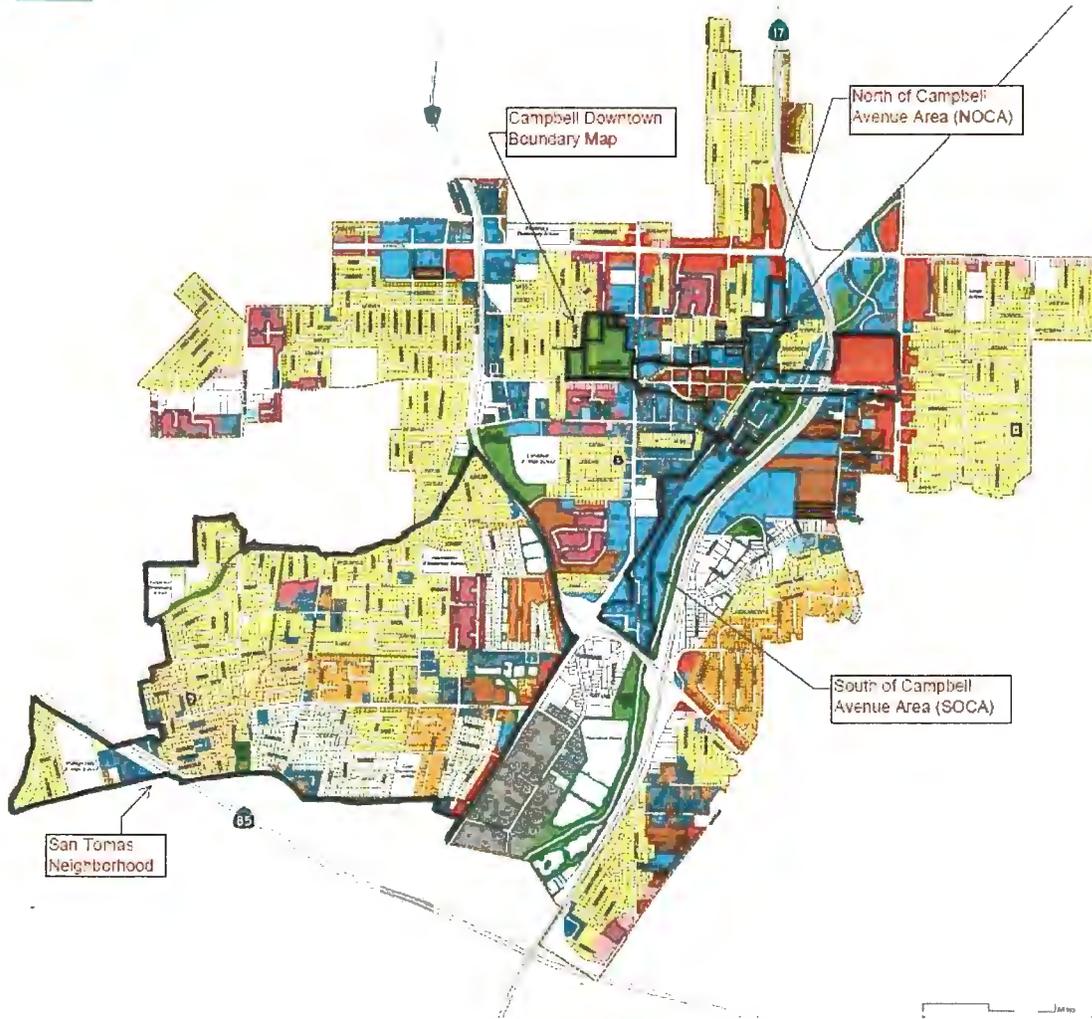
**PRECEDENT.** We anticipate the City Council might be concerned about setting a precedent for allowing denser developments should it approve the project at 1700 Dell Avenue.

As you know, this project requires approval of a P-D zone, which is a discretionary decision that must undergo review by staff, the Planning Commission, and the City Council after consideration of numerous planning, environmental, and other issues. P-D zoning is an extremely helpful and well-utilized tool that the City has responsibly used in numerous past occasions. In fact, the City has applied this zoning to more than 1,600 properties within municipal limits. A map on the following page shows the extent to which P-D zoning has been adopted in the City, both inside and outside of various area plans, with P-D zones colored blue. In this way, the City has been able to "customize" planning rules through its jurisdiction in a way that best suits the public welfare, and the City has been doing this for decades.

We submit that the proposal before you is merely an extension of this practice — i.e., the "1,601st" such property. Meanwhile, as discussed above, the project site has many unique qualities that would justify a taller height and a greater FAR, including: (1) the project site is one of only a handful of "bigger" properties in the Dell Avenue area; (2) there is vegetation along Dell Avenue that would obstruct visibility of the building from the street, and which is taller than the proposed buildings themselves; and (3) the project design includes ample setbacks between the office building and the creek trail, and substantial amounts of open space.

This accumulation of distinctive features makes 1700 Dell Avenue an ideal location for a larger project. We respectfully submit that approving this project would not open the floodgates to similarly dense and tall development because there are few properties like 1700 Dell Avenue.

 P-D | Planned Development



**GENERAL PLAN CONSISTENCY.** There has been some confusion about the project's consistency with the City's General Plan. The City Council can find the project is consistent with this plan, and that no General Plan amendment is needed, as confirmed in the project's Draft EIR (which was prepared by the City's expert consultant). (See Draft EIR, pp. 4.9-7, 4.9-8.) In navigating this issue, we ask the City Council to remember the breadth of its power, as confirmed in the recent court decision *Holden v. City of San Diego* (2019) 43 Cal.App.5th 404:

*When [courts] review an agency's decision for consistency with its own general plan, [they] accord great deference to the agency's determination. This is because the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity. Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes.*

(*Citing Save Our Peninsula Committee v. Monterey County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 142 [emphasis added].*)

These rules of interpretation come into play when considering the 1700 Dell Avenue project and its consistency with the General Plan.

By way of background, the project site is designated Research and Development in the General Plan, and is zoned C-M (Controlled Manufacturing). We believe that some of the foregoing confusion stems from Appendix B of the General Plan, which provides that when you have a *combination* of a Research and Development district and a CM zone, the FAR limit is 0.40. The critical difference here is that *Dollinger Properties is applying for approval of a new zone*, which would render the table inapplicable. Specifically, we are applying for a P-D zone and, in such a case, Appendix B “allows for a degree of flexibility that is not available in other zones.”

Again, the City Council enjoys broad discretion insofar as it interprets a General Plan, and would have full authority to allow for a higher FAR where P-D zoning is involved. In addition to footnote 3 to Appendix B, there are a few guidelines in the General Plan's Land Use Element that address this situation. These policies include:

Strategy LUT-1.5d: Higher Floor Area Ratios (FARs): Develop provisions for allowing higher FARs in new projects that provide a mix of uses, maintain a jobs/housing balance or are located within proximity to Light Rail.

Strategy LUT-5.5c: Floor Area Ratio (FAR) Guidelines: Develop guidelines for Industrial designated land use, including a provision that allows higher FARs for larger parcels that encourage research and development uses in the Dell and McGlincey neighborhoods.

In short, for industrial designated properties in the Dell Avenue area that are larger than average — i.e., the Project Site<sup>3</sup> — higher FARs are encouraged where a research and development facility is proposed.<sup>4</sup> Higher FARs are also encouraged for any project that maintains the City's jobs/housing balance. The Project, by locating high-tech jobs within City limits, would address this balance, as currently only about 6 percent of people who live in Campbell actually work in Campbell. (The Concord Group, *Fiscal and Economic Benefit Analysis for the Development of an Office Building in Campbell, CA* (November 2019), p. 1.)

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<sup>3</sup> Again, the Project Site's Research and Development designation is an Industrial designated land use (General Plan, p. LUT-11), and the site is located in the Dell neighborhood. The Project Site is also among the largest parcels in the Dell Avenue area; of the approximately 62 parcels comprising this area, the Project Site, at 4.5 acres, is larger than 56 of them (about 90 percent).

<sup>4</sup> An office campus is a research and development facility; page LUT-11 of the General Plan provides that the Research and Development designation expressly “accommodates campus-like environments for corporate headquarters, research and development facilities and offices.”

The policies cited above ask the City to “develop provisions” and “develop guidelines” allowing for higher FARs in the Dell Avenue area, but there is no requirement that such provisions or guidelines be developed in advance of any individual project decisions. City staff have acknowledged this ambiguity in past staff reports. (See July 18, 2017 Staff Report, p. 5 [project's "increase in floor area might be consistent with *General Plan Strategy LUT-5.5c*".])<sup>5</sup> Again, the City Council has broad authority to interpret the General Plan, and has the power to approve this project in advance of adopting guidelines. (See *A Local & Reg'l Monitor (ALARM) v City of Los Angeles* (1993) 16 CA4th 630, 648 ["a city's findings that [a] project is consistent with the general plan can be reversed only if it is based on evidence from which no reasonable person could have reached the same conclusion"].)

**TRAFFIC.** Per the Draft EIR, the San Tomas Expressway/SR 17 SB Ramps intersection would operate at an unacceptable level of service with or without the project, and the project's contribution to delay is as follows: (1) 5.3 seconds under existing conditions; (2) 5.4 seconds in the short-term future; and (3) 5.6 seconds under long-term future conditions. (Draft EIR, pp. 4.13-43, 4.13-46, 4.13-50.) The threshold of significance, meanwhile, allows for delay increases of up to 4.0 seconds, and so the Project impact is actually an exceedance of 1.3 to 1.6 seconds. Please note, these are impacts during morning commute hours. In the afternoon, there is only an impact in the long-term future, when the level of service unacceptably degrades by 0.9 seconds. (Draft EIR, p. 4.13-50.) The Draft EIR also found this congestion would cause traffic queues to exceed available space.

We respectfully request that the City Council reconsider the EIR's conclusion that the Project will significantly and unavoidably impact the intersection of San Tomas Expressway/SR 17 SB Ramps.

The crux of the dispute concerns the configuration of the intersection. The City, based on assumptions in other traffic reports, has assumed a right turn lane is controlled by a green arrow traffic signal, but this is not the case — and it makes a big difference.

The photos to the right and below show the right turn lane from an overhead view and from a street view.



<sup>5</sup> As City staff noted in the following footnote to its July 18, 2017 staff report, there is no instructive legislative history on this General Plan policy:

<sup>3</sup> Staff's research did not provide any insight into the thought process behind the General Plan footnote or whether the footnote was considered during preparation of the zoning ordinance three years later.



As shown above, the right turn lane is not signalized, and does not gum up right-turning traffic. The smaller traffic signal depicted in the second is not a “green arrow” stop control, but rather controls the main through-lanes (and appears to exist so that motorists waiting for the light do not have to look into the sun during morning commute hours).

Steve Abrams, an expert traffic engineer and owner of Abrams Associates, drove through this intersection and documented, first-hand, that the traffic lane does not operate as assumed in the Draft EIR. He will be available to talk to you about this issue on Tuesday night.

Not accounting for these facts makes a very big difference. If the right turn lane is properly accounted for, there are no project intersection delay or queuing impacts shown in the traffic model. Abrams Associates has submitted a letter and modeling data to the City, and it is attached hereto as **Attachment A**.

**RESPONSES TO LATE COMMENTS.** After release of the Final EIR, the City received a number of public comments. To assist you in rendering a decision on this project, we have prepared a table of responses to these late comments, which are attached hereto as **Attachment B**. Please note, these responses do not contain any significant new information, but merely clarify information that is already in the administrative record of proceedings.

**PUBLIC BENEFITS.** Criteria for approving a variance are set forth in Campbell Municipal Code section 21.12.030(H)(6). In pertinent part the code requires that: (1) the proposed development clearly result in a more desirable environment than would be possible under any other zoning category; (2) be compatible with the general plan and aid in the harmonious development of the immediate area; and (3) not be detrimental to the health, safety, or welfare of the neighborhood or the City as a whole.

The Project would satisfy this criteria. Dollinger Properties is proposing a modern technology campus that enhances the City's reputation, situates jobs nearer to residential homes, maximizes open space, increases the City's tax base, and revitalizes a commercial area that has grown stale. A modern technology campus is particularly beneficial, as compared to other office or industrial uses, because it has a multiplier effect. The support for this assertion is contained in a November 2019 report submitted by the Concord Group entitled *Fiscal and Economic Benefit Analysis for the Development of an Office Building in Campbell, California* (incorporated herein by this reference).<sup>6</sup> The Concord Group's findings include the following:

- (1) The project would create, directly and indirectly, as many as 3,000 jobs in the City of Campbell (about 700 jobs at the project site and 2,300 indirect jobs);
- (2) The project would place these jobs in closer proximity to Campbell residents, decreasing their commute time and reducing traffic-related emissions (currently 6.3 percent of residents work in the City);
- (3) The project would generate millions of dollars in revenue to City businesses as the Proposed Project's high-wage employees spend locally, where it is estimate that 70 percent of the Proposed Project's employees will make more than \$100,000 per year, and where such revenues include \$1.8 million spend in local retail shows and \$112,000 spent at local hotels when clients and others with interests in the project 's tenant visit from out of town; and
- (4) The project is estimated to generate \$100,000 per year in tax revenue, in perpetuity.

The Project proposed is a dynamic one with multiple environmental and financial benefits to the City and its residents.

We also wish to note that **out of the 101 separate environmental topics analyzed in the Project's Final EIR, the City's environmental consultants determined that 99 percent of impacts would be less than significant.** The single significant impact identified in the EIR is traffic-related, and involves one single intersection — i.e., the intersection of San Tomas Expressway/SR 17.

As stated above, we submit that this impact can be mitigated, and that the project would have no significant impacts. Even if an impact to the foregoing intersection did remain, we respectfully request that the City Council recommend the City can tolerate a 1.6-second delay at a single intersection when one considers the benefits of approving the Project.

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<sup>6</sup> This report was attached to correspondence to the City from the applicant dated December 9, 2019.

**FINDINGS.** If the City Council is so inclined, there is substantial evidence to support all necessary findings to adopt P-D zoning for the site, to approve the requested tree removal permit, and to certify the Final EIR. To this end, we have attached for your consideration draft resolutions and findings that support approval of (1) a Planned Development Permit; (2) a Zoning Map Amendment; (3) a Tree Removal Permit; and (4) the project's Final EIR. These documents replicate the form and content of other City resolutions and findings, and they are attached hereto as **Attachment C**.

With respect to certification of the Final EIR, we have presented two options. "Option A" reflects a finding that impacts to the San Tomas Expressway/SR 17 SB Ramps intersection are in fact less-than-significant, whereas "Option B" reflects a determination in the Final EIR that impacts to the intersection are significant and unavoidable (and accordingly is accompanied by a Statement of Overriding Considerations). An EIR is an informational document and, under the California Environmental Quality Act and other applicable law, a lead agency can disagree with an EIR if substantial evidence supports its determination. (See Pub. Res. Code § 21082.2(e); *Environmental Council v. Board of Supervisors* (1982) 135 Cal.App.3d 428, 537.)

We will be available to answer any questions on Tuesday night, and thank you for your consideration of this project.

Very truly yours,



Sean R. Marciniak

SRM

cc: City planning, [planning@cityofcampbell.com](mailto:planning@cityofcampbell.com)  
Clients



December 10, 2019

City of Campbell Planning Commission  
70 N. First Street  
Campbell, CA 95008

Re: Additional Comments on the 1700 Dell Avenue Office Development DEIR

Dear Honorable Members of the Planning Commission,

This letter was prepared to summarize my response to the information that W-Trans provided (in a memo dated December 4, 2019) in response to my comments on the DEIR's transportation impacts. As stated in my comments, the southbound right turn movement coming from the SR 17 southbound ramp is not controlled by the traffic signal and feeds into its own separate lane on the San Tomas Expressway. This fact has not been disputed, though W-Trans had suggested that accounting for certain saturation rates would materially change the analysis and demonstrate that regardless of the intersection's configuration, Project-related traffic would have a significant impact.

Attached to this letter are the adjusted LOS calculations (using the correct saturation flow rates recommended by W-Trans and the VTA) which still indicate that this project would not be forecast to operate at LOS F under any of the calculation scenarios in the DEIR. With the free-right turn lane accounted (and using the correct VTA saturation flow rates) the results are still the same - this intersection is forecast to have acceptable traffic operations under all scenarios, including cumulative plus project conditions.

Please don't hesitate to contact me if you have any questions about this information.

Sincerely,



Stephen C. Abrams  
President  
Abrams Associates  
T.E. License No. 1852

Level of Service Computation Report
2000 HCM Operations Method (Base Volume Alternative)

Intersection #1

Cycle (sec): 180 Critical Vol./Cap.(X): 0.753
Loss Time (sec): 9 (Y+R=4.0 sec) Average Delay (sec/veh): 18.5
Optimal Cycle: 65 Level Of Service: B

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement (L-T-R), Control (Protected, Split Phase), Rights (Ignore, Ovl), Min. Green, and Lanes.

Volume Module table with 12 columns representing different traffic movements and 10 rows of adjustment factors like Base Vol, Growth Adj, User Adj, etc.

Saturation Flow Module table with 12 columns and 4 rows showing Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module table with 12 columns and 14 rows showing Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, etc.

Note: Queue reported is the number of cars per lane.

Level Of Service Computation Report
2000 HCM Operations Method (Base Volume Alternative)

Intersection #1

Cycle (sec): 180 Critical Vol./Cap.(X): 0.755
Loss Time (sec): 9 (Y+R=4.0 sec) Average Delay (sec/veh): 18.5
Optimal Cycle: 66 Level Of Service: B

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement (L-T-R), Control, Rights, Min. Green, and Lanes.

Volume Module table with 12 columns representing different traffic movements and 10 rows of adjustment factors like Base Vol, Growth Adj, etc.

Saturation Flow Module table with 12 columns and 4 rows showing Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module table with 12 columns and 15 rows showing Vol/Sat, Crit Moves, Green/Cycle, etc.

Note: Queue reported is the number of cars per lane.

Level Of Service Computation Report
2000 HCM Operations Method (Base Volume Alternative)

Intersection #1

Cycle (sec): 180 Critical Vol./Cap.(X): 0.843
Loss Time (sec): 9 (Y+R=4.0 sec) Average Delay (sec/veh): 21.0
Optimal Cycle: 93 Level Of Service: C

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement (L-T-R), Control (Protected, Split Phase), Rights (Ignore, Ovl), and Lanes.

Volume Module table with 12 columns representing different traffic movements and 10 rows of volume-related metrics like Base Vol, Growth Adj, etc.

Saturation Flow Module table with 12 columns and 4 rows showing Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module table with 12 columns and 13 rows showing Vol/Sat, Crit Moves, Green/Cycle, etc.

Note: Queue reported is the number of cars per lane.

Level Of Service Computation Report
2000 HCM Operations Method (Base Volume Alternative)

Intersection #1

Cycle (sec): 180 Critical Vol./Cap.(X): 0.845
Loss Time (sec): 9 (Y+R=4.0 sec) Average Delay (sec/veh): 21.0
Optimal Cycle: 94 Level Of Service: C

Table with 4 columns: North Bound, South Bound, East Bound, West Bound. Rows include Movement (L-T-R), Control (Protected, Split Phase), Rights (Ignore, Ovl), Min. Green, and Lanes.

Volume Module: Table with 12 columns representing different traffic movements and 10 rows of volume-related metrics like Base Vol, Growth Adj, Initial Bse, etc.

Saturation Flow Module: Table with 12 columns and 4 rows showing Sat/Lane, Adjustment, Lanes, and Final Sat.

Capacity Analysis Module: Table with 12 columns and 15 rows showing Vol/Sat, Crit Moves, Green/Cycle, Volume/Cap, etc.

Note: Queue reported is the number of cars per lane.

## Matrix of Responses to Late Comments on 1700 Dell Avenue Project's Final Environmental Impact Report

Commenter/ Comment #	Comment	Response
Joanne Carroll Comment 1	STACC letter Questions 1, 2, and 5 address traffic issues. The EIR sections that supposedly answered these questions were insufficient.	The City adequately responded to the identified questions from STACC's July 31, 2018 letter in the Final EIR for the Project and the Draft EIR's analysis of Project traffic. (See Final EIR, pp. 5-37 to 5-38.) To provide some clarification, future traffic conditions utilized in the Project's traffic analysis were derived from the 2040 Santa Clara County Travel Demand Model, and existing scenario trip counts were derived from the 2016 Santa Clara County Congestion Management Plan. Moreover, as reflected in the Final EIR, trip counts and estimates were then updated to reflect data published in VTA's 2017 Annual Monitoring and Conformance Report. The VTA's traffic model is updated each year to reflect latest traffic assumptions, including the results of regular reports of actual traffic volumes and lists of approved projects and major planning decisions. This data is used by the Congestion Management Plan to develop population and employment changes for use in refining at a more local level, as set forth more fully in the plan. The traffic levels associated with all development projects identified by the commenter, which were approved prior to 2016, are captured in this model.
Joanne Carroll Comment 2	<b>TRANS-2:</b> During the AM peak hour under Existing plus Project and Background plus Project conditions, the intersection of San Tomas Expressway/SR 17 Southbound Ramps (Intersection #6) would operate at an unacceptable LOS F with or without the addition of project-generated vehicle trips. The addition of project-generated trips would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds. <b>(S)</b> - This item should be marked SU	This impact was marked significant and unavoidable in the Project EIR.

Joanne Carroll Comment 3	[The Project EIR] discusses widening Access lanes to highway 17, but makes no comment on the amount of traffic that will be exiting Dell and trying to access the 85 north freeway.	The Project EIR discusses the impact of Project-related traffic on on-ramps to northbound SR 85. Intersections 12 and 16 concern access to northbound 85 and are discussed on pages 4.13-8 and 4.13-10 of the EIR.
Joanne Carroll Comment 4	Winchester southbound to Los Gatos PM Peak hours currently has traffic backed up to Budd/Campbell avenues with a travel time of 1- 1.5 hours to reach Los Gatos.	The Project EIR evaluates numerous intersections along Winchester Boulevard, including Intersections 3, 8, 11, 12, 13, 14, 15, and 19. (Draft EIR, p. 4.3-10.) Table 4.13-9 on p. 4.3-29 lists levels of service for each of these intersections, with LOS calculations ranging from LOS D to LOS A. This was done by a professional traffic engineer, and was fully vetted by the City planning department.
Joanne Carroll Comment 5	The mitigation [in the EIR] also doesn't discuss the increased volume of cars on an already crowded curve of Dell.	The Project EIR evaluates Intersection 9, Dell Avenue/Hacienda Avenue, which identifies traffic levels on Dell Avenue near the curve identified by the commenter. Under existing conditions (4.3-9), the pertinent level of service (LOS) is LOS C during a.m. peak hours and LOS D during p.m. peak hours. The EIR also specifically analyzed the Project site's driveway, taking into account the geometry of the adjacent segment of Dell Avenue, and determined that cars exiting the Project site had a stopping site distance that met criteria set forth in Caltrans' <i>Highway Design Manual</i> . (Draft EIR, p. 4.13-59.) Accordingly, the risk of hazards due to roadway curves was determined to be less-than-significant.
Joanne Carroll Comment 6	STACC letter Questions 3 & 4 pertain to new standards or development on Dell and the General Plan Update. These were not addressed in the EIR.	The questions cited by commenter were identified as comments ORG1-04 and -05 in the Final EIR, and were adequately addressed on page 5-37 of the Final EIR. Please also see Response to Terry Corbet Comment 3 and Response to STACC Comment 1.
Joanne Carroll Comment 7	STACC letter Questions 7 & 8 were marginally answered by the EIR.	The questions cited by commenter were identified as comments ORG1-08 and -09 in the Final EIR, and adequately addressed on pages 5-38 and 5-39 of the Final EIR and in the Draft EIR sections on air quality, hazards, and noise.

<p>Joanne Carroll Comment 8</p>	<p><b>GHG-1, 2 and 3:</b> Supposedly addresses the greenhouse gas emissions on the environment and community. <b>LTS</b> How does the addition of 780+ vehicles being parked or coming/going not impact greenhouse gas emission.</p>	<p>The Project EIR accounts for emissions associated with an increase of 877 trips and evaluates related impacts. (Draft EIR, p. 4.6-25.)</p>
<p>Joanne Carroll Comment 9</p>	<p>[Regarding construction noise], could they explain the remediation: Select haul routes that avoid the greatest amount of sensitive use areas.</p>	<p>Haul routes are routes along which heavy trucks will travel in delivering materials and equipment to a construction site. Sensitive use areas, meanwhile, refer to segments of the population that are deemed to be more sensitive to noise, such as residential homes, hospitals, daycare facilities, and similar uses. Under the proposed mitigation in the Project EIR, the Project’s haul routes would be configured to avoid such sensitive uses to the greatest extent possible.</p>
<p>Joanne Carroll Comment 10</p>	<p>How will they remediate the noise on the surrounding Los Gatos walking trails and the Perk Pond animals?</p>	<p>The Project EIR evaluates noise impacts and provides: "The nearest sensitive receptors are residences outside the City of Campbell located on the opposite side of Los Gatos Creek approximately 275 feet south of the project boundary on Mozart Way in the Town of Los Gatos. The nearest sensitive receptors in the City of Campbell are residences located approximately 1,200 feet northwest of the project boundary." (Draft EIR, p. 4.10-6) The City in its discretion appropriately selected homes as sensitive receptors, and not trail users who will experience construction noise for only a fleeting amount of time. The trail segment that passes by the Project Site is only 500 feet. Regardless, the EIR determined that noise impacts would be mitigated to a level of acceptability not only with respect to permanent residents, but also with respect to human and animal receptors located nearer to the Project site.</p> <p>For example, regarding impacts on animals, this issue was discussed in the chapter addressing impacts on biological resources, and the pertinent discussion provides as follows: "The project would involve redevelopment of the project site, which would generate temporary construction noise. Construction noise impacts would be less than significant—that is, would not exceed City of Campbell noise standards—with implementation of mitigation measure NOISE-1 (see Chapter 4.10, Noise, of this Draft EIR). Project-generated operational noise audible in the Los Gatos Creek corridor would mainly be noise from motor vehicles in driveways on-site; roadways next to the site are west of the site, on the opposite side of the site from Los Gatos Creek County Park. As described in Chapter 4.10, Noise, of this Draft EIR, project operational noise</p>

impacts would be less than significant without mitigation." (Draft EIR, p. 4.3-14.)

With regard to the implementation of mitigation measure BIO-4a (Draft EIR, p. 4.3-16), it ensures protection of nesting birds within a minimum distance of 300 feet of construction activities, including construction-generated noise. Active nests within exclusion zones identified by a qualified biologist will be monitored on a weekly basis to identify signs of disturbance, and the radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Construction activities would not occur during the nighttime hours when bats, which rely on auditory signals for echolocation, or nocturnal birds of prey, which usually have the lowest hearing threshold, are active.

Note, the Project does not propose pile driving or blasting, which can adversely impact aquatic mammals and fish during in-water construction activities.

Joanne Carroll  
Comment 11

May I also recommend that all notices posted prior to the start of construction activities, all off-site businesses and residents, water district and Los Gatos Creek trail walkers be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.

As part of Mitigation Measure NOISE-1, all off-site businesses and residents within 300' of the Project site will be notified of planned construction activities at least 21 days prior to the start of construction activities. As part of the same mitigation measure, sign(s) will be posted at entrances to the project site, clearly visible to the public, at least 10 days prior to the start of construction activities, where such sign(s) shall include permitted construction days and hours, as well as the telephone numbers of the City's and contractors' authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If any complaints are received, the contractor must investigate the complaint, take appropriate corrective action, and report the action to the City. (See Draft EIR, p. 4.10-9.) These measures address the commenter's concerns. Overall, the Project EIR fully evaluated construction noise and determined no significant impacts would result, and further mitigation is therefore unnecessary.

Joanne Carroll  
Comment 12

STACC letter Question 9, 10, 11, 12, or 17 was incompletely addressed.

The questions cited by commenter were identified as comments ORG1-10, -11, -12, 13, and -18 in the Final EIR, and adequately addressed on pages 5-39 to 5-41 of the Final EIR and in the Draft EIR sections on hydrology (Draft EIR, pp. 4.8-12 to -21), utilities (Draft EIR, 4.14-12), air quality, hazards, and noise.

Joanne Carroll  
Comment 13

This office building and garage are being built over an underground aquifer. The EIR does address how these buildings will impact the water with chemicals or the weight of the structures on this aquifer. The one thing we don't need is a sinkhole or contaminated water caused by this development that could impact our aquifer.

- **GEO-3:** The project would not result in a significant impact related LTS to development on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. **LTS or...**
- **HYDRO-2:** The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). **LTS**

The commenter states that impacts to the underground aquifer were not evaluated but then directly identifies sections of the EIR that addressed the commenter's question. See also pp. 4.8-14 to -16 of the DEIR (discussing impacts on recharge of aquifer) and p. 4.5-10 (discussing stability of soils). These analyses were prepared by geologists and hydrologists retained by the City.

Joanne Carroll  
Comment 14

STACC letter question 13 was marginally answered.

The questions cited by commenter were identified as comment ORG1-14 and adequately addressed on page 5-40 of the Final EIR and in the Draft EIR sections on aesthetic, light, and glare impacts.

Joanne Carroll  
Comment 15

**AES-4:** The proposed project would not expose people on- or off- site to substantial light or glare which would adversely affect day or nighttime views in the area. **LTS**

This building will reside between Dell Avenue and the Water Districts perk ponds and Los Gatos Creek walking trails. This building far exceeds the height of any of the other buildings and would present a glare on the walking trails and per ponds.

The Project site currently accommodates a large office building with minimal setbacks from the adjacent walking trail, and thus will appear just as tall as the proposed Project. This existing building also contains lights and windows that have light and glare impacts as part of baseline conditions. (See Response to Joanne Carroll Comment 19.)

The proposed Project, especially in light of the existing baseline, will have less-than-significant impacts with adherence to modern planning regulations and mitigation. The Project EIR provides: "To the east, the project site is adjacent to the Los Gatos Creek corridor, which is a natural environment and is unlighted. The project would result in a significant impact if on-site lighting would spill over into the trail corridor, changing the experience for trail users. As described above, City of Campbell Municipal Code, Section 21.18.090 includes shielding requirements to ensure exterior lighting is designed and installed so that light rays are not emitted across property lines. This requirement would ensure minimal light spillage onto the adjacent Los Gatos Creek Trail. Spill lighting crossing the east site boundary into the Los Gatos Creek County Park would generally be 0.1 foot-candle or less (see Figure 4.1-1, Photometric Study). Moonlight is typically about 0.03 foot-candles; therefore, proposed outdoor lighting would not be substantially brighter than the natural setting and would not adversely affect nighttime views in the area, including in Los Gatos Creek County Park east of the site. (EIR, pp. 4.1-10 to -11.) Other mitigation in the EIR requires that most of the Project's windows be non-transparent in nature, which will reduce or eliminate the off-site receipt of glare and reflected light when compared to the transparent glass associated with the existing office building.

Joanne Carroll  
Comment 16

STACC letter question 14 was not addressed in the EIR.

The questions cited by commenter were identified as comment ORG1-15 and adequately addressed on pages 5-40 and 5-41 of the Final EIR. As supported in the administrative record, which includes a shadow study by Mosaic Associates, the existing creek area is already shadowed by the existing office building on the Project site, and Project-related shadow impacts would be less than significant.

Joanne Carroll  
Comment 17

STACC letter question 15 was partially addressed.

The questions cited by commenter were identified as comment ORG1-16 and adequately addressed on pages 5-1 to 5-20 and 5-41 of the Final EIR and in the Draft EIR's section on biological resources.

Joanne Carroll  
Comment 18

**BIO-4a:** BIO-4a: Tree removal and demolition activities during site clearance could destroy active nests, and/or otherwise interfere with nesting of birds protected under State law. **S**

Currently groups of Canadian Geese rest on the roofs of the existing building at night and take off in the early mornings. It is not evident, without gaining access to the roof, if there are existing nests.

The Project EIR addressed potential impacts of construction activities, including tree removal and demolition on nesting birds protected by state and other laws, including the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. While the EIR did not name Canada goose or any other bird species as specifically subject to protection from construction-related disturbance, mitigation measure BIO-4a requires preconstruction nesting bird surveys and protective measures around each nest location of protected bird species identified by a qualified biologist. Implementation of mitigation measure BIO-4a will ensure that active nests of Canada geese, which are protected from disturbance by the MBTA and California Fish and Game Code 3503, are not disturbed by construction activities. The roof of the existing building is accessible and thus shall be included in the area that will be surveyed prior to construction. In summary, all impacts to Canadian geese were accounted for and mitigated appropriately.

Joanne Carroll  
Comment 19

**AES-3:** The proposed project would alter but not degrade the existing visual character or quality of the site and its surroundings. **LTS**

How would an exceptionally tall building for the area not impact the visual character ?

The Project EIR discusses the aesthetic compatibility of the Project on page 4.1-10, as follows: "Although the height and floor area of the proposed project would have an impact on visual resources both looking onto and from the site, the proposed building materials are generally consistent with the overall urban character of the surrounding office developments. Moreover, the designated open space and comprehensive landscaping plan work together to reduce the impact the proposed project could have on the existing visual characteristics of the site, as allowed through adoption of a P-D zoning designation and P-D Permit." Impacts were determined to be less-than-significant.

The size of the Project site (about 4.5 acres) also serves to minimize the apparent massing of the building. A larger structure situated on a larger site has the appearance of being smaller. Here, the Project's building will not be visible from Dell Avenue on account of existing vegetation and proposed landscaping. It will be visible from a walking trail to the east, but the Project's four-story office building (60 feet tall plus mechanical screening) will be set back approximately 100 to 250 feet, and the proposed parking garage (43.5 feet) will be set back approximately 45 to 150 feet. The existing office building is only three stories tall, but is set back as few as 15 feet from the property line adjacent to the walking trail. The proposed structures, then, while taller than the existing office building, will not encroach on the walking trail as does the existing office building and, due to the size of the Project site and setbacks, will not be experienced by the public as an imposing structure.

Joanne Carroll  
Comment 20

**BIO-4a:** Tree removal and demolition activities during site clearance could destroy active nests, and/or otherwise interfere with nesting of birds protected under State law. **S**

Currently groups of Canadian Geese rest on the roofs of the existing building at night and take off in the early mornings. It is not evident, without gaining access to the roof, if there are existing nest.

As noted in the Response to Joanne Carroll Comment 18, the rooftop of the existing building is accessible and will be surveyed during the preconstruction nesting bird survey detailed in EIR mitigation measure BIO-4a. Protective measures for active Canadian geese nests will be implemented as specified in mitigation measure BIO-4a.

Joanne Carroll  
Comment 21

The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. **LTS**

The proposed building's FAR is 83%, the general plan is 40%. The proposed building height is 60 feet (4 stories) 71 ft. including mechanicals; the existing general plan is 45 feet.

The commenter fails to account for the fact that the Project entitlement package includes an application for P-D zoning that would accommodate the proposed FAR and building height. Please also see Response to STACC Comment 1.

Joanne Carroll  
Comment 22

**PS-10:** The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated. **LTS**

The plan for 760 parking spaces would mean at least 760 employees/visitors to the facility. This has a high probability of increasing the number of visitors and impact to the regional parks and Los Gatos Creek trails

The Project's impacts on parks and recreational facilities are addressed on page 4.12-22 of the Project EIR, as follows: "It is possible that some or all of the 719 employees at the proposed project site could utilize public parks and recreational facilities in Campbell, including the Los Gatos Creek County Park and Los Gatos Creek Trail. However, this number of new users represents a small increase in comparison to the approximately 43,000 residents and approximately 30,000 workers that are currently served by local facilities. Therefore, the increase in potential park users from the proposed project would not result in the need for new or physically altered park facilities, and impacts would be less than significant. No mitigation measures are required."

Rebecca Yates  
Comment 1

[The proposed office building is] too tall. According to the existing General Plan guidelines for a Controlled Manufacturing project the height is restricted to 45 feet. This building is 75 feet tall which is 30 feet too high. If this goes through, future developers will turn into whiny children and want an exception to the rules ... In conclusion, the project is well thought out except for the height. Rules are set in place to be followed and should be adhered to so we don't have another "white elephant" or a housing development with turrets like the ones on the corner of Hacienda and San Tomas Aquino Road.

This comment is not a CEQA comment, but an opinion on the merits of Dollinger's zoning proposal. The building is in fact 60-feet tall, and its mechanical screening element, which would generally be set back from the edge of the roof, would be about 72 feet tall. Dollinger is pursuing these heights through a P-D zoning application, which is a lawful and much-used zoning tool the City has approved for more than 1,600 properties within the City limits. Each case of these cases has been considered on their own merits, and Dollinger asks for only the consideration that at least 1,600 other property owners have received.

STACC  
Comment 1

This project not in compliance with the General Plan guidelines for this property, it is too tall. The fact is that this project could not be approved - as is - under the existing General Plan development guidelines for a C-M Controlled Manufacturing project, which has height restrictions of 45ft and FAR (Floor to Area Ratio) of 40%. This project far exceeds both of these standards, coming in at 60' in height with another 15' of mechanical above for a total height of 75' with a FAR of 83%, which is more than double the 40% FAR allowed, and does not include the garage as part of the calculation.

This is not a CEQA comment, but rather an opinion on the consistency of the Project with the City's general plan. This issue in fact was addressed in the Final EIR on pages 5-37 to 5-38, where the City provided that the "project is consistent with the General Plan land use designation of the current General Plan, and would not require an amendment to the existing General Plan."

The General Plan does not limit FAR on the Project site to 0.40. The Project site is located in a Research and Development area, as identified by the General Plan land use map. For every General Plan designation on this map, there are one or more zoning districts that implement the vision set forth in the General Plan. Appendix B to the General Plan includes a table that identifies a zoning district, Controlled Manufacturing, that is consistent with the General Plan's Research and Development district. Per this appendix, where one encounters a combination of a Research and Development district and a CM zone, the FAR limit is 0.40. The Project entitlement package does not include CM zoning, but rather consists of an application for Planned Development (P-D) zoning, which "allows for a degree of flexibility that is not available in other zones." (Appendix B, fn. 3.)

There are guidelines in the General Plan as to what a City leader should do in this circumstance. There are two pertinent policies, and they are as follows:

- Strategy LUT-1.5d: Higher Floor Area Ratios (FARs): Develop provisions for allowing higher FARs in new projects that provide a mix of uses, maintain a jobs/housing balance or are located within proximity to Light Rail.
- Strategy LUT-5.5c: Floor Area Ratio (FAR) Guidelines: Develop guidelines for Industrial designated land use, including a provision that allows higher FARs for larger parcels that encourage research and development uses in the Dell and McGlincey neighborhoods.

In short, for industrial designated properties in the Dell Avenue area that are larger than average — i.e., the Project Site<sup>1</sup> — higher FARs are encouraged where a research

<sup>1</sup> The Project Site's Research and Development designation is an Industrial designated land use (General Plan, p. LUT-11), and the site is located in the Dell neighborhood. **The Project Site is also among the largest parcels in the Dell Avenue area; of the approximately 62 parcels comprising this area, the Project Site, at 4.5 acres, is larger than 56 of them (about 90 percent).**

		<p>and development facility is proposed.<sup>2</sup> Higher FARs are also encouraged where any project that maintains the City’s jobs/housing balance. The Project, by locating high-tech jobs within City limits, would address this balance, as currently only about 6 percent of people who live in Campbell actually work in Campbell.</p>
<p>STACC Comment 2</p>	<p>The commenter has asked for additional modifications to the Project:</p> <ul style="list-style-type: none"> <li>• As a nod to the history of Campbell as the Orchard City, plant a small grove of fruit trees in the pocket park area.</li> <li>• Elements such as exterior lighting and hardware be more “retro” style to go with the design of the building.</li> </ul>	<p>The Project’s EIR fully evaluated the Project’s impacts on aesthetics and historical resources, and determined the Project would have less-than-significant impacts in these regards. (See Draft EIR 4.1-1 to -14 and 4.4-7 to -8.) The modifications suggested by the commenter do not mitigate or avoid any identified significant impacts, and thus there is no requirement to make these changes.</p>
<p>Terry Corbet Comment 1</p>	<p>I therefore wish to comment on what appears to me to be a short shrift in the SARC report with regards to traffic. About the only thing the memorandum does is to note that:</p> <p>a. “ ... the additional traffic generated by the proposed project would create a significant impact at the San Tomas Expressway/SR 17 SB Ramps intersection ... ”, and</p> <p>b. “ ... would also cause SR 85 from Saratoga Avenue to Winchester Boulevard to deteriorate to an unacceptable level.”</p>	<p>The SARC staff report was a summary of an in-depth traffic analysis in the Project EIR. The commenter is accurate that the Project EIR identified the two listed significant traffic impacts. However, as noted in the Planning Commission staff report, substantial evidence supports a conclusion that the Project would not cause a significant impact to SR 85 once the proper County Congestion Management Plan data and methodology is utilized.</p> <p>The applicant disagrees with the conclusion that the Project will impact the San Tomas Expressway/SR 17 Ramps intersection for those reasons set forth in the attached traffic memo. (See Exhibit A.) This memorandum was prepared by a professional traffic engineer and identifies a key feature of the intersection that should be accounted for in studying congestion impacts at this location.</p>

<sup>2</sup> Policy 5.5c discusses the adoption of guidelines regarding denser development, but does not prohibit the approval of a denser project before the time such guidelines are adopted. The policies cited above ask the City to “develop provisions” and “develop guidelines,” and the planning director has pointed out that approving an individual project with higher density is not the same as approving more global rules about density. This is a distinction without a difference. The General Plan does not forbid approving a higher density project; in fact, approving one would facilitate realization of the General Plan’s vision of locating higher density uses in the Dell Avenue area. The Planning Director addressed this point in a previous staff report, and acknowledged that an increased FAR “might be consistent” with the General Plan’s policies. (July 18, 2017 Staff Report, p. 5.) The planning director indicates that “one could conclude that exceeding the 40 % FAR could not occur until such time as they are created;” conversely, the City Council could conclude the opposite: that the Council could approve a greater density beforehand. This is the position the City adopted in the Project EIR (Final EIR, pp. 4-37 to 5-38) and which the City Council adopted during pre-application hearings on the Project.

Terry Corbet  
Comment 2

A reduction in the proposed building configuration-- its height, its floor plan, and resulting F.A.R. --might reduce the traffic problems to some un-estimated degree.

Reducing the Project's size will reduce its traffic impacts, as identified in section 4.13 of the Draft EIR, which studied impacts of a reduced size alternative. However, this alternative is not feasible because it would not meet the Project's fundamental objective to create a regionally competitive campus that would attract a marquee, high-tech or other innovative business.

The administrative record's discussion of the Draft EIR's reduced-size alternatives reflects and supports this determination. Specifically, the Draft EIR's Project alternatives identifies an Existing Zoning Alternative, which contemplates 77,648 square feet of development, and a Reduced Intensity Alternative, which contemplates 64,748 square feet of development. (See Draft EIR, Section 6.6.2 [Existing Zoning Alternative]; Section 6.6.3 [Reduced Intensity Alternative]; and Section 6.7 [Environmentally Superior Alternative], pp. 6-27, 6-28.)

As discussed in a June 11, 2019 letter sent on behalf of the applicant, the Project site already accommodates a 72,000-square foot office building, and this office building has not been economically viable. It was for this reason that the applicant has sought to construct a high-tech office campus, and why the applicant has requested entitlements to construct a 162,000-square-foot building in pursuit of this goal. The size of the Project was selected based on market research, undertaken by BAE Urban Economics, which evaluated the market for local office space and found that the critical mass of office space necessary to (1) create a regionally competitive campus and (2) attract a high-tech or other innovative business is approximately 150,000 square feet. Per BAE Urban Economics' report, attached hereto as **Exhibit B**, competitive office campus projects range from 140,000 feet to 320,000 square feet.<sup>3</sup> (BAE Report, App. A.) Meanwhile, it appears that "marquee" tech and other businesses have sought office space well in excess of 70,000 square feet, with the average office demand of about 265,000 square feet. (BAE Report, Table 1.)

Accordingly, an office building of less than 150,000 square feet would fail to meet the applicant's key project objectives.

<sup>3</sup> The Pathline Park project identified in the consultant's report, listed at 100,000 square feet, is part of a phased project that ultimately will consist of 1.3 million square feet of office space.

<p>Terry Corbet Comment 3</p>	<p>What needs to be kept clearly in mind is that the Dollinger proposal is but the first of the very, very large number of such similar proposals which must be anticipated within the area and scope of your previous Dell Avenue Area Plan (DAAP). If this single building would be sufficient to bring the traffic at those two points of ingress to an unmanageable level, what in the world would be expected from any approval by the City Council to give a pass on this project? What do your traffic planning people estimate would be the impact on those two points of ingress, if another 10, another 20, proposals were accepted citing the Dollinger precedent?</p>	<p>The commenter would like to know the traffic impacts of any future projects similar in size to the proposed project. It is unknown whether neighboring property owners have plans to develop their sites, or if they would seek P-D zoning in the event of redevelopment. As such, there are no such reasonably foreseeable projects being proposed, and CEQA only requires an agency to consider the impacts of development projects that are subject to a development application and for which the environmental review process is underway. Again, no other projects within the Dell Avenue area are undergoing environmental review and, indeed, there are no development applications for any such projects. To the extent any such projects are proposed in the future, they would require a rezoning application and be subject to CEQA review at the time of their consideration, at which point the City could approve, deny, or condition such proposals.</p> <p>The EIR properly assessed reasonably foreseeable cumulative traffic in its chapter on traffic impacts, and no further study is necessary.</p>
<p>Terry Corbet Comment 4</p>	<p>What do your traffic planning people say about the inability of the occupants of buildings in DAAP to re-enter the traffic system on their homeward commute?</p>	<p>The Project EIR fully evaluated impacts of the Project and existing development on the circulation network. More than 35 intersections and freeway segments were analyzed, including intersections within and surrounding the Dell Avenue area. The results of this analysis are found in chapter 4.13 of the Project EIR and its appendices.</p>
<p>Terry Corbet Comment 5</p>	<p>What specifically, would be the anticipated congestion/backup/wait-time at the point where East Sunnyoaks Avenue traffic must merge into southbound San Tomas Expressway/SR 17 SB Ramps? My own estimate, from traveling those routes regularly is that the problem of re-entering the southbound flow in the evening commute hours is at least three times more slow and accident prone than are the speeds and incidence of collision arising from the morning exit onto Winchester.</p>	<p>The Project EIR evaluated more than twenty intersections in the vicinity of the Project site. A traffic study need not evaluate every single intersection in the vicinity of a project site, but only key intersections. The intersection identified by the commenter is about a mile from the Project site and, while the traffic analysis did not specifically study this intersection, the Project EIR did evaluate in detail the intersection of East Sunnyoaks Avenue/Dell Avenue (Intersection 4) and San Tomas Expressway/SR 17 Southbound Ramps (Intersection 6), both of which are in close proximity to the intersection identified by the commenter. The EIR traffic consultant, W-Trans, which is a professional traffic engineering firm, determined the scope of analysis based on its professional judgment, and this scope provides the public with an adequate sense of traffic congestion in the vicinity of the Project site and the Dell Avenue area.</p>

The commenter offers anecdotal evidence that the routes through this intersection are “at least three times more slow and accident prone” than the circumstances occurring at the SR 17 off-ramp onto Winchester Boulevard during a.m. peak times. The traffic analysis in the Project EIR generally supports the commenter’s observations. Under existing conditions, the level of service at the intersection of Winchester Boulevard and West Sunnyoaks Avenue (Intersection 3), which sits in close proximity to the SR 17 off-ramp onto Winchester Boulevard, operates at a level of service B- in the morning peak hours, whereas Intersections 4 and 6 operate at level of service D and below.

Terry Corbet  
Comment 6

Making a hundred incremental building decisions instead of making one overall decision won't have changed the fact that the only way to realize development in DAAP requires a complete federal, state and county program that would involve re-engineering and re-constructing the entire interconnected set of traffic ways stretching from approximately the Budd Avenue/San Tomas intersection to at least beyond the White Oaks Road/Camden intersection. That was probably beyond the scope of what SARC was tasked to do in this matter, but it cannot be beyond the scope of what the Planning Department must make clear in any presentation to the community and the City Council.

The Project EIR assessed impacts from the Project and reasonably foreseeable cumulative development and, where an impact was found, feasible mitigation was prescribed. No impacts warranting the mitigation identified by the commenter were found, and therefore the commenter’s recommendations are unsupported by the record and, if imposed, would in fact violate the prohibition of unlawful exactions as set forth by the California and U.S. Constitutions and the court decisions that interpret them. Please also see Response to Terry Corbet Comment 3.

Tracy Oakley  
Comment 1

While we personally were forced to comply in such a small thing as a garage door replacement, which was nearly completed and then the city objected, it seems odd the city does not have to follow existing guidelines but rather choose to ignore and set new precedent, which this certainly will be. We strongly object to the bypassing of these guidelines and ask that a full EIR be provided and adherence to existing

Please see Response to Rebecca Yates Comment 1.

guidelines be followed. They are the means as to which our city was to protect the environment and preservation of our existing culture.

**RESOLUTION NO. XXX1**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A PLANNED DEVELOPMENT PERMIT (PLN2017-381) FOR CONSTRUCTION AND OPERATION OF A 161,870-SQUARE-FOOT, FOUR-STORY OFFICE BUILDING, A 146,478-SQUARE-FOOT, FIVE-STORY PARKING GARAGE (WITH ONE LEVEL OF UNDERGROUND PARKING), ADDITIONAL SURFACE PARKING, AND ON-SITE OPEN SPACE ON PROPERTY LOCATED AT 1700 DELL AVENUE.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council finds as follows with regard to the proposed Planned Development Permit application (PLN2017-381):

Environmental Finding

1. A Final Environmental Impact Report (PLN2018-148) has been prepared for the project in accordance with the California Environmental Quality Act, which provides documentation for the factual basis for concluding that the project may have a significant effect on the environment as conditioned, but that substantial public benefits warrant a decision to override these impacts, as set forth in the accompanying Statement of Overriding Consideration.

[or]

A Final Environmental Impact Report (PLN2018-148) has been prepared for the project in accordance with the California Environmental Quality Act, which provides documentation for the factual basis for concluding that the project may have a significant effect on the environment, but that mitigation measures identified in the Final Environmental Impact Report will reduce all identified significant impacts to a less-than-significant level.

**[Note: the City Council may find either of the foregoing, depending on whether it finds a significant impact will occur to the intersection of the San Tomas Expressway and SR 17 Southbound ramps]**

Evidentiary Findings

1. The proposed project ("project") includes a Planned Development Permit (PLN2017-381) for the approval of a 161,870-square-foot, four-story office building, a 146,478-square-foot, five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue

(Assessor's Parcel Number 424-33-094), as described in more detail in the Final EIR, which is incorporated herein by this reference.

2. The project includes a Zoning Map Amendment (also under PLN2017-381) to change the zoning from C-M (Controlled Manufacturing) to P-D (Planned Development) and a Tree Removal Permit (also under PLN2017-381).
3. The project site consists of a single parcel located adjacent to the corner of Knowles Drive and Dell Avenue, on the City's southern border with Los Gatos.
4. The project site is currently developed with a 71,620-square-foot office building and surface parking lot.
5. Abutting land uses include the Los Gatos Creek and Los Gatos Creek Trail to the east, and a mix of commercial, office, and light industrial uses to the north, west, and south.
6. The project site is zoned C-M (Controlled Manufacturing) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
7. The proposed Planned Development Permit may be approved concurrently, and subject to, a Zoning Map Amendment, and concurrently with a Tree Removal Permit (also filed under PLN2017-381).
8. The project site is designated Research and Development as shown on the Campbell General Plan Map.
9. The proposed land use density is approximately 0.83 Floor Area Ratio ("FAR"), whereas the existing zoning provides for a .40 FAR maximum, and the proposed P-D zoning would raise the maximum FAR to accommodate the project.
10. The height of the proposed office building is 60 feet, with mechanical screening elements that reach 72 feet (though generally are set back a significant distance from the edge of the building's roofline), whereas the existing zoning provides for a maximum height of 45 feet, and the proposed P-D zoning would raise the maximum height to accommodate the project.
11. The requested increase in FAR and height may be found warranted in consideration of the design of the project and configuration of the project site, which includes: (1) the project site, which is approximately 4.5 acres, is among the largest parcels in the Dell Avenue area (approximately 90 percent of lots in this area are smaller, and indeed much smaller, than the project site) such that the bulk and massing of proposed buildings will not appear incompatible with the surrounding neighborhood; (2) the project buildings will not be visible from Dell Avenue, where setbacks are smallest, owing to the vegetation that exists and will exist between the building and the street, and where the arborist's

study shows that trees as tall as 85 feet (i.e., taller than the proposed structure) will obscure views of it from public thoroughfares; (3) whereas the office building will be visible from the creek trail, setbacks here are greatest along the project site's easterly boundary, often exceeding 100 feet; and (4) the project proposes 48,229 square feet of landscaping, equivalent to about 25 percent of the project site, exceeding by more than double the City's minimum 10 percent open space requirement for C-M zoned properties.

12. According, the project buildings will not be perceived as large, or as crowding the site.
13. The P-D zoning district allows for flexibility of site standards (lot coverage, height, floor area ratio, setbacks, etc.) when consistent with site characteristics, particularly related to the development's design and provision of open space.

14. The project would be consistent with the following General Plan policies and strategies:

Strategy LUT-5.5c: Floor Area Ratio (FAR) Guidelines: Develop guidelines for Industrial designated land use, including a provision that allows higher FARs for larger parcels that encourage research and development uses in the Dell and McGlincey neighborhoods.

Strategy LUT-1.5d: Higher Floor Area Ratios (FARs): Develop provisions for allowing higher FARs in new projects that provide a mix of uses, maintain a jobs/housing balance or are located within proximity to Light Rail.

15. The project, which consists of a regionally competitive business campus, qualifies as a research and development facility as defined on General Plan page LUT-11.
16. As indicated above, the General Plan allows higher FARs for larger parcels in lands designated Research and Development in the Dell Avenue area and, while General Plan Strategy LUT-5.5c encourages the City to develop guidelines, the City Council can properly interpret the General Plan to allow for the approval of a denser project before the time such guidelines are adopted.
17. The project site is located in proximity to a planned light rail station, and establishment of a regionally competitive office campus in the Dell Avenue area would help improve a jobs/housing balance where the great majority of Campbell residents, and particularly those working in the high-tech industry, do not work within the City limits.
18. Appendix B to the General Plan provides that a site designated as Research and Development under the General Plan and as a C-M zoning district under the zoning ordinance is limited to a FAR of 0.40, but this limitation does not apply to a site

designated as Research and Development under the General Plan and as a P-D zoning district under the zoning ordinance.

19. The City finds the information contained in a November 2019 report submitted by the Concord Group entitled *Fiscal and Economic Benefit Analysis for the Development of an Office Building in Campbell, California* (incorporated herein by this reference) contains substantial evidence of the following:
  - a. The project would create, directly and indirectly, as many as 3,000 jobs in the City of Campbell (about 700 jobs at the project site and 2,300 indirect jobs);
  - b. The project would place these jobs in closer proximity to Campbell residents, decreasing their commute time and reducing traffic-related emissions (currently 6.3 percent of residents work in the City, and 41.6 percent of residents travel more than 10 miles for work);
  - c. The project would generate millions of dollars in revenue to City businesses as the project's high-wage employees spend locally, where it is estimate that 70 percent of the project's employees will make more than \$100,000 per year, and where such revenues include \$1.8 million spend in local retail shows and \$112,000 spent at local hotels when clients and others with interests in the project's tenant visit from out of town; and
  - d. The project is estimated to generate \$100,000 per year in tax revenue, in perpetuity.
  
20. A draft Mitigation Monitoring and Reporting Program has been provided demonstrating how each Mitigation Measure identified in the project's Final Environmental Impact Report shall be carried out.

Based upon the foregoing findings of fact and substantial evidence in the administrative record, the City Council further finds and concludes that:

Planned Development Permit Findings (CMC Sec. 21.12.030.H.6):

1. The proposed development will clearly result in a more desirable environment and use of the land than would be possible under any other zoning district classification because a regionally competitive office campus use, capable of attracting a marquee tenant, is a desirable use for local residents who wish to work closer to home, and for the local business community insofar as an office campus has a multiplier effect that could result in millions of dollars of revenues for local businesses and revitalize an area of the City lots that have been underutilized.
  
2. The proposed development will be compatible with the General Plan of the City and will aid in the harmonious development of the immediate area, as set forth in the findings of fact above.
  
3. The proposed development will not result in allowing more residential units than would be allowed by other residential zoning districts, which are consistent with the General Plan designation of the property, as the project proposes only office campus uses, and no residential uses.

4. The proposed development will not be detrimental to the health, safety or welfare of the neighborhood or the City as a whole; while the site and building configuration would exceed FAR and height limitations in the C-M zoning district that currently applies to the site, the bulk and massing of the project will be compatible with surrounding uses for a number of reasons set forth in the findings of fact, including without limitation that the 4.5-acre size of the project site, the proposed setbacks, the proposed amount of open space, and on-site vegetation that will screen the project site from various vantage points.

Environmental Findings (CMC Sec. 21.38.050):

1. On the basis of the project's Final Environmental Report, and as supported by substantial evidence in the record, including without limitation responses to late comments and materials from the applicant, the project will not have a significant effect on the environment due to the application of uniformly applicable development policies, and incorporation of project-specific mitigation measures agreed to by the project proponent.

[or]

On the basis of the project's Final Environmental Report, and as supported by substantial evidence in the record, including without limitation responses to late comments and materials from the applicant, the project the project may have a significant effect on the environment, but that mitigation measures identified in the Final Environmental Impact Report will reduce all identified significant impacts to a less-than-significant level.

[Note: the City Council may find either of the foregoing, depending on whether it finds a significant impact will occur to the intersection of the San Tomas Expressway and SR 17 Southbound ramps]

2. The project's Final Environmental Impact Report complies with all applicable provisions of the California Environmental Quality Act.

THEREFORE, BE IT RESOLVED that the City Council approves of a Planned Development Permit (PLN2017-381) for the project located at 1700 Dell Avenue.

PASSED AND ADOPTED this 4th day of February, 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

**RESOLUTION NO. XXX2**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A ZONING MAP AMENDMENT (PLN2017-381) TO CHANGE THE ZONING DISTRICT DESIGNATION FROM C-M (CONTROLLED MANUFACTURING) TO P-D (PLANNED DEVELOPMENT) FOR THE PROJECT LOCATED AT 1700 DELL AVENUE.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council finds as follows with regard to the proposed Zoning Map Amendment application (PLN2017-381):

Environmental Finding

1. A Final Environmental Impact Report (PLN2018-148) has been prepared for the project in accordance with the California Environmental Quality Act, which provides documentation for the factual basis for concluding that the project may have a significant effect on the environment as conditioned, but that substantial public benefits warrant a decision to override these impacts, as set forth in the accompanying Statement of Overriding Consideration.

[or]

A Final Environmental Impact Report (PLN2018-148) has been prepared for the project in accordance with the California Environmental Quality Act, which provides documentation for the factual basis for concluding that the project may have a significant effect on the environment, but that mitigation measures identified in the Final Environmental Impact Report will reduce all identified significant impacts to a less-than-significant level.

[Note: the City Council may find either of the foregoing, depending on whether it finds a significant impact will occur to the intersection of the San Tomas Expressway and SR 17 Southbound ramps]

Evidentiary Findings

1. The proposed project ("project") includes a Planned Development Permit and Tree Removal Permit (also filed under PLN2017- 381) for the approval of site and building configuration, including building height and Floor Area Ratio ("FAR"), to change the zoning from C-M (Controlled Manufacturing) to P-D (Planned Development), and to remove eight protected trees.

2. The project site consists of a single parcel located adjacent to the corner of Knowles Drive and Dell Avenue, on the City's southern border with Los Gatos.
3. The project site, at 1700 Dell Avenue (Assessor's Parcel Number 424-33-094), is currently developed with a 71,620-square-foot office building and surface parking lot.
4. Abutting land uses include the Los Gatos Creek and Los Gatos Creek Trail to the east, and a mix of commercial, office, and light industrial uses to the north, west, and south.
5. The project site is zoned C-M (Controlled Manufacturing) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
6. The proposed Zoning Map Amendment may be approved concurrently with the Planned Development Permit and Tree Removal Permit (also filed under PLN2017-381).
7. As set forth in the Final EIR and other portions of the administrative record, the Zoning Map Amendment is consistent with the goals, policies, and actions of the General Plan, including without limitation the following:

Policy LUT-2.4:           Jobs and Housing Balance: Maintain Campbell's balance of jobs and housing units to encourage residents to work in Campbell, and to limit the impact on the regional transportation system.

Policy LUT-5.1:           Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

Policy LUT-5.3:           Variety of Commercial and Office Uses: Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.

Policy LUT-5.4:           Industrial Neighborhoods: Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial neighborhoods and encouraging compatible uses.

Policy LUT-5.5:           Industrial Diversity: Promote a variety of industrial use opportunities that maintain diversified services and a diversified economic base.

- Strategy LUT-5.5a: Services in Industrial Areas: Encourage convenient retail and commercial services (restaurants and hotels) in industrial areas to support businesses, their customers and their employees.
- Strategy LUT-5.5b: Incubator Businesses: Maintain industrial space for small start-up and incubator businesses.
- Policy LUT-5.7: Industrial Areas: Industrial development should have functional and safe vehicular, bicycle and pedestrian circulation, good site and architectural design, be sensitive to surrounding uses, connect to public transit, and be energy efficient. New projects should contribute to the positive character of industrial areas and the overall image of the City.
- Strategy LUT-9.1c: Land Use Objectives and Redevelopment Plans: Permit only those uses that are compatible with land use objectives and redevelopment plans.
- Strategy CNR-3.1a: Development Near Riparian Corridors: Cooperate with State, federal and local agencies to ensure that development does not cause significant adverse impacts to existing riparian corridors.
- Strategy LUT-9.3f: Development Orientation: Orient new development toward public and private amenities or open space, in particular:
- Orient front entrances, living/office area and windows toward the amenity or open space.
  - Orient high activity areas such as outdoor dining areas and plazas, and major pedestrian routes toward the amenity or open space.
- Strategy LUT-9.3g: Pedestrian Amenities: Incorporate pedestrian amenities such as plazas, landscaped areas with seating, pedestrian walkways into new developments.
- Strategy LUT-10.1c: Outdoor Common Areas: Encourage well designed and landscaped outdoor common areas for eating, relaxing, or recreation for new projects, and if feasible, when buildings are remodeled or expanded. When possible, the common outdoor areas should adjoin natural features.

Strategy LUT-10.1a: Natural Feature Retention: Encourage site design that incorporates or otherwise retains natural features such as mature trees, terrain, vegetation, wildlife and creeks.

8. The findings of fact set forth in Resolution XXX1, approving the Planned Development Permit, are hereby incorporated by this reference.

Based upon the foregoing findings of fact and substantial evidence in the administrative record, the City Council further finds and concludes that:

1. The proposed amendment is consistent with the goals, policies, and actions of the General Plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; while the site and building configuration would exceed FAR and height limitations in the C-M zoning district that currently applies to the site, the bulk and massing of the project will be compatible with surrounding uses for a number of reasons set forth in these findings of fact, including without limitation that the 4.5-acre size of the project site, the proposed setbacks, the proposed amount of open space, and on-site vegetation that will screen the project site from various public vantage points.
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code, where P-D zoning is a useful and often-used tool in the City, having been applied to hundreds of properties.
4. The parcel, which is approximately 4.5 acres, is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation(s) and anticipated land uses/project; consistent with the above, while the site and building configuration would exceed FAR and height limitations in the C-M zoning district that currently applies to the site, the bulk and massing of the project will be compatible with surrounding uses for a number of reasons set forth in these findings of fact, including without limitation that the 4.5-acre size of the project site, the proposed setbacks, the proposed amount of open space, and on-site vegetation that will screen the project site from various public vantage points.

THEREFORE, BE IT RESOLVED that the City Council recommends approval of a Zoning Map Amendment (PLN2017-381) to change the zoning district designation from C-M (Controlled Manufacturing) to P-D (Planned Development) for the property located at 1700 Dell Avenue, as depicted by Exhibit A.

PASSED AND ADOPTED this 4th day of February, 2020, by the following roll call vote:

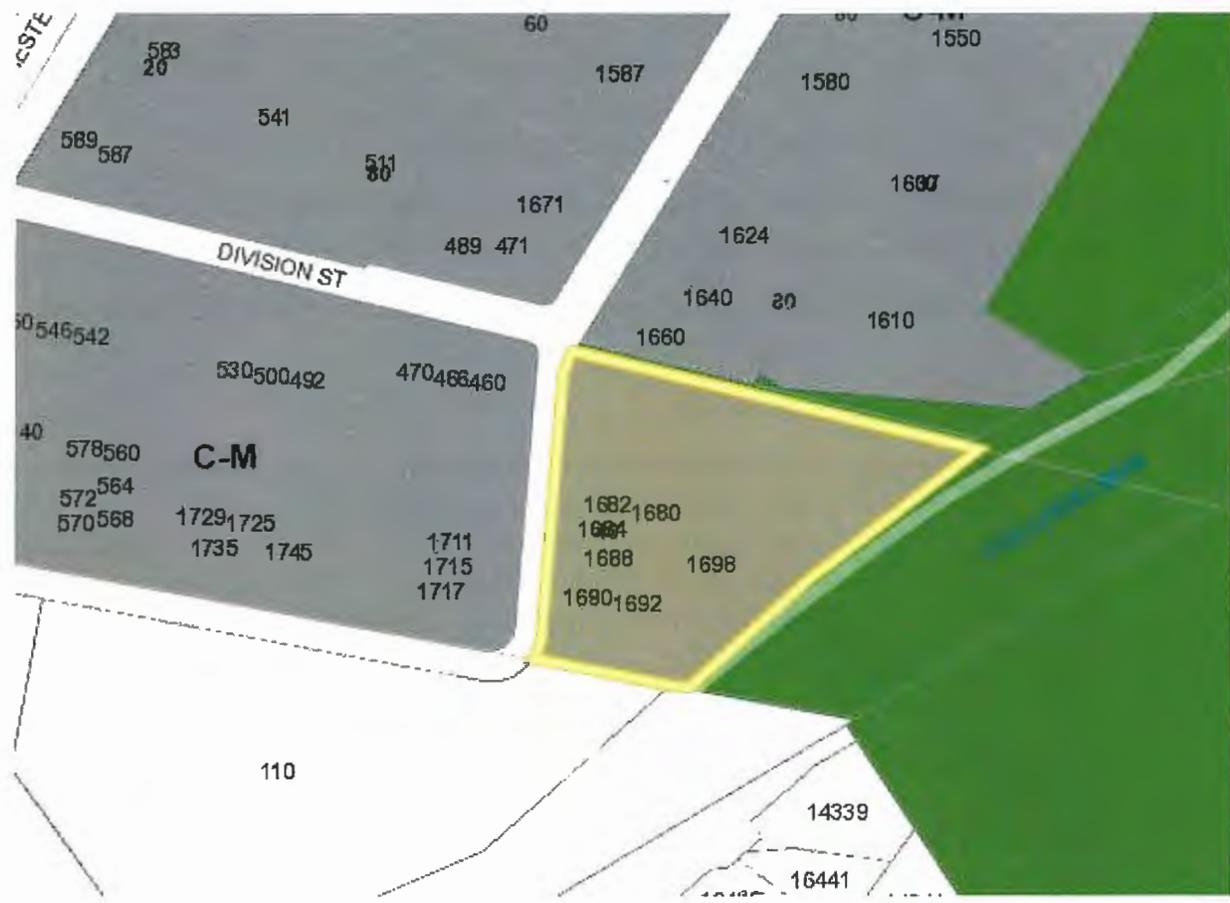
AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

EXHIBIT A



## RESOLUTION NO. XXX3

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A TREE REMOVAL PERMIT (PLN2017-381) TO ALLOW FOR THE REMOVAL OF PROTECTED TREES ON PROPERTY LOCATED AT 1700 DELL AVENUE.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council finds as follows with regard to the proposed Tree Removal Permit application (PLN2017-381):

### Environmental Finding

1. A Final Environmental Impact Report (PLN2018-148) has been prepared for the project in accordance with the California Environmental Quality Act, which provides documentation for the factual basis for concluding that the project may have a significant effect on the environment as conditioned, but that substantial public benefits warrant a decision to override these impacts, as set forth in the accompanying Statement of Overriding Consideration.

[or]

A Final Environmental Impact Report (PLN2018-148) has been prepared for the project in accordance with the California Environmental Quality Act, which provides documentation for the factual basis for concluding that the project may have a significant effect on the environment, but that mitigation measures identified in the Final Environmental Impact Report will reduce all identified significant impacts to a less-than-significant level.

[Note: the City Council may find either of the foregoing, depending on whether it finds a significant impact will occur to the intersection of the San Tomas Expressway and SR 17 Southbound ramps]

[the City Council may find either of the foregoing]

### Evidentiary Findings

1. The proposed project ("project") includes a Planned Development Permit and Zoning Map Amendment (also filed under PLN2017- 381) for the approval of site and building configuration, including building height and Floor Area Ratio ("FAR") and to change the zoning from C-M (Controlled Manufacturing) to P-D (Planned Development).
2. The project site consists of a single parcel located adjacent to the corner of Knowles Drive and Dell Avenue, on the City's southern border with Los Gatos.

3. The project site, at 1700 Dell Avenue (Assessor's Parcel Number 424-33-094), is currently developed with a 71,620-square-foot office building and surface parking lot.
4. Abutting land uses include the Los Gatos Creek and Los Gatos Creek Trail to the east, and a mix of commercial, office, and light industrial uses to the north, west, and south.
5. The project site is zoned C-M (Controlled Manufacturing) as shown on the Campbell Zoning Map and will be rezoned to P-D (Planned Development).
6. The proposed Tree Removal Permit may be approved concurrently with, and subject to, the Planned Development Permit and Zoning Map Amendment (also filed under PLN2017-381).
7. The findings of fact set forth in Resolutions **XXX1 and XXX2**, approving the Planned Development Permit and Zoning Map Amendment, are hereby incorporated by this reference.
8. A tree survey was prepared for the project by Walter Levinson Consulting Arborist (ASCA Registered Consulting Arborist #401), which is included in the appendices to the Draft EIR, and is entitled *Assessment of and Recommendations for 26 Protected-Size Trees at 1700 Dell Avenue Campbell, CA*.
9. The Tree Removal Permit (PLN2017- 397) would allow for the removal of eight trees on the site, including Tree #6, Tree #7, Tree #8, Tree #15, Tree #16, Tree #22, Tree #25, and Tree #26, as identified on the project's Arborist assessment. The trees are described as follows:
  - a. Tree #6 is a 13" Evergreen pear in fair condition with a large pruning wound at 7 feet.
  - b. Tree #7 is a 11.4" Evergreen pear in poor condition with poor pruning (split scar) at 6 feet.
  - c. Tree #8 is a 26.3" Canary Island pine in good condition with tree root expansion that is causing displacement of existing asphalt and curb work in the vicinity.
  - d. Tree #15 is a 27.3" Deodar cedar in good condition but is within the sidewalk area.
  - e. Tree #16 is a 23.9" Deodar cedar in good condition but is within the sidewalk area.
  - f. Tree #22 is a 17.8" Australian willow in poor condition with a trunk expansion that is causing severe asphalt cracking and heaving. The tree also has a codominant mainstem fork at 3 feet.
  - g. Tree #25 is a 16" Flowering pear cultivar (likely 'Bradford') in poor condition with tight forks noted at 8 feet.
  - h. Tree #26 is a 12.9" Flowering pear cultivar (likely 'Bradford') in poor condition with tight forks noted at 8 feet and bacterial fireblight infection expressed as twig and foliar dieback.

10. The proposed tree removal request would be consistent with the following General Plan strategy:

Strategy LUT-17.1b: Landscaping: Ensure that new developments provide new tree plantings, shrubs, greenery and other landscaping materials, and preserve existing trees and shrubs.

11. Transplanting Trees #15 and #16 is infeasible because there is a low likelihood of survival (30 to 50 percent, in a best case scenario), with risks compounded by the fact that the relocation site has a significant slope differential, which results in uneven saturation during irrigation and threatens the health of the trees. Walter Levinson has determined that it is very likely that the trees, if transplanted, will decline and die prematurely as a direct result of their trunk sizes.
12. The project landscape plan, proposes sixty-four (64) 24" box trees to replace the eight (8) removed trees and, while the City's tree replacement standards require six (6) 24" box trees and two (2) 36" box trees; however, the City Council find that the 58 additional 24" box trees are a sufficient replacement for the two (2) 36" box trees, and that this replacement plan is consistent with City laws and regulations.
13. A draft Mitigation Monitoring and Reporting Program has been provided demonstrating the responsible party and phase of the project that each Mitigation Measure shall be carried out.

Based upon the foregoing findings of fact, the City Council finds and concludes that:

1. Tree #6 is a 13" Evergreen pear in fair condition with a large pruning wound at 7 feet.
  - a. Tree #7 is a 11.4" Evergreen pear in poor condition with poor pruning (split scar) at 6 feet and thereby satisfies findings CMC21.32.080.A.1 and CMC21.32.080.A.2.
  - b. Tree #8 is a 26.3" Canary Island pine in good condition with tree root expansion that is causing displacement of existing asphalt and curb work in the vicinity, thereby satisfying findings CMC21.32.080.A.2 and CMC21.32.080.A.5.
  - c. Tree #15 is a 27.3" Deodar cedar is within the sidewalk area and transplanting the tree has only a 30 to 50 percent chance of success, with risks compounded by the fact any relocation site has a significant slope differential, thereby satisfying finding CMC21.32.080.A.5.
  - d. Tree #16 is a 23.9" Deodar cedar is within the sidewalk area and transplanting the tree has only a 30 to 50 percent chance of success, with risks compounded by the fact any relocation site has a significant slope differential, thereby satisfying finding CMC21.32.080.A.5.
  - e. Tree #22 is a 17.8" Australian willow in poor condition with a trunk expansion that is causing severe asphalt cracking and heaving, and the tree also has a

codominant mainstem fork at 3 feet, thereby satisfying findings CMC21.32.080.A.1 and CMC21.32.080.A.2.

- f. Tree #25 is a 16" Flowering pear cultivar (likely 'Bradford') in poor condition with tight forks noted at 8 feet, thereby satisfying findings CMC21.32.080.A.1 and CMC21.32.080.A.2.
- g. Tree #26 is a 12.9" Flowering pear cultivar (likely 'Bradford') in poor condition with tight forks noted at 8 feet and bacterial fireblight infection expressed as twig and foliar dieback, thereby satisfying findings CMC21.32.080.A.1 and CMC21.32.080.A.2.

THEREFORE, BE IT RESOLVED that the City Council approves a Tree Removal Permit (PLN2017-381), subject to the attached Conditions of Approval (attached Exhibit A).

PASSED AND ADOPTED this 4th day of February, 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

**EXHIBIT A: CONDITIONS OF APPROVAL**  
Tree Removal Permit – 1700 Dell Avenue (PLN2017-381)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

**COMMUNITY DEVELOPMENT DEPARTMENT**  
**Planning Division**

1. Approved Permit: Approval is granted for a Tree Removal Permit (PLN2017-397) to allow the removal of eight trees: Tree #6, Tree #7, Tree #8, Tree #15, Tree #16, Tree #22, Tree #25, and Tree #26, as identified on the project's Arborist assessment prepared by Walter Levinson Consulting Arborist (ASCA Registered Consulting Arborist #401), entitled *Assessment of and Recommendations for 26 Protected-Size Trees at 1700 Dell Avenue Campbell, CA*. All other trees on the property shall be protected in accordance with the recommendations of the Tree Inventory, Assessment, and Protection Plan. This permit shall be valid only in conjunction with, and subject to the approved Planned Development Permit and Zoning Map Amendment (PLN2017-381).
2. Time of Removal: The trees may only be removed in conjunction with demolition of existing on-site structures, subject to the conditions of approval for the Planned Development Permit and Zoning Map Amendment.
3. Replacement Trees: All protected tree(s) shall be replaced at a minimum of a one-to-one ratio in accordance with CMC 21.32.100, Table 3-5 (Replacement Tree Requirements) to be noted with the project's "final" landscaping plan, or as modified in the findings accompanying approval of the Tree Removal Permit. The trees species selected shall not be a "fruit tree" or "eucalyptus tree" as defined in the Campbell Municipal Code. The replacement trees shall be planted prior to building permit final and maintained as protected trees in perpetuity or a tree removal permit is granted allowing their removal. If the trees die, they shall be replaced in kind, and those replacement trees shall also be considered protected regardless of species or size.
4. Special Precautions - Tree Removal & Pruning: Special precautions shall be taken by the contractor to minimize potential impacts to offsite trees. Where branches of onsite trees are interwoven with the branches of trees located offsite, special care (e.g. hand cut, or hand cut with power tools) shall be taken to minimize loss of canopy while ensuring that the health and balance of offsite trees is not compromised.
5. Tree Removal Permit Required: The removal of any tree, irrespective of species or size, which is shown on the approved project plans, shall require review and approval through a Tree Removal Permit.

**RESOLUTION NO. XXX4(A)**

**[CEQA findings if City decides intersection impacts are less-than-significant]**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (PL2018-14) FOR A PLANNED DEVELOPMENT PERMIT, ZONING MAP AMENDMENT, AND TREE REMOVAL PERMIT (PLN2017-381), TO ALLOW DEVELOPMENT OF A 161,870-SQUARE-FOOT, FOUR-STORY OFFICE BUILDING, A 146,478-SQUARE-FOOT, FIVE-STORY PARKING GARAGE (WITH ONE LEVEL OF UNDERGROUND PARKING), ADDITIONAL SURFACE PARKING, AND ON-SITE OPEN SPACE ON PROPERTY LOCATED AT 1700 DELL AVENUE.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council did determine that the certification of the Final Environmental Impact Report ("FEIR," or "Final EIR") provides full and adequate environmental review for approval of a Planned Development Permit, Zoning Map Amendment, and Tree Removal Permit (PLN2017-381), to allow the development of a 161,870-square-foot, four-story office building, a 146,478-square-foot, five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue (the "Proposed Project.")

The City Council finds as follows with regard to the certification of the FEIR (PLN2018-148):

Environmental Findings

2. The City Council of the City of Campbell, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (collectively, "CEQA"), has completed the Final EIR for the Proposed Project.
3. The Proposed Project involves the development of a development of a 161,870-square-foot, four-story office building, a 146,478-square-foot, five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue (Assessor's Parcel Number 424-33-094), as described in more detail in the Final EIR, which is incorporated herein by this reference.
4. The findings set forth in Resolutions XXX1, XXX2, and XXX3, approving the Planned Development Permit, Zoning Map Amendment, and Tree Removal Permit are incorporated herein by this reference.
5. The Final EIR comprises a project-level analysis and is identified by State Clearinghouse No. 2018072001.

6. The City circulated the Notice of Preparation ("NOP") of an EIR for the project to the Office of Planning and Research ("OPR") State Clearinghouse and interested agencies and persons on July 2, 2018 for a 30-day review period.
7. A City Planning Commission hearing was held on July 10, 2018 to obtain comments from the public and the City's Planning Commission regarding potential environmental impacts resulting from the Proposed Project.
8. A Draft Environmental Report ("Draft EIR") was released for public and agency review on April 25, 2019 and circulated for a 47-day period ending on June 12, 2019.
9. The Draft EIR assesses the potential environmental effects of implementation of the Proposed Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. The Draft EIR consists of Appendices referred to in the report's primary text. The Final EIR is comprised of the Draft EIR together with an additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the Draft EIR reflecting changes made in response to comments and other information. The Final EIR is hereby incorporated in this document by reference.
10. CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The City Council finds that that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR.
11. After circulation of the Draft EIR, the applicant requested a refinement to the Proposed Project's design in order to enhance the functionality and aesthetics of the Project site, which included the relocation of two outdoor surface parking spaces in the southeast corner of the property to the parking garage's subterranean level. As detailed in the applicant's letter to the City dated September 12, 2019, which is incorporated herein by this reference, this movement of two parking spaces and their replacement with landscaping were de minimis refinements and did not trigger any circumstances requiring recirculation of the Draft EIR.
12. The City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City consultants and staff; and the significance thresholds used

in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

13. The Final EIR was published in December 2019. The Final EIR was posted on the City's website and available in hard copy in the City's offices.
14. The City Council hereby certifies as follows:
  - a. That it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certifications and the findings below;
  - b. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA; and
  - c. That the Final EIR reflects its independent judgment and analysis.
15. The City Council adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP"), included in the administrative record of proceedings, to reduce or avoid the potentially significant impacts of the Proposed Project, as well as certain less-than-significant impacts.
16. In adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures identified by the Final EIR and applicable to the Project, except as modified in these findings. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in MMRP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.
17. In comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some of the EIR's mitigation measures were modified in response to such comments, as set forth in detail in Chapter 3 of the Final EIR. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less than significant, requested mitigation measures that did not prove feasible, requested mitigations that would not substantially reduce the effects of project impacts, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary, as explained in responses to comments prepared in conjunction with

the Final EIR, and as also was reflected in responses to comments prepared by the applicant.

18. The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are potentially significant, but can be reduced to a level of less-than-significance through the implementation of certain feasible mitigation measures:
  - a. Impact AQ-2: Uncontrolled fugitive dust (PM10 and PM2.5) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of the Air District's best management practices. The City finds that compliance with the Bay Area Air Quality Management District's best management practices for reducing construction emissions of uncontrolled fugitive dust (coarse inhalable particulate matter [PM10] and fine inhalable particulate matter [PM2.5]) will suffice to reduce impacts to a level of insignificance, where those measures are set forth in great detail in Mitigation Measure AQ-2. These are standard measures adopted by the regional air district and have been shown through experience to reduce fugitive dust levels to acceptable levels.
  - b. Impact AQ-4: Construction activities of the project potentially could expose nearby residential receptors to a cancer risk that would exceed the Air District's significance thresholds, potentially resulting in a cancer risk of 12.3 per million compared to a risk threshold of 10 per million. The City finds that requiring the Proposed Project's contractor(s) to use construction equipment with fitted with Level 2 Diesel Particulate Filters (DPF) or higher emissions standards for all equipment of 50 horsepower or more will reduce impacts to a level of insignificance, as Level 2 DPFs are capable of reducing 50 percent of diesel exhaust and particulate emissions from off-road equipment. In addition, the following measures shall ensure impact levels are less-than-significant, including: (1) Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Campbell Building Division, or its designee, clearly show the requirement for Level 2 DPF or higher emissions standards for construction equipment over 50 horsepower; (2) during construction, the construction contractor(s) shall maintain a list of all operating equipment in use on the project site for verification by the City of Campbell Building Division or its designee, where the construction equipment list shall state the makes, models, and number of construction equipment on-site; (3) equipment shall be properly serviced and maintained in accordance with manufacturer recommendations; and (4) the construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. These measures are included and described in Mitigation Measure AQ-4, and the City Council finds they would reduce risks to below the air district's cancer threshold of 10 in a million.
  - c. Impact AQ-3: Construction of the proposed project would cumulatively contribute to the non-attainment designations of the San Francisco Bay Area
  - d. Air Basin ("SFBAAB") and health risk in the Bay Area. The City finds the impact is reflective of those impacts described under Impact AQ-2 and Impact AQ-3, and that implementation of Mitigation Measures AQ-2 and AQ-4 would reduce these impacts to a less-than-significant level for the reasons described in the foregoing paragraphs.

- e. Impact BIO-4a: Tree removal and demolition activities during site clearance potentially could destroy active nests, and/or otherwise interfere with nesting of birds protected under State law. The City finds there are currently no such nests in the vicinity of the project site, and that there is a remote possibility new nests could be established, as determined on page 5-9 of the Final EIR, but that any potential impacts to nests would be mitigated to a less-than-significant level through the implementation of certain bird surveys and where, if nests were to be identified, various protocols would be implemented, as set forth in Mitigation Measure BIO-4a. Specifically, prior to site clearance, the project applicant shall retain a qualified biologist to conduct preconstruction nesting bird surveys as follows. If tree removal would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds of protected bird species shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with CDFW. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. No surveys are required before vegetation disturbance between September 1 and January 31, that is, outside of the nesting season. The City finds these mitigation measures are based on scientific data concerning the nesting habits of protected species, and are sufficiently detailed and enforceable to adequately protect any bird nests as identified above. The City also finds that the City's biological consultant, Mr. James Martin, Principal of Environmental Collective, has 35 years experience in his field of study and has consulted on the development of hundreds of projects, and his review and approval of this biological impact and others constitutes, separately and independently, substantial evidence of the efficacy of the Final EIR's conclusions and mitigations. The City finds too that Mr. Martin's conclusions generally are consistent with conclusions made by the applicant's biological consulting firm, Mosaic Associates, which also has significant experience identifying impacts and mitigations for development projects in California.
- f. Impact BIO-4b: A substantial proportion of the exterior walls of the proposed office building would be constructed with clear glass, which could create a hazard for flying birds. The City finds that the risk of avian injury and mortality is much less than commenters have suggested, who used unsupported methodologies and based conclusions on studies that had little relevance to the circumstances under the Proposed Project and contained significant exaggerations, as set forth

in detail on pages 5-3 to 5-5 of the Final EIR, which are incorporated herein by this reference, and as set forth in responses to public comment submitted by Mosaic Associates on or about September 25, 2019, which are also incorporated herein by this reference. As discussed on page 5-9 of the Final EIR, the possibility of a significant impact associated with bird strikes is remote, and indeed Mosaic Associates presents substantial evidence in its September 25, 2019 letter that, with mitigation, the Proposed Project could in fact result in less bird strikes than the existing office building, which has substantial transparent glass on its facade. As a conservative measure to ensure that impacts to avian species are reduced to a level of insignificance, the City finds that the proposed building design shall be modified as described in Mitigation Measure BIO-4b. Specifically, prior to building construction, the project applicant shall submit a Bird Collision Reduction Plan ("Plan") for City review and approval. The Plan shall be peer reviewed by an independent consulting biologist, selected by the City given its technical nature. The Plan shall be written to minimize the potential risk of bird strikes with the new building on the site, and shall incorporate appropriate bird-safe design guidelines<sup>1</sup> and include specific Best Management Practice strategies to reduce bird strikes. The use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds, shall be avoided. To limit reflectivity and prevent exterior glass from attracting birds, the project shall preferably utilize low-reflectivity glass (7 percent reflectivity, 0 percent ultra-violet transmittance) and provide other nonattractive surface treatments as outlined below. Low-reflectivity glass or other glazing treatments shall be used for the entirety of the building's glass surface, not just the lower levels, to minimize the risk of bird strikes. Interior light "pollution" shall be reduced during evening hours through the use of a lighting control system, and exterior lighting shall be directed downward and screened to minimize light spillage from the building and the Los Gatos Creek corridor. To further clarify, the following design elements and controls shall be incorporated into the proposed project to reduce the risk of bird strikes: (1) No more than ten percent of façade surface area shall have nonbird-safe glazing. Bird-safe glazing includes opaque glass, covering of clear glass surface with patterns, paned glass with fenestration patterns, and external screens over non-reflective glass; (2) occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during nonwork hours and between 10 pm and sunrise or, alternatively, nonemergency interior and exterior lighting shall be shielded to minimize light from buildings that are visible to birds; (3) glass skyways or walkways, freestanding glass walls, and transparent building corners shall not be allowed; (4) transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (5) all roof mechanical equipment shall be covered by low-profile angled roofing so that obstacles to bird flight are minimized. A draft of the Plan and modifications to the building design incorporating bird-safe design shall be completed and submitted as part of the Site and Architectural Review Committee and Planning Commission's review process to allow for further comment and input. The City finds that these measures, based on substantial evidence in the administrative record of proceedings, including without limitation the incorporated materials identified above, incorporate sufficient performance standards and would adequately reduce all risks of bird-strike to a less-than-significance level, and have been shown to be effective in other jurisdictions cited in the Final EIR.

- g. Impact BIO-5 The proposed project's planting plan is not in conformance with the Santa Clara Valley Water District's ("SCVWD's") guidance for compliance with the SCVWD's Guidelines and Standards for Land Use Near Streams. As set forth in the Master Responses to Comment and Errata in the Final EIR, adequate mitigation for the foregoing impact requires that the site, parking, circulation, and landscape planting plans in the September 9, 2019 plan submittal for the proposed project be revised and redesigned to provide a continuous buffer along the eastern edge of the site to protect the streamside habitat along Los Gatos Creek and provide greater conformance with the Guidelines and Standards for Land Use Near Streams of the Santa Clara Valley Water Resources Protection Collaborative, as set forth in Mitigation Measure BIO-5. As set forth in this mitigation measure, these refinements shall include the following: (1) The design and selection of plant species used in this buffer area along the eastern edge of the site shall be selected in consultation with staff from SCVWD to ensure compatibility with Guidelines and Standards for Land Use Near Streams; (2) effective screening of nighttime lighting, including headlights from vehicles moving through the proposed parking lot, shall be provided as part of redesign and landscaping and plantings installed in the proposed planting strip along the eastern edge of the site shall be chosen based on their ability to complement and screen the adjacent riparian habitat along the creek corridor by using plantings of tree, shrub and groundcover species; (3) the proposed planting strip along the eastern edge of the site shall be expanded where feasible from the current planting area shown in the revised Landscape Plan (dated August 27, 2019) to remove an additional parking stall (shown in Figure 5-3 of the Final EIR) in the southeastern corner of the site and expand the proposed tree and shrub plantings in the area to provide effective landscape screening at this critical location where the property line comes closest to the top of bank to Los Gatos Creek; (4) any native species used in plantings on the site shall be of local genetic stock to prevent possible hybridization with native indigenous species growing along the adjacent Los Gatos Creek and, at minimum, the planting area along the eastern edge of the site shall include scattered plantings of locally sourced native coast live oak, which would eventually serve to expand the tree canopy at the interface with the creek corridor as the trees mature; and (5) the few existing trees along the eastern edge of the site shall be retained along this planting area given their importance for existing screening of the creek corridor and, in consultation with SCVWD, consideration should be given to replacing the existing non-native shrubs along the eastern fence line with native species if locally sourced plantings are available. The City finds that these are robust mitigations that will reduce any potential impacts to a less-than-significant level, and that the reduction of one single parking space is a de minimis refinement of the Proposed Project's design in that the Proposed Project's parking inventory is still sufficient under City standards and does not cause any new significant impacts, a substantial increase the severity of an impact, or otherwise constitute new significant information.
- h. Impact CULT-2: Implementation of the proposed project would have the potential to cause a substantial change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5. If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the City and a license archeologist shall be contacted to evaluate the situation. These and other measures set forth in Mitigation

Measure CULT-2 are standard measures and experience has shown them to be effective in numerous other development projects and, accordingly, they will ensure that impacts remain less than significant.

- i. Impact CULT 3: Implementation of the Proposed Project would have the potential to directly or indirectly affect a unique paleontological resource or site, or a unique geological feature. The City finds that the implementation of Mitigation Measure CULT-3 would reduce impacts to a less-than-significant level. Under this measure, in the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The project plan shall be submitted to the City for review and approval prior to implementation. The City finds these measures ensure construction of the Proposed Project will occur in a careful and responsible manner, and avoid any significant impacts to undiscovered paleontological resources.
- j. Impact CULT-4: Implementation of the proposed project would have the potential to disturb human remains, including those interred outside of formal cemeteries. The City finds that implementation of Mitigation Measure CULT-4, which includes carefully drawn protection measures, would reduce impacts to a less-than-significant level. Under this measure, in the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The City and the Santa Clara County Coroner's office shall be notified. If deemed prehistoric, the Coroner's office would notify the Native American Heritage Commission who would identify a Most Likely Descendant ("MLD"). The archeological consultant and MLD, in conjunction with the project sponsor, shall formulate an appropriate treatment plan for the find, which might include, but not be limited to, respectful scientific recording and removal, being left in place, removal and reburial on site, or elsewhere. Associated grave goods are to be treated in the same manner. This protocol is standard and will ensure development of the project site will occur in a careful and responsible manner, and that any impacts to undiscovered human remains will be less than significant.
- k. Impact CULT-5: Implementation of the proposed project would have the potential to disturb tribal cultural resources. The City finds that implement of Mitigation Measures CULT-2 and CULT-4, as described above, would ensure a meticulous protocol is followed in development of the site, and provide for adequate protection of undiscovered tribal cultural resources.
- l. Impact HAZ-1: Demolition of the existing office building on the project site may create a significant hazard by exposing construction workers to asbestos containing materials and/or lead-based paints. The City finds that adherence to state and federal laws and the implementation of Mitigation Measure HAZ-1 would reduce impacts to a less-than-significant level. Specifically, prior to the

disturbance of any suspect asbestos-containing materials and/or lead-based paint, a certified consultant shall conduct a comprehensive survey to determine if the suspect materials are present. If such materials are identified, a licensed abatement contractor shall be consulted and demolition activities shall be conducted in compliance with abatement recommendations. The City finds that this analysis is conservative, and notes that CEQA case law has determined impacts to construction workers are regulated under state law, but are not cognizable impacts under CEQA.

- m. Impact NOISE-1: The project would not cause exposure of persons to or generation of noise levels in excess of standards established in the City of Campbell's and Town of Los Gatos' General Plan or Municipal Code, or applicable standards of other agencies, as set forth on pages 4.10-8 and 4.10-9 of the Draft EIR. However, Mitigation Measure NO-1 is recommended to ensure that feasible measures, such as those included in the Municipal Code, are instated to minimize construction noise impacts. These measures are set forth in detail in Mitigation Measure NOISE-1, and would ensure noise-related impacts are reduced to a less-than-significant level.
  - n. Impact NOISE-4: The project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity, which would result in a significant impact. The City finds that the robust and detail practices imposed under Mitigation Measure NOISE-1 would reduce impacts to a less-than-significant level, and that experience with other construction projects in the City has shown these measures to be effective.
19. The City finds that Impact TRANS-1b is not significant as initially suggested in the Draft EIR. Use of the Santa Clara Valley Transportation Authority's ("VTA's") 2017 Annual Monitoring and Conformance Report is most appropriate, as opposed to 2016 data, and use of this more recent data demonstrates that, during the PM peak hour under Existing plus Project conditions, the addition of project-generated traffic would not cause the freeway segment of southbound SR 85 from Saratoga Avenue to Winchester Boulevard to deteriorate to an unacceptable level, as detailed in the Final EIR and the December 10, 2019 Planning Commission Staff Report. As such, the City finds that impacts to this freeway segment are less than significant.
20. The City Council finds, based on information provided in the applicant's letter of December 9, 2019, and information received from the professional traffic engineering firm Abrams Associates, that the intersection of San Tomas Expressway/SR 17 Southbound Ramps (Intersection #6) would not be significantly impacted, contrary to what was suggested in the Draft EIR under Impact TRANS-1a and TRANS-2 discussions. The EIR assumed the intersection has a right turn lane that is controlled by a green arrow traffic signal, when in fact this right turn lane is not signalized. Upon properly accounting for the geometry of this intersection, traffic modeling demonstrates the Proposed Project would not result in any significant intersection delay or queuing impacts, as set forth in greater detail in a December 10, 2019 letter from the expert traffic engineering firm Abrams Associates, which includes attached modeling data. This letter is incorporated herein by this reference.
21. With respect to the additional measures suggested by commenters that were not added to the Final EIR, the Board adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR and other portions of the

administrative record of proceedings as its grounds for rejecting adoption of these mitigation measures.

22. The Final EIR evaluates a range of potential alternatives to the originally Proposed Project, specifically a/an: (1) No Project Alternative, (2) Existing Zoning Alternative, and (3) Reduced Intensity Alternative. (See Chapter 6 of the Draft EIR.) The EIR examines the environmental impacts of each alternative in comparison with the originally Proposed Project and the relative ability of each alternative to satisfy the Project Objectives.
23. The Final EIR also summarizes the criteria used to identify a reasonable range of alternatives for review in the EIR and describes proposals that did not merit additional, more-detailed review either because they do not present viable alternatives to the Proposed Project or they are variations on the alternatives that are evaluated in detail.
24. Given that all impacts of the Proposed Project are determined to be less-than-significant, it is not necessary under CEQA to make findings concerning project alternatives and their feasibility; however, for the sake of being conservative and for purposes of informational disclosure, the City hereby makes findings concerning the Proposed Project's alternatives.
25. The feasibility of any project alternative depends on its ability to satisfy a project's fundamental project objectives, and two fundamental project objectives are to (1) create a high-quality, regionally significant office development/technology campus that can compete with other cities and counties in Silicon Valley to attract high tech, med tech/modern medical, or other innovative businesses; and (2) enhance the project site with quality work spaces, adequate parking, and outdoor space that can function as a modern technology campus that supports a company headquarters or significant satellite campus.
26. The Draft EIR presents two alternatives, the Existing Zoning Alternative and Reduced Intensity Alternative, that would include 65,000- to 78,000-square-foot office buildings; the City Council finds these alternatives, as well as the No Project Alternative, would fail to satisfy the fundamental project objectives, and the following facts support this determination:
  - a. A 72,000-square-foot office building exists on the property and has not managed to attract a regionally significant hi tech, med tech/modern medical, or other innovative business regionally competitive tenant.
  - b. The City has independently reviewed a memorandum prepared by BAE Urban Economics, incorporated herein by reference, which discusses the market for local office space, and agrees with this experts conclusions that the critical mass of office space necessary to (1) create a regionally competitive campus and (2) attract a high-tech or other innovative business, is approximately 150,000 square feet.
  - c. Per BAE Urban Economics' report, competitive office campus projects range from 140,000 feet to 320,000 square feet (BAE Report, App. A), although "marquee" tech and other businesses have sought office space well in excess of 70,000 square feet, with the average office demand of about 265,000 square feet (BAE Report, Table 1).

- d. Accordingly, an office building of less than 150,000 square feet would fail to meet the applicant's key project objectives, and that the Proposed Project would satisfy the project's fundamental objectives.
27. While the Reduced Intensity Alternative would be environmentally superior in the technical sense that contribution to the aforementioned impacts would not occur, the No Project Alternative would also fail to achieve all of the project's objectives.
  28. Based on all information in the administrative record of proceedings, the Existing Zoning Alternative, which contemplates 77,648 square feet of development, and the Reduced Intensity Alternative, which contemplates 64,748 square feet of development, are deemed infeasible. (See Draft EIR, Section 6.6.2 [Existing Zoning Alternative]; Section 6.6.3 [Reduced Intensity Alternative]; and Section 6.7 [Environmentally Superior Alternative], all at pp. 6-27, 6-28; see Pub. Res. Code, § 21081(a)(3); 14 Cal. Code Regs, § 15091.)
  29. Record of Proceedings. Various documents and other materials constitute the record upon which the City Council bases these findings and approvals contained herein. The location and custodian of these documents and materials is 70 N 1st St, Campbell, CA 95008. The administrative record or proceedings includes, without limitation, the Final EIR and each of its technical appendices; the applicant's correspondence of June 11, 2019, September 12, 2019, October 22, 2019, and February 3, 2020; reports by Mosaic Associates dated September 25, 2019 and November 4, 2019; a report by Ramboll air quality specialists dated September 17, 2019; an AWR soil report dated September 10, 2019; a report by Sapere Environmental dated September 20, 2019; letters from Abrams Associates dated November 26, 2019 and December 10, 2019; a letter by Daniel Schoenicke of Reed Associates Landscape Architecture dated August 9, 2019; a report by BAE Urban Economics dated June 10, 2019; a report by The Concord Group dated November 2019; all Site and Architectural Review Committee, Planning Commission, and City Council staff reports, attachments thereto, and correspondence associated therewith; and all oral testimony presented before each of the foregoing legislative bodies.
  30. Based on the foregoing findings and the information contained in the administrative record of proceedings, the City Council has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:
    - a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.
    - b. Based on the foregoing findings and information contained in the record, it is hereby determined that all significant effects on the environment due to approval of the Project have been eliminated or substantially lessened to a level of insignificance.

The City Council hereby takes the following actions and makes the following approvals:

- A. The City Council hereby certifies the Final EIR.
- B. The City Council hereby adopts as conditions of approval all mitigation measures within the responsibility and jurisdiction of the City Council that

are included in the Mitigation Monitoring and Reporting Program, as modified by these findings.

- C. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project as modified by these findings.
- D. The City Council hereby adopts these findings in their entirety as its findings for these actions and approvals.
- E. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigation measures, and adopted findings, the City Council hereby approves the Proposed Project.
- F. The City Council hereby directs the City Manager or his designee to file a Notice of Determination with the County Clerk.

PASSED AND ADOPTED this 4th day of February, 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

RESOLUTION NO. XXX4(B)

**[CEQA findings if City decides intersection impacts are significant and unavoidable]**

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (PL2018-14) FOR A PLANNED DEVELOPMENT PERMIT, ZONING MAP AMENDMENT, AND TREE REMOVAL PERMIT (PLN2017-381), TO ALLOW DEVELOPMENT OF A 161,870-SQUARE-FOOT, FOUR-STORY OFFICE BUILDING, A 146,478-SQUARE-FOOT, FIVE-STORY PARKING GARAGE (WITH ONE LEVEL OF UNDERGROUND PARKING), ADDITIONAL SURFACE PARKING, AND ON-SITE OPEN SPACE ON PROPERTY LOCATED AT 1700 DELL AVENUE.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The City Council did determine that the certification of the Final Environmental Impact Report ("FEIR," or "Final EIR") provides full and adequate environmental review for approval of a Planned Development Permit, Zoning Map Amendment, and Tree Removal Permit (PLN2017-381), to allow the development of a 161,870-square-foot, four-story office building, a 146,478-square-foot, five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue (the "Proposed Project."

The City Council finds as follows with regard to the certification of the FEIR (PLN2018-148):

Environmental Findings

31. The City Council of the City of Campbell, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (collectively, "CEQA"), has completed the Final EIR for the Proposed Project.
32. The Proposed Project involves the development of a development of a 161,870-square-foot, four-story office building, a 146,478-square-foot, five-story parking garage (with one level of underground parking), additional surface parking, and on-site open space on property located at 1700 Dell Avenue (Assessor's Parcel Number 424-33-094), as described in more detail in the Final EIR, which is incorporated herein by this reference.
33. The findings set forth in Resolutions XXX1, XXX2, and XXX3, approving the Planned Development Permit, Zoning Map Amendment, and Tree Removal Permit are incorporated herein by this reference.
34. The Final EIR comprises a project-level analysis and is identified by State Clearinghouse No. 2018072001.

35. The City circulated the Notice of Preparation ("NOP") of an EIR for the project to the Office of Planning and Research ("OPR") State Clearinghouse and interested agencies and persons on July 2, 2018 for a 30-day review period.
36. A City Planning Commission hearing was held on July 10, 2018 to obtain comments from the public and the City's Planning Commission regarding potential environmental impacts resulting from the Proposed Project.
37. A Draft Environmental Report ("Draft EIR") was released for public and agency review on April 25, 2019 and circulated for a 47-day period ending on June 12, 2019.
38. The Draft EIR assesses the potential environmental effects of implementation of the Proposed Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. The Draft EIR consists of Appendices referred to in the report's primary text. The Final EIR is comprised of the Draft EIR together with an additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; and revisions to the text of the Draft EIR reflecting changes made in response to comments and other information. The Final EIR is hereby incorporated in this document by reference.
39. CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The City Council finds that that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR.
40. After circulation of the Draft EIR, the applicant requested a refinement to the Proposed Project's design in order to enhance the functionality and aesthetics of the Project site, which included the relocation of two outdoor surface parking spaces in the southeast corner of the property to the parking garage's subterranean level. As detailed in the applicant's letter to the City dated September 12, 2019, which is incorporated herein by this reference, this movement of two parking spaces and their replacement with landscaping were de minimis refinements and did not trigger any circumstances requiring recirculation of the Draft EIR.
41. The City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City consultants and staff; and the significance thresholds used

in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

42. The Final EIR was published in December 2019. The Final EIR was posted on the City's website and available in hard copy in the City's offices.
43. The City Council hereby certifies as follows:
  - a. That it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certifications and the findings below;
  - b. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA; and
  - c. That the Final EIR reflects its independent judgment and analysis.
44. The City Council adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP"), included in the administrative record of proceedings, to reduce or avoid the potentially significant impacts of the Proposed Project, as well as certain less-than-significant impacts.
45. In adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures identified by the Final EIR and applicable to the Project, except as modified in these findings. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from the MMRP, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in MMRP fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.
46. In comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some of the EIR's mitigation measures were modified in response to such comments, as set forth in detail in Chapter 3 of the Final EIR. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less than significant, requested mitigation measures that did not prove feasible, requested mitigations that would not substantially reduce the effects of project impacts, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary, as explained in responses to comments prepared in conjunction with

the Final EIR, and as also was reflected in responses to comments prepared by the applicant.

47. The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are potentially significant, but can be reduced to a level of less-than-significance through the implementation of certain feasible mitigation measures:
- a. Impact AQ-2: Uncontrolled fugitive dust (PM10 and PM2.5) could expose the areas that are downwind of construction sites to air pollution from construction activities without the implementation of the Air District's best management practices. The City finds that compliance with the Bay Area Air Quality Management District's best management practices for reducing construction emissions of uncontrolled fugitive dust (coarse inhalable particulate matter [PM10] and fine inhalable particulate matter [PM2.5]) will suffice to reduce impacts to a level of insignificance, where those measures are set forth in great detail in Mitigation Measure AQ-2. These are standard measures adopted by the regional air district and have been shown through experience to reduce fugitive dust levels to acceptable levels.
  - b. Impact AQ-4: Construction activities of the project potentially could expose nearby residential receptors to a cancer risk that would exceed the Air District's significance thresholds, potentially resulting in a cancer risk of 12.3 per million compared to a risk threshold of 10 per million. The City finds that requiring the Proposed Project's contractor(s) to use construction equipment with fitted with Level 2 Diesel Particulate Filters (DPF) or higher emissions standards for all equipment of 50 horsepower or more will reduce impacts to a level of insignificance, as Level 2 DPFs are capable of reducing 50 percent of diesel exhaust and particulate emissions from off-road equipment. In addition, the following measures shall ensure impact levels are less-than-significant, including: (1) Prior to construction, the construction contractor(s) shall ensure that all construction plans submitted to the City of Campbell Building Division, or its designee, clearly show the requirement for Level 2 DPF or higher emissions standards for construction equipment over 50 horsepower; (2) during construction, the construction contractor(s) shall maintain a list of all operating equipment in use on the project site for verification by the City of Campbell Building Division or its designee, where the construction equipment list shall state the makes, models, and number of construction equipment on-site; (3) equipment shall be properly serviced and maintained in accordance with manufacturer recommendations; and (4) the construction contractor shall ensure that all non-essential idling of construction equipment is restricted to five minutes or less, in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9. These measures are included and described in Mitigation Measure AQ-4, and the City Council finds they would reduce risks to below the air district's cancer threshold of 10 in a million.
  - c. Impact AQ-3: Construction of the proposed project would cumulatively contribute to the non-attainment designations of the San Francisco Bay Area
  - d. Air Basin ("SFBAAB") and health risk in the Bay Area. The City finds the impact is reflective of those impacts described under Impact AQ-2 and Impact AQ-3, and that implementation of Mitigation Measures AQ-2 and AQ-4 would reduce these impacts to a less-than-significant level for the reasons described in the foregoing paragraphs.

- e. Impact BIO-4a: Tree removal and demolition activities during site clearance potentially could destroy active nests, and/or otherwise interfere with nesting of birds protected under State law. The City finds there are currently no such nests in the vicinity of the project site, and that there is a remote possibility new nests could be established, as determined on page 5-9 of the Final EIR, but that any potential impacts to nests would be mitigated to a less-than-significant level through the implementation of certain bird surveys and where, if nests were to be identified, various protocols would be implemented, as set forth in Mitigation Measure BIO-4a. Specifically, prior to site clearance, the project applicant shall retain a qualified biologist to conduct preconstruction nesting bird surveys as follows. If tree removal would occur during the nesting season (February 1 to August 31), preconstruction surveys shall be conducted no more than 14 days prior to the start of tree removal or construction. Preconstruction surveys shall be repeated at 14-day intervals until construction has been initiated in the area after which surveys can be stopped. Locations of active nests containing viable eggs or young birds of protected bird species shall be documented and protective measures implemented under the direction of the qualified biologist until the nests no longer contain eggs or young birds. Protective measures shall include establishment of clearly delineated exclusion zones (i.e., demarcated by identifiable fencing, such as orange construction fencing or equivalent) around each nest location as determined by a qualified biologist, taking into account the species of birds nesting, their tolerance for disturbance and proximity to existing development. In general, exclusion zones shall be a minimum of 300 feet for raptors and 75 feet for passerines and other birds. The active nest within an exclusion zone shall be monitored on a weekly basis throughout the nesting season to identify signs of disturbance and confirm nesting status. The radius of an exclusion zone may be increased by the qualified biologist if project activities are determined to be adversely affecting the nesting birds. Exclusion zones may be reduced by the qualified biologist only in consultation with CDFW. The protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active. No surveys are required before vegetation disturbance between September 1 and January 31, that is, outside of the nesting season. The City finds these mitigation measures are based on scientific data concerning the nesting habits of protected species, and are sufficiently detailed and enforceable to adequately protect any bird nests as identified above. The City also finds that the City's biological consultant, Mr. James Martin, Principal of Environmental Collective, has 35 years experience in his field of study and has consulted on the development of hundreds of projects, and his review and approval of this biological impact and others constitutes, separately and independently, substantial evidence of the efficacy of the Final EIR's conclusions and mitigations. The City finds too that Mr. Martin's conclusions generally are consistent with conclusions made by the applicant's biological consulting firm, Mosaic Associates, which also has significant experience identifying impacts and mitigations for development projects in California.
- f. Impact BIO-4b: A substantial proportion of the exterior walls of the proposed office building would be constructed with clear glass, which could create a hazard for flying birds. The City finds that the risk of avian injury and mortality is much less than commenters have suggested, who used unsupported methodologies and based conclusions on studies that had little relevance to the circumstances under the Proposed Project and contained significant exaggerations, as set forth

in detail on pages 5-3 to 5-5 of the Final EIR, which are incorporated herein by this reference, and as set forth in responses to public comment submitted by Mosaic Associates on or about September 25, 2019, which are also incorporated herein by this reference. As discussed on page 5-9 of the Final EIR, the possibility of a significant impact associated with bird strikes is remote, and indeed Mosaic Associates presents substantial evidence in its September 25, 2019 letter that, with mitigation, the Proposed Project could in fact result in less bird strikes than the existing office building, which has substantial transparent glass on its facade. As a conservative measure to ensure that impacts to avian species are reduced to a level of insignificance, the City finds that the proposed building design shall be modified as described in Mitigation Measure BIO-4b. Specifically, prior to building construction, the project applicant shall submit a Bird Collision Reduction Plan ("Plan") for City review and approval. The Plan shall be peer reviewed by an independent consulting biologist, selected by the City given its technical nature. The Plan shall be written to minimize the potential risk of bird strikes with the new building on the site, and shall incorporate appropriate bird-safe design guidelines<sup>1</sup> and include specific Best Management Practice strategies to reduce bird strikes. The use of highly reflective glass as an exterior treatment, which appears to reproduce natural habitat and can be attractive to some birds, shall be avoided. To limit reflectivity and prevent exterior glass from attracting birds, the project shall preferably utilize low-reflectivity glass (7 percent reflectivity, 0 percent ultra-violet transmittance) and provide other nonattractive surface treatments as outlined below. Low-reflectivity glass or other glazing treatments shall be used for the entirety of the building's glass surface, not just the lower levels, to minimize the risk of bird strikes. Interior light "pollution" shall be reduced during evening hours through the use of a lighting control system, and exterior lighting shall be directed downward and screened to minimize light spillage from the building and the Los Gatos Creek corridor. To further clarify, the following design elements and controls shall be incorporated into the proposed project to reduce the risk of bird strikes: (1) No more than ten percent of façade surface area shall have nonbird-safe glazing. Bird-safe glazing includes opaque glass, covering of clear glass surface with patterns, paned glass with fenestration patterns, and external screens over non-reflective glass; (2) occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during nonwork hours and between 10 pm and sunrise or, alternatively, nonemergency interior and exterior lighting shall be shielded to minimize light from buildings that are visible to birds; (3) glass skyways or walkways, freestanding glass walls, and transparent building corners shall not be allowed; (4) transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with green roofs; and (5) all roof mechanical equipment shall be covered by low-profile angled roofing so that obstacles to bird flight are minimized. A draft of the Plan and modifications to the building design incorporating bird-safe design shall be completed and submitted as part of the Site and Architectural Review Committee and Planning Commission's review process to allow for further comment and input. The City finds that these measures, based on substantial evidence in the administrative record of proceedings, including without limitation the incorporated materials identified above, incorporate sufficient performance standards and would adequately reduce all risks of bird-strike to a less-than-significance level, and have been shown to be effective in other jurisdictions cited in the Final EIR.

- g. Impact BIO-5 The proposed project's planting plan is not in conformance with the Santa Clara Valley Water District's ("SCVWD's") guidance for compliance with the SCVWD's Guidelines and Standards for Land Use Near Streams. As set forth in the Master Responses to Comment and Errata in the Final EIR, adequate mitigation for the foregoing impact requires that the site, parking, circulation, and landscape planting plans in the September 9, 2019 plan submittal for the proposed project be revised and redesigned to provide a continuous buffer along the eastern edge of the site to protect the streamside habitat along Los Gatos Creek and provide greater conformance with the Guidelines and Standards for Land Use Near Streams of the Santa Clara Valley Water Resources Protection Collaborative, as set forth in Mitigation Measure BIO-5. As set forth in this mitigation measure, these refinements shall include the following: (1) The design and selection of plant species used in this buffer area along the eastern edge of the site shall be selected in consultation with staff from SCVWD to ensure compatibility with Guidelines and Standards for Land Use Near Streams; (2) effective screening of nighttime lighting, including headlights from vehicles moving through the proposed parking lot, shall be provided as part of redesign and landscaping and plantings installed in the proposed planting strip along the eastern edge of the site shall be chosen based on their ability to complement and screen the adjacent riparian habitat along the creek corridor by using plantings of tree, shrub and groundcover species; (3) the proposed planting strip along the eastern edge of the site shall be expanded where feasible from the current planting area shown in the revised Landscape Plan (dated August 27, 2019) to remove an additional parking stall (shown in Figure 5-3 of the Final EIR) in the southeastern corner of the site and expand the proposed tree and shrub plantings in the area to provide effective landscape screening at this critical location where the property line comes closest to the top of bank to Los Gatos Creek; (4) any native species used in plantings on the site shall be of local genetic stock to prevent possible hybridization with native indigenous species growing along the adjacent Los Gatos Creek and, at minimum, the planting area along the eastern edge of the site shall include scattered plantings of locally sourced native coast live oak, which would eventually serve to expand the tree canopy at the interface with the creek corridor as the trees mature; and (5) the few existing trees along the eastern edge of the site shall be retained along this planting area given their importance for existing screening of the creek corridor and, in consultation with SCVWD, consideration should be given to replacing the existing non-native shrubs along the eastern fence line with native species if locally sourced plantings are available. The City finds that these are robust mitigations that will reduce any potential impacts to a less-than-significant level, and that the reduction of one single parking space is a de minimis refinement of the Proposed Project's design in that the Proposed Project's parking inventory is still sufficient under City standards and does not cause any new significant impacts, a substantial increase the severity of an impact, or otherwise constitute new significant information.
- h. Impact CULT-2: Implementation of the proposed project would have the potential to cause a substantial change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5. If archaeological resources are encountered during excavation or construction, construction personnel shall be instructed to immediately suspend all activity in the immediate vicinity of the suspected resources and the City and a license archeologist shall be contacted to evaluate the situation. These and other measures set forth in Mitigation

Measure CULT-2 are standard measures and experience has shown them to be effective in numerous other development projects and, accordingly, they will ensure that impacts remain less than significant.

- i. Impact CULT 3: Implementation of the Proposed Project would have the potential to directly or indirectly affect a unique paleontological resource or site, or a unique geological feature. The City finds that the implementation of Mitigation Measure CULT-3 would reduce impacts to a less-than-significant level. Under this measure, in the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The project plan shall be submitted to the City for review and approval prior to implementation. The City finds these measures ensure construction of the Proposed Project will occur in a careful and responsible manner, and avoid any significant impacts to undiscovered paleontological resources.
- j. Impact CULT-4: Implementation of the proposed project would have the potential to disturb human remains, including those interred outside of formal cemeteries. The City finds that implementation of Mitigation Measure CULT-4, which includes carefully drawn protection measures, would reduce impacts to a less-than-significant level. Under this measure, in the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The City and the Santa Clara County Coroner's office shall be notified. If deemed prehistoric, the Coroner's office would notify the Native American Heritage Commission who would identify a Most Likely Descendant ("MLD"). The archeological consultant and MLD, in conjunction with the project sponsor, shall formulate an appropriate treatment plan for the find, which might include, but not be limited to, respectful scientific recording and removal, being left in place, removal and reburial on site, or elsewhere. Associated grave goods are to be treated in the same manner. This protocol is standard and will ensure development of the project site will occur in a careful and responsible manner, and that any impacts to undiscovered human remains will be less than significant.
- k. Impact CULT-5: Implementation of the proposed project would have the potential to disturb tribal cultural resources. The City finds that implement of Mitigation Measures CULT-2 and CULT-4, as described above, would ensure a meticulous protocol is followed in development of the site, and provide for adequate protection of undiscovered tribal cultural resources.
- l. Impact HAZ-1: Demolition of the existing office building on the project site may create a significant hazard by exposing construction workers to asbestos containing materials and/or lead-based paints. The City finds that adherence to state and federal laws and the implementation of Mitigation Measure HAZ-1 would reduce impacts to a less-than-significant level. Specifically, prior to the

disturbance of any suspect asbestos-containing materials and/or lead-based paint, a certified consultant shall conduct a comprehensive survey to determine if the suspect materials are present. If such materials are identified, a licensed abatement contractor shall be consulted and demolition activities shall be conducted in compliance with abatement recommendations. The City finds that this analysis is conservative, and notes that CEQA case law has determined impacts to construction workers are regulated under state law, but are not cognizable impacts under CEQA.

- m. Impact NOISE-1: The project would not cause exposure of persons to or generation of noise levels in excess of standards established in the City of Campbell's and Town of Los Gatos' General Plan or Municipal Code, or applicable standards of other agencies, as set forth on pages 4.10-8 and 4.10-9 of the Draft EIR. However, Mitigation Measure NO-1 is recommended to ensure that feasible measures, such as those included in the Municipal Code, are instated to minimize construction noise impacts. These measures are set forth in detail in Mitigation Measure NOISE-1, and would ensure noise-related impacts are reduced to a less-than-significant level.
  - n. Impact NOISE-4: The project would cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity, which would result in a significant impact. The City finds that the robust and detail practices imposed under Mitigation Measure NOISE-1 would reduce impacts to a less-than-significant level, and that experience with other construction projects in the City has shown these measures to be effective.
48. The City finds that Impact TRANS-1b is not significant as initially suggested in the Draft EIR. Use of the Santa Clara Valley Transportation Authority's ("VTA's") 2017 Annual Monitoring and Conformance Report is most appropriate, as opposed to 2016 data, and use of this more recent data demonstrates that, during the PM peak hour under Existing plus Project conditions, the addition of project-generated traffic would not cause the freeway segment of southbound SR 85 from Saratoga Avenue to Winchester Boulevard to deteriorate to an unacceptable level, as detailed in the Final EIR and the December 10, 2019 Planning Commission Staff Report. As such, the City finds that impacts to this freeway segment are less than significant.
49. The proposed project would result in significant unavoidable impacts related to a single intersection, San Tomas Expressway/SR 17 Southbound Ramps (Intersection #6). A number of mitigation measures are presented, but none would reduce these impacts to a less-than-significant level. Specifically:
- a. Impact TRANS-1a: During the AM peak hour under Existing plus Project, Background plus Project, and Cumulative plus Project conditions, the intersection of San Tomas Expressway/SR 17 Southbound Ramps (Intersection #6) would continue to operate at an unacceptable LOS F with or without the addition of project generated vehicle trips. However, the addition of project generated trips would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds. During the PM peak hour under Cumulative plus Project conditions, this intersection would worsen from LOS E to LOS F with the addition of project-generated vehicle trips. During the AM and PM peak hours under Cumulative plus Project conditions, the queue on the SR 17 southbound off-ramp right-turn lane would extend to 26 vehicles, which is two vehicles more than the estimated storage capacity.

- b. TRANS-2: During the AM peak hour under Existing plus Project and Background plus Project conditions, the intersection of San Tomas Expressway/SR 17 Southbound Ramps (Intersection #6) would operate at an unacceptable LOS F with or without the addition of project-generated vehicle trips. The addition of project-generated trips would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds.
- c. Mitigation Measures TRANS-1a:
  - i. Mitigation Measure TRANS-1a: The recommended mitigation measure would be to widen the westbound (off-ramp) approach at the intersection of the San Tomas Expressway/SR 17 southbound ramps (Intersection #6) to include a second right turn lane, resulting in two left-turn lanes, one through shared left-turn lane, and two right-turn lanes (with the right-turn-on-red (RTOR) movement prohibited). Also, the right-turn lane should be extended by 50 linear feet (plus a 120-foot transition taper) for the off-ramp to accommodate the anticipated vehicle queuing. Extension of the existing right-turn lane would include modification of the roadway pavement, pavement striping, metal beam guardrails and roadside embankment to accommodate the added length.
  - ii. TRANS-2: The recommended mitigation measure would be to widen the westbound (off-ramp) approach at the intersection of the San Tomas Expressway/SR 17 southbound ramps (Intersection #6) to include a second right turn lane.
- d. The City finds that these mitigations measures are infeasible. Any improvements to this intersection would best be considered, adopted, and implemented as part of regional transportation planning efforts, not as part of an individual project or plan. Separately and independently: (1) the SR 17 off-ramp is a Caltrans facility and any improvements to the off-ramp would be within the Caltrans right-of-way; and (2) as San Tomas Expressway is a County-operated route and part of the CMP network, any modifications to the intersection would require coordination and approval from Caltrans, the County of Santa Clara, and the VTA, and this mitigation measure is not part of VTA's current VTA Measure B regional improvements list. As such, given these limits on feasibility, including physical constraints, the need for inter-jurisdictional approval, and the inability to guarantee that the necessary improvements would be made in a timely fashion, the project's impact is considered to be significant and unavoidable.

50. With respect to the additional measures suggested by commenters that were not added to the Final EIR, the Board adopts and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR and other portions of the administrative record of proceedings as its grounds for rejecting adoption of these mitigation measures.

51. The Final EIR evaluates a range of potential alternatives to the originally Proposed Project, specifically a/an: (1) No Project Alternative, (2) Existing Zoning Alternative, and (3) Reduced Intensity Alternative. (See Chapter 6 of the Draft EIR.) The EIR examines the environmental impacts of each alternative in comparison with the originally Proposed Project and the relative ability of each alternative to satisfy the Project Objectives.

52. The Final EIR also summarizes the criteria used to identify a reasonable range of alternatives for review in the EIR and describes proposals that did not merit additional,

more-detailed review either because they do not present viable alternatives to the Proposed Project or they are variations on the alternatives that are evaluated in detail.

53. The feasibility of any project alternative depends on its ability to satisfy a project's fundamental project objectives, and two fundamental project objectives are to (1) create a high-quality, regionally significant office development/technology campus that can compete with other cities and counties in Silicon Valley to attract high tech, med tech/modern medical, or other innovative businesses; and (2) enhance the project site with quality work spaces, adequate parking, and outdoor space that can function as a modern technology campus that supports a company headquarters or significant satellite campus.
54. The Draft EIR presents two alternatives, the Existing Zoning Alternative and Reduced Intensity Alternative, that would include 65,000- to 78,000-square-foot office buildings; the City Council finds these alternatives, as well as the No Project Alternative, would fail to satisfy the fundamental project objectives, and the following facts support this determination:
  - a. A 72,000-square-foot office building exists on the property and has not managed to attract a regionally significant hi tech, med tech/modern medical, or other innovative business regionally competitive tenant.
  - b. The City has independently reviewed a memorandum prepared by BAE Urban Economics, incorporated herein by reference, which discusses the market for local office space, and agrees with this experts conclusions that the critical mass of office space necessary to (1) create a regionally competitive campus and (2) attract a high-tech or other innovative business, is approximately 150,000 square feet.
  - c. Per BAE Urban Economics' report, competitive office campus projects range from 140,000 feet to 320,000 square feet (BAE Report, App. A), although "marquee" tech and other businesses have sought office space well in excess of 70,000 square feet, with the average office demand of about 265,000 square feet (BAE Report, Table 1).
  - d. Accordingly, an office building of less than 150,000 square feet would fail to meet the applicant's key project objectives, and that the Proposed Project would satisfy the project's fundamental objectives.
55. While the Reduced Intensity Alternative would be environmentally superior in the technical sense that contribution to the aforementioned impacts would not occur, the No Project Alternative would also fail to achieve all of the project's objectives.
56. Based on all information in the administrative record of proceedings, the Existing Zoning Alternative, which contemplates 77,648 square feet of development, and the Reduced Intensity Alternative, which contemplates 64,748 square feet of development, are deemed infeasible. (See Draft EIR, Section 6.6.2 [Existing Zoning Alternative]; Section 6.6.3 [Reduced Intensity Alternative]; and Section 6.7 [Environmentally Superior Alternative], all at pp. 6-27, 6-28; see Pub. Res. Code, § 21081(a)(3); 14 Cal. Code Regs, § 15091.)
57. Statement of Overriding Considerations.
  - a. The City Council has found the following impacts would remain significant following adoption and implementation of the mitigation measures described in

the Final EIR: As set forth in the discussions of Impact TRANS-1a and TRANS-2, the addition of project-generated trips at San Tomas Expressway/SR 17 Southbound Ramps (Intersection #6) would increase the volume-to-capacity ratios by more than 0.01 and increase the average control delay for critical movements by more than four seconds, and that, specifically, the added delay is 5.3 seconds under existing conditions, 5.4 seconds in the short-term future, and 5.6 seconds under the long-term future conditions. This exceedance, at most, is a 1.6-second delay at a single turning lane at a single intersection, and potentially could result in a traffic queue length that exceeds storage capacity by two vehicles.

- b. Overriding Considerations Justifying Project Approval. In accordance with CEQA Guidelines Section 15093, the City Council has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Project set forth below outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels. This statement of overriding considerations is based on the City Council's review of the Final EIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project are set forth in the administrative record of proceedings, including without limitation a November 2019 report submitted by the Concord Group entitled *Fiscal and Economic Benefit Analysis for the Development of an Office Building in Campbell, California* (incorporated herein by this reference), and include the following:
- i. The Proposed Project would create, directly and indirectly, as many as 3,000 jobs in the City of Campbell (about 700 jobs at the project site and 2,300 indirect jobs);
  - ii. The Proposed Project would place these jobs in closer proximity to Campbell residents, decreasing their commute time and reducing traffic-related emissions (currently 6.3 percent of residents work in the City, currently 6.3 percent of residents work in the City, and 41.6 percent of residents travel more than 10 miles for work);
  - iii. The Proposed Project would generate millions of dollars in revenue to City businesses as the Proposed Project's high-wage employees spend locally, where it is estimated that 70 percent of the Proposed Project's employees will make more than \$100,000 per year, and where such revenues include \$1.8 million spend in local retail shows and \$112,000 spent at local hotels when clients and others with interests in the Proposed Project's tenant visit from out of town; and
  - iv. The Proposed Project is estimated to generate \$100,000 per year in tax revenue, in perpetuity.

58. Record of Proceedings. Various documents and other materials constitute the record upon which the City Council bases these findings and approvals contained herein. The location and custodian of these documents and materials is 70 N 1st St, Campbell, CA 95008. The administrative record or proceedings includes, without limitation, the Final EIR and each of its technical appendices; the applicant's correspondence of June 11, 2019, September 12, 2019, October 22, 2019, and February 3, 2020; reports by Mosaic Associates dated September 25, 2019 and November 4, 2019; a report by Ramboll air quality specialists dated September 17, 2019; an AWR soil report dated September 10,

2019; a report by Sapere Environmental dated September 20, 2019; letters from Abrams Associates dated November 26, 2019 and December 10, 2019; a letter by Daniel Schoenicke of Reed Associates Landscape Architecture dated August 9, 2019; a report by BAE Urban Economics dated June 10, 2019; a report by The Concord Group dated November 2019; all Site and Architectural Review Committee, Planning Commission, and City Council staff reports, attachments thereto, and correspondence associated therewith; and all oral testimony presented before each of the foregoing legislative bodies.

59. Based on the foregoing findings and the information contained in the administrative record of proceedings, the City Council has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:
- a. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.
  - b. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.
  - c. Based on the foregoing findings and information contained in the record, it is hereby determined that:
    - i. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.
    - ii. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations.

The City Council hereby takes the following actions and makes the following approvals:

- A. The City Council hereby certifies the Final EIR.
- B. The City Council hereby adopts as conditions of approval all mitigation measures within the responsibility and jurisdiction of the City Council that are included in the Mitigation Monitoring and Reporting Program, as modified by these findings.
- C. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project as modified by these findings.
- D. The City Council hereby adopts these findings in their entirety as its findings for these actions and approvals.
- E. Having certified the Final EIR, independently reviewed and analyzed the Final EIR, incorporated mitigation measures, and adopted findings and a Statement of Overriding Considerations, the City Council hereby approves the Proposed Project.
- F. The City Council hereby directs the City Manager or his designee to file a Notice of Determination with the County Clerk.

PASSED AND ADOPTED this 4th day of February, 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

APPROVED: \_\_\_\_\_  
Susan M. Landry, Mayor

ATTEST: \_\_\_\_\_  
Wendy Wood, City Clerk

**MEMORANDUM**



**City of Campbell**  
**City Clerk's Office**

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**To:** Honorable Mayor and City Council

**Date:** February 4, 2020

**From:** Andrea Sanders, Deputy City Clerk

**Via:** Brian Loventhal, City Manager

**Subject:** Desk Item 7 – Dell Avenue Correspondence

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The City Clerk's office received the attached correspondence regarding 1700 Dell Avenue.

**Andrea Sanders**

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**Subject:** FW: 1700 Dell Ave - Letter of Support

**From:** Amr Darwish  
**Sent:** Monday, February 3, 2020 7:54 PM  
**To:** Susan M. Landry <[susanl@campbellca.gov](mailto:susanl@campbellca.gov)>; Liz Gibbons <[lizg@campbellca.gov](mailto:lizg@campbellca.gov)>; Paul Resnikoff <[paulr@campbellca.gov](mailto:paulr@campbellca.gov)>; Anne Bybee <[anneb@campbellca.gov](mailto:anneb@campbellca.gov)>; Rich Waterman <[RichW@campbellca.gov](mailto:RichW@campbellca.gov)>  
**Cc:** Planning Division <[planning@campbellca.gov](mailto:planning@campbellca.gov)>  
**Subject:** 1700 Dell Ave - Letter of Support

To Whom it May Concern,

My name is Amr Darwish. I have been a resident of Campbell, CA since 1996. I am have co-founded several technology companies in the Silicon Valley - one of which is MaxPower Semiconductor, Inc. where I currently serve as the Chief Operating Office (COO). I currently reside at 171 Salmar Ter, Campbell, CA 95008.

I'm writing this letter to you in support of the proposed development at 1700 Dell Avenue. As a Bay Area commuter, who spends upwards of 1 hour of each day driving to/from work, I can attest to the fact that bringing a major high-tech employer to Campbell would be greatly benefit our community and residences alike. An opportunity for those in our community to work in the same city/town that they live in would allow them to utilize the creek trail and spend more time with their families. Please support this project and approve the PD application.

Thank you for your consideration!

Best Regards,  
Amr Darwish, MBA  
COO  
MaxPower Semiconductor, Inc.  
408-899-5172

**COME SEE US AT APEC - BOOTH #1057**



\*\*\*\*\*  
The above message (including attachment, if any) is intended for its designated recipient(s) only. The information contained therein is confidential and may be privileged. If you are not the intended recipient, please delete/destroy the message immediately. You are warned that any unauthorized use, dissemination, distribution or reproduction of any of the above message may be unlawful.

**Andrea Sanders**

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**Subject:** FW: Dell Ave parking photos

**From:** Janet Hoffmann

**Date:** February 4, 2020 at 11:30:58 AM PST

**To:** [lizg@campbellca.gov](mailto:lizg@campbellca.gov)

**Subject:** Dell Ave parking photos

Sorry did not attach photos to first message. They are attached below:







On Feb 4, 2020, at 11:16 AM, Janet Hoffmann wrote:

I live in the San Tomas neighborhood of Campbell and commute regularly down Dell Ave. I have concerns about the proposed development and its impact both on bicycle and car traffic in the area. I believe that the most likely intersections for commuters to use in order to get to and from this business are Camden/SanTomas Expressway and Highway 17 or Lark Ave and Highway 17 or possibly Hamilton Ave and Highway 17. I believe that all of the intersections are already Class D if not Class F intersections meaning traffic is already at gridlock during commute times. I am wondering what plans are being investigated to mitigate the increased traffic that will be part of increased development in this area.

Winchester Blvd is also a major route that is being heavily impacted during commute hours with cars traveling up and down the street at speeds up to 50 mph. I would like to commend the city for adding the bike lanes along Dell to encourage bicycle commuters along Dell Ave where speeds are somewhat safer. However there still exist a couple of safety issues on Dell for cyclists. One is that large vehicles are still being allowed to park on the west side of Dell Ave in the 1000ft or so going south in front of the Vasona Technology Park (see attached photos of the location) and also on the south side of Hacienda in front of the Kaiser facility. The street is too narrow to allow both a cyclist and traffic in both directions to pass one another. Sharrows are not a good alternative here because cars seeking to avoid Winchester or going to and from the businesses on Dell regularly speed down Dell Ave and I have never seen any speed

enforcement in the area. Please at the very least put up more signs so that Vehicles over 6' tall are not allowed to park in these sections, just like they are not allowed on most of the rest of the street. Also please install a speed control sign and/or step up patrols on this street to control speeders.

I hope that you will consider my thought in your planning process for this area.

Janet Hoffmann

Campbell

## Andrea Sanders

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**Subject:** FW: Reg: 1700 Dell Ave projects

**From:** raja

**Date:** February 4, 2020 at 10:24:22 AM PST

**To:** "[anneb@cityofcampbell.com](mailto:anneb@cityofcampbell.com)" <[anneb@cityofcampbell.com](mailto:anneb@cityofcampbell.com)>, "[lizg@campbellca.gov](mailto:lizg@campbellca.gov)" <[lizg@campbellca.gov](mailto:lizg@campbellca.gov)>, "[paulr@cityofcampbell.com](mailto:paulr@cityofcampbell.com)" <[paulr@cityofcampbell.com](mailto:paulr@cityofcampbell.com)>, "[richw@campbellca.gov](mailto:richw@campbellca.gov)" <[richw@campbellca.gov](mailto:richw@campbellca.gov)>, "[susanl@campbellca.gov](mailto:susanl@campbellca.gov)" <[susanl@campbellca.gov](mailto:susanl@campbellca.gov)>

**Subject:** Reg: 1700 Dell Ave projects

Hi

My address is [REDACTED], located in san thomas area.

I am sending this email as I cannot attend the and talk in person due to my travel schedule.

Dell area is about 110 acres.

That area does not make look safe now, i tried taking my 5 year old daughter for a walk/park and was not comfortable at all. The county park located on dell avenue is unmaintained and is in a very bad condition. Lots of homeless people hanging out.

### POTENTIAL:

It is located by the los gatos creek and ponds.

It has a huge potential for mixed used properties of work, live and play kind of environment with a water front containing walk/bike ways around the water. This area is not attached to any residential areas boxed by either a railway line, Winchester boulevard or the highway.

Area Development plan proposed by planning staff was shot down. Development plans by property owners are being discouraged.

Why is city denying development of this area for those of us who live close by?

### Parks:

In a previous council meeting where park fees were discussed, Council Women Gibbons has pushed for increase in fees for parks to justify acquiring of land for parks.

Dell area is a ripe opportunity to get required park land at no cost. 2% of the acreage will deliver large and beautiful parks.

Let others do it for you.

Property ownership business who are willing to give a fresh life to that area. The amount they are committing to is huge. Business look for return on investment the same way you and I look for ROI. City residents can get beautiful parks and boast of water front development if the businesses are allowed to have more sqft.

Please do not stifle :

Dell area is attached to parcels containing NetFlix, Roku and a large apartment building located in los gatos.

While Campbell is stifling improvements and beautification to that area, Los Gatos has done remarkable well.

Regarding STACC objections:

I have been at the planning commission session about this development and none of the people who are objecting from the STACC seems to use the area or have intentions to care about. Representatives of STACC repeatedly keep mentioning that they have been living in San Thomas area for long long time. STACC does not represent the wishes of the younger population in the area.

I live in the San Thomas area, I have friends who live in the area. We have only made this area our home in the recent years. We have children of preschool age to elementary. We all want a nice area to walk, bike and get food etc. Dell area has the potential to offer these in a beautiful water front setting.

If rallying ppl to meetings is the only way to make common sense flow to these meetings, we can definitely form a new San Thomas area group who can rally behind new development.

But I am hoping the City Council can recognize the need for the gentrification of Dell area without having to do that.

Thanks

Raja Pallela

Ps: pardon any typos, composing & sending this email from an aero plane.

## Andrea Sanders

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**Subject:** FW: Dell Project Proposal

**From:** David Boyd

**Sent:** Monday, February 3, 2020 5:19 PM

**To:** Susan M. Landry <[susanl@campbellca.gov](mailto:susanl@campbellca.gov)>; Liz Gibbons <[lizzg@campbellca.gov](mailto:lizzg@campbellca.gov)>; Paul Resnikoff <[paulr@campbellca.gov](mailto:paulr@campbellca.gov)>; Anne Bybee <[anneb@campbellca.gov](mailto:anneb@campbellca.gov)>; Rich Waterman <[RichW@campbellca.gov](mailto:RichW@campbellca.gov)>

**Cc:** Planning Division <[planning@campbellca.gov](mailto:planning@campbellca.gov)>; Jessica Boyd <[jess.boyd288@gmail.com](mailto:jess.boyd288@gmail.com)>

**Subject:** Dell Project Proposal

Dear Council,

I was excited hear about the new project proposed at 1700 Dell Avenue from my neighbor. Many of my friend of their time driving out of Campbell every day to work because the City does not have many large employers. great and I'd definitely prefer to work on Dell Avenue right off the creek trail. I'd be able to walk and bike to w traffic and save money (gas). Not to mention the environmental impact of removing the auto emissions from c day. It'd be life changing to no longer be commuting out of the area. Please approve the proposed project at 1

Cheers,

David or Jessica Boyd  
Campbell, CA 95008



## San Tomas Area Community Coalition

1509 Walnut Dr.  
Campbell, CA 95008

408.410.6528 phone  
info@staccna.org  
<http://staccna.org>

City of Campbell  
70 N. First Street  
Campbell CA 95008

February 4, 2020

**Attn:** Susan M. Landry, Mayor  
Liz Gibbons, Vice Mayor  
Paul Resnikoff, Council Member  
Anne Bybee, Council Member  
Rich Waterman, Council Member  
Paul Kermoyan, Director Community Development Department  
Brian Loventhal, Campbell City Manager

**Subj:** Process

Dear Councilmembers and Staff:

The public provides input on a project that is heard at the SARC Committee, then the Planning Commission, then maybe the City Council. Sometimes it is before the PC or SARC more than once. At each step of the way the public can submit comments. What happens though, is that the public comments don't seem to travel along with the project.

I've been told in the past that this is because often the project changes so the original comments are no longer relevant. For instance, there was a home submitted and STACC commented on the size, shape, lack of articulation during the SARC meeting. The resident subsequently made a few changes to the design and went to SARC a second time, then moved on to the PC. While we submitted an additional letter describing the pleasant working experience with the home owner and the changes that were made to bring the project into better alignment with the STANP, none of the original documentation from STACC or the neighbors was attached to the document the PC saw.

I think the progression of a project, particularly when the developer or home owner has made changes based on feedback from the community, is really important. It's a bit like leaving out the beginning of a fairy tale and just getting to the part where Hanzel and Gretel toss the witch in the fire. There is no context of WHY they would want to do such a terrible thing! 😈

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The public right to comment on development in the City of Campbell, regardless of it being residential, commercial or retail, is an integral part of our governmental process. The lack of transparency exhibited in the current policies nullifies the entire concept of public participation. I urge the City Council to revise the city policy so that public commentary follows the project throughout the entire review process.

Thanks for listening.

Best regards,

A handwritten signature in black ink that reads "Audrey Kiehtreiber". The signature is written in a cursive style with a large initial 'A'.

Audrey Kiehtreiber, President