CITY OF SANTA CLARA

www.santaclaraca.gov

CITY COUNCIL MEETING

AGENDA

A complete agenda packet with back-up reports is available at either City Library beginning Saturday before the Tuesday meeting or at the City Clerk's Office on weekdays. A complete agenda packet is also available at the City Council meeting and on the City's website.

June 10, 2014

5:00 pm
Development Study Session
City Hall Council Chambers
New Housing Development Impact Fee Nexus Study & Draft Ordinance

6:00 pm
Interviews to fill vacancy on the Parks and Recreation Commission
Lobby area adjacent to the City Clerk's Office

6:30 pm
Closed Session
Council Conference Room
Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6
City designated representative: Julio J. Fuentes, City Manager (or designee)
Employee Organization(s):
Unit # 1 - Santa Clara Firefighters Association, IAFF, Local 1171
Unit # 2 - Santa Clara Police Officer's Association
Unit # 3 - IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit # 4 -City of Santa Clara Professional Engineers
Units # 5, 7 & 8 - City of Santa Clara Employees Association
Unit # 6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit # 9 - Miscellaneous Unclassified Management Employees
Unit # 9A - Unclassified Police Management Employees
Unit # 9B - Unclassified Fire Management Employees
Unit # 10 - PSNSEA (Public Safety Non-Sworn Employees Association)
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 104-03-038, 104-03-039, 104-030-040, 104-43-50, 104-55-16 and 104-43-049
Negotiating Party(ies): Larry MacNeil and Jim Mercurio, The San Francisco 49ers
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Parking Rights Agreement
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 097-01-039, 097-01-073, 104-01-102 and 104-03-036
Negotiating Party(ies): William A. Witte, President, Related California

City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 104-03-036, 104-03-038, 104-03-039 and 104-03-040
Negotiating Party(ies): Kurt Wittek, Montana Property Group, LLC
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)
and
Conference with Real Property Negotiator
Pursuant to Government Code Section 54956.8
Property: APN 224-28-035
Negotiating Party(ies): Don Jessup, Silicon Valley Associates
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property
(provisions, price and terms of payment)
and
Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(a)
D.E. Restaurant, Inc. and D.E. II Restaurants, Inc. v. City of Santa Clara, et al.
Santa Clara County Superior Court Case No. 114CV264438
and
Conference with Legal Counsel - Anticipated Litigation
Pursuant to Government Code Section 54956.9
Potential exposure to litigation: 1 potential case
and
City Council/Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency
Conference with Legal Counsel - Existing Litigation
Pursuant to Government Code Section 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.
Sacramento County Superior Court Case No. 34-2013-80001396

REGULAR MEETING
7:00 PM in the City Hall Council Chambers

APPEAL OF HEARING DECISIONS OF THE CITY COUNCIL MUST BE MADE TO THE SUPERIOR COURT WITHIN 90 CALENDAR DAYS OF FINAL ACTION. BECAUSE OF THE AGENDA PROVISION FOR RECONSIDERATION, FINAL ACTION IS DEEMED TO OCCUR AT THE END OF THE NEXT REGULAR MEETING PURSUANT TO CITY COUNCIL POLICY (P&P 042). (CODE OF CIVIL PROCEDURE SECTION 1094.6)

1. PLEDGE OF ALLEGIANCE AND STATEMENT OF VALUES:

2. ROLL CALL:

3. APPROVAL OF MINUTES:

A. May 6, 2014.

4. CONTINUANCE/EXCEPTIONS:

A. The public hearing for an appeal of a Planning Commission action for the project located at 1593 Lexington Street has been continued to August 26, 2014.

B. The public hearing for the Great America Campus Expansion project located at 4301 Great America Parkway has been continued to a future meeting.

5. SPECIAL ORDER OF BUSINESS:

A. Interviews and appointment of one applicant to fill the vacancy on the Civil Service Commission for the full term ending June 30, 2018.

B. Appointment of one applicant to fill the vacancy on the Parks and Recreation Commission for the full term ending June 30, 2018.

C. Recognition of outgoing Commissioners.

D. Promotion of the Silicon Valley Barbeque (BBQ) Championships to be held June 27-28, 2014 in Central Park.

E. JOINT PUBLIC HEARING: City Council (Council), City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara (Successor Agency), Sports and Open Space Authority (SOSA), and Housing Authority Annual Budget for Fiscal Year 2014-15:

1. Approval of the City of Santa Clara Proposed 2014-15 total budget, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget).
2. Approval of the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.
3. Approval of the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.
4. Approval of the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.
5. Approval of the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign.
6. Approval of the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund.
7. Adoption of a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650.

6. UNFINISHED BUSINESS:

A. Possible Reconsideration of Actions Taken at Immediately Preceding Meeting. (See Summary of Actions for potential reconsideration, which is attached to the posted Agenda and is in the Agenda Packet Binder in the Council Chambers.)

7. CONSENT CALENDAR:

[Items listed on the CONSENT CALENDAR are considered routine and will be adopted by one motion. There will be no separate discussion of the items on the CONSENT CALENDAR unless discussion is requested by a member of the Council, staff, or public. If so requested, that item will be removed from the CONSENT CALENDAR and considered under CONSENT ITEMS PULLED FOR DISCUSSION.]

A. Departmental Reports

1. Approval of the revised job description for Fire Marshall.
2. Approval of the revised job description for Building Official.
3. Adoption of a Resolution repealing Resolution No. 5768, Section 1, which established a handicapped zone in front of 3323 Vincent Drive.
4. Approval to publish the July 2014 *Mission City SCENES*.
5. Note and file the Departmental Activity Report for the month of March 2014.
6. Acceptance of a donation from Lois and Stephen Smallwood, in the amount of $100, for the Roberta Jones Junior Theatre program and authorization to transmit a letter of appreciation.
7. Approval of the revised job description for Executive Assistant to Mayor and City Council.
8. Adoption of a Resolution declaring a temporary restriction and control of animals at the Santa Clara All-City Picnic and Santa Clara Fireworks Show to be held July 4, 2014 at Central Park.
9. Adoption of a Resolution declaring the temporary restriction and control of animals at the Silicon Valley Barbeque (BBQ) Championships to be held June 27-28, 2014 at Central Park.
10. Adoption of a Resolution declaring a temporary restriction and control of animals at the Santa Clara Art and Wine Festival to be held September 13-14, 2014 at Central Park.
11. Adoption of Ordinance No. 1926 which amends Chapter 5.35 (Taxicabs) of Title 5 (Business Licenses and Regulations) of the City Code to ensure that pedicabs are regulated like taxicabs.
12. Approval of the Public Benefit Programs outlined in the Public Benefits Program Proposal for Fiscal Year 2014-2015 through Fiscal Year 2018-2019, in an amount not to exceed $12,310,184 for Fiscal Year 2014-2015, and authorization to make programmatic changes as necessary.
13. Authorization for Council Members Davis, Kolstad and Mahan to attend the American Public Power Association (APPA) National Conference, in an amount not to exceed $9,000, June 14-18, 2014 in Denver, Colorado.
14. Adoption of a Resolution committing $5.83 million to affordable housing purposes to secure a matching commitment of former Redevelopment Housing funds, in the amount of $8.14 million, from the County of Santa Clara.

B. Agreements

1. Approval of an Agreement for the Performance of Services with Intertie Energy Market Solutions, LLC, in an amount not to exceed $220,100, for front, middle and back office system reporting support for the Electric Power Trading Division.
2. Approval of a Professional Services Agreement between the Northern California Power Agency (NCPA) and the Cities of Alameda, Palo Alto, and Santa Clara [the Bay Area Municipal Transmission (BAMx) Service Agreement], in an amount not to exceed $521,512.50, for transmission services.
3. Approval of Call No. 14-1 for Professional Services with MTH Engineers, Inc., in an amount not to exceed $62,430, for preliminary engineering and fixture selection for the El Camino Real Street Lighting Improvement Project.
4. Approval of an Agreement for the Performance of Services with Fairway Painting, Inc., in a total not to exceed amount of $450,000, for painting and sealing services at the Santa Clara Convention Center Complex (Maintenance Assessment District #183).
5. Approval of an Agreement for the Performance of Services with Waterproofing Associates, Inc., in an amount not to exceed $114,392, for the Youth Activity Center gymnasium roof repair and authorization to make minor, non-substantive modifications, as necessary.
6. Approval of an Agreement for the Performance of Services with UniFirst Corporation, in an amount not to exceed $150,000, to provide flash resistant clothing rental services for the Electric Department employees.
7. Approval of Amendment No. 1 to the Agreement with Stewart Training Services, in an amount not to exceed $175,000, for technology training and support services.
8. Approval of an Agreement for the Performance of Services with Thermal Mechanical, in an amount not to exceed $445,000, for the replacement of the Central Park Library Air Handler Units 2, 3 and 4 and authorization to make minor non-substantive modifications, if needed.
9. Approval of Amendment No. 1 to the Agreement for the Performance of Services with Arini Geographics, LLC, in an amount not to exceed $600,000, for Enterprise Geographic Information Systems (GIS) consulting services.

C. Reports for Information and Possible Action

1. Status update of 166 Saratoga Project - Bayto Townhomes.

D. Minutes to Note and File

1. Planning Commission - March 12, 2014.
2. Youth Commission - March 11, 2014.
3. Youth Commission - February 11, 2014

E. **Routine Written Petitions for Approval**

1. Michael Sammut, Unica Party Rentals - 3975 Freedom Circle: Request for a Special Permit to allow a temporary 30 by 30 square foot tent on an existing parking garage. Staff recommendation: Approval (retroactive), subject to conditions (PLN2014-10375).

8. ITEMS SET FOR HEARING:

[Planning Commission items not being appealed, or which are not related to an appeal, will be heard under BOARDS AND COMMISSIONS FOR ACTION.] If you challenge a City Council land use decision in court, you may be limited to raising only those issues you or someone else raised at this hearing before the City Council or in written correspondence delivered to the City at, or prior to, the City Council hearing on the matter. (California Government Code Section 65009)

A. **Santa Clara Square Project - 2620-2790, 2425, 2465 and 2475 Augustine Drive**

Adoption of a Resolution approving Addendum No. 2 to the Augustine-Bowers Office Park Environmental Impact Report (EIR); adoption of a Resolution approving General Plan Amendment No. 80 from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II and III]; adoption of a Resolution rezoning from Planned Development (PD) to Planned Development (PD) [Retail Center] and from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III] to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, subject to conditions; adoption of a Resolution approving the Vesting Tentative Parcel Map to remove existing lot lines on the 13.8 acre Retail Center portion of the project site, subject to conditions; pass to print an Ordinance to approve the Second Amendment to the Development Agreement with The Irvine Company LLC, 2525 Augustine Drive LLC, and 3255 Scott Boulevard LLC; and refer the project design, including the sign program, to the Director of Planning and Inspection for review and approval for the Retail Center and to the Architectural Committee for Office Phases II and III (PLN2014-10256, PLN2014-10257, PLN2014-10258, PLN2014-10259, PLN2014-10260, PLN2014-10381, CEQ2014-01172).

B. Adoption of a Resolution overruling any other protests and ordering that the alternative method for the levy of special benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183 and approving, confirming, and adopting the Director's Report for Fiscal Year 2014-15.

C. Adoption of a Resolution overruling protests and ordering that the alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122 (Franklin Square) and approving, confirming, and adopting the Director's Report for Fiscal Year 2014-15.

9. BIDS AND PROPOSALS:

A. Award of contract for the Santa Clara Various Streets and Roads Preservation Project for Benton Street, Los Padres Boulevard, and Lincoln Street to Granite Construction Company, in the amount of $1,689,382.80, and authorize change orders up to approximately 10% of the original contract price, or $169,000, for a total not to exceed amount of $1,858,382.80.

10. BOARDS AND COMMISSIONS FOR ACTION:

A. Senior Advisory Commission Minutes - March 24, 2014: Request to note and file.
* Recommendation for the Senior Center to advertise and promote speakers of interest to the senior community before the monthly Commission meetings.

B. Civil Service Commission Minutes - May 12, 2014: Request to note and file.
* Recommendation to approve the modified job specification for Staff Analyst II.

11. CONSENT ITEMS PULLED FOR DISCUSSION:

12. PUBLIC PRESENTATIONS:

This item is reserved for persons to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. The law does not permit Council action on, or extended discussion of, any item not on the agenda except under special circumstances. The Council, or staff, may briefly respond to statements made or questions posed, and the Council may request staff to report back at a subsequent meeting. Although not required, please submit to the City Clerk your name and subject matter on forms available by the door in the Council Chambers.

13. REPORTS FOR COUNCIL ACTION:

A. Acceptance and appropriation of a donation from the South of Forest Neighborhood Association (SOFNA), in the amount of $2,448.64, for the proposed improvement to the Parkway Park pathway and authorization to transmit a letter of appreciation.

B. Approval to transfer funds, in the amount of $5,000, to The Alameda (Mission Street - Hilmar Street) Parking Improvements Project and approval of Change Order No. 1 with Wattis Construction Company, for a net increase of $36,111.83, to allow construction of additional Water facilities and installation of planting soil in the project area (CE 12-13-07).

C. Approval of an additional appropriation, in the amount of $71,000, to the Zoning Code Update Project and approval of a Professional Services Agreement with Pacific Municipal Consultants (PMC), in an amount not to exceed $159,980, to prepare a zoning code update.

14. BILLS AND CLAIMS/PROGRESS PAYMENTS:

(Lists are available in the Council Office and the City Clerk's Office.)

A. Approval of Bills and Claims and Progress Payments.

15. REPORTS OF COUNCILORS AND SPECIAL COUNCIL COMMITTEES:

A. Reports regarding conference attendance, if any.

B. Approval of the Additional Soccer Fields Committee recommendation to reduce the Youth Soccer Park Advance Reservation Policy time from ten days to two days and allow Friday games and authorization to adjust guidelines as needed.

C. Approval of the Additional Soccer Fields Committee recommendation to refer Montague Park and/or Jenny Strand Park Solar R&D Site to the City Manager to conduct a community outreach and site planning process for the potential development of soccer fields, related park facilities and mitigation of impacts or direct staff to develop other alternatives.

1. Correspondence received through June 4, 2014.

16. CITY MANAGER REPORTS:

17. CLOSED SESSION MATTERS:

A. City Attorney Reports:

B. Approval to set June 24, 2014 at 6:00 pm for a Closed Session in the Council Conference Room for a Conference with legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.,* Sacramento County Superior Court Case No. 34-2013-80001396.

18. ADJOURNMENT:

A. To Tuesday evening, **June 24, 2014** at 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

Meeting Date: June 10, 2014

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5:00PM

Santa Clara All-America City 2001

Date: June 4, 2014

To: City Manager for Council Information

From: Director of Parks & Recreation

Subject: Development Study Session—
New Housing Development Impact Fee Nexus Study & Draft Ordinance

EXECUTIVE SUMMARY:

In April 2013, the City Council adopted a set of Council Goals including to "Ensure Fiscal Responsibility." One of the supporting Strategic Objectives was to "*Develop a new Housing Development Impact Fee for parks acquisition and recreation facility development.*" In May 2013, Willdan Financial Services, Inc. was contracted by the City to conduct the Nexus Study and to work in collaboration with the Parks & Recreation Department. Additional departments assisting in the study included Planning, Finance, City Attorney and Economic Development. The purpose of this report is to transmit to the City Council for review at the June 10, 2014 Development Study Session the Administrative Draft of the *New Housing Development Impact Nexus Study* and to submit for comment the draft of *"An Ordinance Adding a New Chapter 17.35 "Park and Recreational Land" to Title 17 ("Development") of "The Code of the City of Santa Clara, California."* See Exhibits A & B attached to this report. The study session will allow for Council input prior to formal review on June 24, 2014.

Background. The City General Plan 2010-2035 (Plan) includes several policies and goals related to the provision of parks, open space and recreation facilities.[i] Among the tasks anticipated were to complete a Parks & Open Space Needs Assessment, to consider increasing the existing park acres per 1000 residents ratio from a standard of 2.4 to 3.0, and to complete an assessment of and identify funding opportunities for new parkland and/or recreational facilities. In 2010, the existing population of the City of Santa Clara was 116,468. The projected growth over the duration of the Plan was 38,332 resulting in a total population of 154,800. In order to provide the same level of service (2.53 acres per 1000 residents) to new residents and not adversely impact existing parkland resources,[ii] the best practice is to pay for new public parkland and facilities as growth occurs.

State Law & Comparable City Practices. To meet the demand for new neighborhood and community parkland generated by new residential subdivisions and new non-subdivided residential projects such as apartments, all ten (10) of the comparable cities evaluated have adopted ordinances consistent with the State of California's Quimby Act[iii] enacted in 1977 and revised in 1982 (Quimby) and the State's Mitigation Fee Act[iv] enacted in 1987 (MFA). In contrast, only the City of Santa Clara has neither a Quimby nor a MFA method to address and fund parkland acquisition and development for new residents (See Table A). The City relies solely upon its Dwelling Unit Tax adopted in 1969 and development agreements or other general fund sources. Perhaps as a result, the City of Santa Clara ranks lowest in level of service standards at 2.4 park acres per 1000 residents, compared to neighboring cities which provide between 3.0 up to to 5 acres per 1000 residents.

Table A—Comparable Parkland Acquisition & Dedication Ordinances			
City	Municipal Code Titles (Date)	Type	
		Quimby—LOS	MFA
Campbell	Park Impact Fees and Land Dedication Subdivisions (1994)	Yes – 3 .0	
Cupertino	Parkland Dedication Ordinance (1986, 2011)	Yes – 3.0	
Fremont	Development Impact Fees (1990)	Yes – 5.0	Yes
Gilroy	Public Facilities Impact Fees (2004)		Yes
Milpitas	Dedication of Land or Payment of Fee or Both, for Recreational Purposes (1976, 1998, 2001)	Yes – 3.5	
Morgan Hill	Development Impact Mitigation Fees (1993, 2003, 2009)		Yes
Mtn. View	Park Land Dedication or Fees In Lieu Thereof (1997)	N/A—3 .0	Yes
Palo Alto	Parkland Dedication or Fees In Lieu Thereof (2006)	Yes – 5.0	
San Jose	Parkland Dedication Ordinance (1988)	Yes – 3.0	
	Park Impact Ordinance (1992)		Yes
Santa Clara	*Dwelling Unit Tax (1969) $15 1st bedroom+$5 add, max $50/unit*	*No – 2.4*	*No*
Sunnyvale	Park & Open Space Dedication (1986, 1999, 2009, 2011)	Yes—4.25	Yes

The City's ability to fund acquisition and development of future parkland and recreation facilities to meet growth needs is further limited by the method and limited amount of the fee. The City's fee is based on a set 1969 "per bedroom" amount of $15 for the first bedroom, $5 for each additional bedroom, and limited to $50 per housing unit. Even if corrected for inflation, in 2014 values, the $15 fee is $96.90 and $5 is $32.30. Comparable cities fees are set by rationally based formulas that take into consideration variables such as the type of housing (single family/multi-family) and occupant density (average persons per unit), and the Fair Market Value of land. Using such formulas, comparable cites are receiving from about $5,000 dollars per unit in Morgan Hill, to almost $39,000 per unit in North San Jose. In terms of total revenues generated from development for parkland acquisition, the City of Santa Clara ranked lowest in FY 2012-13 with less than $895 annual parkland fee revenues and no parkland dedication. Comparable cities' revenues were between $618,000 and $24 million dollars per year (after dedication of parkland and receiving credit for on-site park amenities). The City of Santa Clara has accumulated less than $9,500 in total over the past five (5) fiscal years.

Table B—Comparable Cities' Fees Collected FY 2012-13	
Campbell	**$618,323**
Cupertino	**$2,484,000**
Fremont	**$2,671,792**
Morgan Hill	**$1,601,885**
Mtn. View	**$13,268,690**
Palo Alto	**$1,284,000**
San Jose	**$24,100,000**
Santa Clara	***$895***
Sunnyvale	**$3,330,249**

The New Housing Development Impact Nexus Study. The Administrative Draft of the *New Housing Development Impact Nexus Study* prepared by Willdan Financial Services, Inc. is comprised of a series of eleven (11) data tables and narrative, organized into five chapters that document and establish the maximum justified public facilities fee for parks and recreation. It establishes the "nexus" between the impact of new housing development, amount of parkland needed to serve new residents, and the amount of the fees due in lieu of dedication. Chapter 1 provides a background, facility standards and cost allocation approach used in the study. Chapter 2 provides analysis of land use types, growth projections, and housing occupant density. Chapter 3 summarizes the existing park and recreation facilities inventory for Santa Clara and derives park facility standards (Quimby 3.0; MFA 2.53 acres per 1000 residents), unit costs, facilities to accommodate new growth, parks cost per capita and an initial fee schedule. See Table C below for a comparison of comparable cities' adopted fees and the proposed fee value for Santa Clara substantiated by the Nexus Study. Chapter 4 discusses the implementation process. Chapter 5 summarizes the five statutory findings required for adoption of the proposed fee ordinance in accord with the Mitigation Fee Act; followed by Appendices.

Table C—Comparable Cities' Fees
(Fee/Dwelling Unit Type) (based on land values)

City/Area	Single Family	Multi Family	Secondary Residential Unit <700sqft
North San Jose	$38,900	$34,800	$5,900
Santa Clara (Quimby Act Fee)	*$34,849 **	*$26,918 **	*$4,575 **
Santa Clara (Mitigation Fee Act)	*$29,764 **	*$22,990 **	*$3,900 **
Mountain View	$25,000	$25,000	n/a
Downtown San Jose	$21,600	$19,300	$3,250
West San Jose	$19,500	$17,400	$2,950
Campbell	$17,105	$17,105	n/a
Cupertino	$15,750	$9,100	n/a
Fremont	$11,578	$9,500	$3,196
Palo Alto	$10,639	$6,964	$3,521
South San Jose	$8,700	$7,700	$1,300
Morgan Hill	$4,987	$4,805	n/a
Sunnyvale	$69/sf	$69/sf	$69/sf

Comparable cities' fees are actuals adopted by resolution. *Santa Clara values are proposed based on the maximum amount justified in the *New Housing Development Impact Nexus Study;* see tables 9a and 9b. If the ordinance is approved, Council will adopt an annual fee resolution to set actual fees to be charged using Fair Market Value. See ordinance 17.35.040.

Community Input. The Department conducted a series of outreach and community input sessions to share preliminary data and initial information from the Nexus Study, to raise concerns and to consider ways to incorporate suggestions in to a draft ordinance. Publicly noticed meetings included: Developer Focus Group Meetings on March 5, and April 7, 2014; Planning Commission review on March 12, 2014; Parks & Recreation Commission reviews on March 18, and April 15, 2014. Additional feedback was gleaned from the Parks & Recreation Department public opinion survey of 400 residents conducted by Strategic Research Associates from March 5 to April 5, 2014.

Proposed New City Ordinance—Chapter 17.35 "Park and Recreational Land Implementation. Based on the community and developer input, and a review of comparable ordinances, staff developed and refined the draft ordinance to include findings for both Quimby and Mitigaton Fee Act. If a development is subject to the Quimby Act, then fees would be based on 3 acres per 1000 residents; for all other development, the City will calculate land dedication/fees based on the existing standard (2.53) through the Mitigation Fee Act. For subdivisions greater than 50 parcels/units, there is a dedication of parkland, a fee, or a combination of the two. For subdivision of less than 50 units, only a fee will be required. The ordinance provides a formula for calculation of the parkland acreage required: average density times the Standard divided by 1000. For example: 2.9 x 3.0 / 1000 = .0087 acres/ unit. The fees will be based on Fair Market Value of land otherwise required to be dedicated as established by an annual survey of land for each of the 3 sub areas of the City 95050, 95051, 95054. Once collected the fees will be used as provided in Quimby & MFA: land acquisition; improvement, and rehabilitation. Quimby cannot be used for maintenance. The priority for establishing new parks will be on acquisition in underserved areas and completion of additional parks facilities/development. The ordinance includes credits. The limit of 25% recognizes the fact that residents use off-site community and neighborhood parks & facilities and that private open space and recreational amenities conversely are not available to the general public. The credit incentives are toward dedicating land for public park purposes and active and useful recreational amenities by aggregating four or more elements on a minimum space of .75 acres. There is an additional Senior & Low Income Housing Credit of 15%.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Advantages. Adoption of the proposed ordinance will add a new Chapter 17.35 titled "Park and Recreational Land" to Title 17 ("Development") of City code that will allow the City to acquire and develop between 96.98 acres and 115 acres of parkland to meet the demand for new neighborhood and community parkland generated by new residential subdivisions and new non-subdivided residential projects.[v] Under the new ordinance, if the new development does not dedicate the new parkland, then the City would receive fees in lieu of dedication valued between $385 million and $452 million over the General Plan horizon of 2010-2035.

From a development perspective, the ordinance proposes up to 25% credit for on site dedication of parkland, private open space and recreational facilities assuring both adequate parkland for new residents, and a financial incentive to the developer for including an attractive feature that adds tangible marketable value, particularly in denser housing types. Any fees charged to the developer are one-time costs that are generally passed on to the new resident owner through sales price or amortized over a period of time and apportioned on a per unit basis to occupants through lease payments. Since the Great Recession, the housing market has rebounded with values remaining strong and rising. Since all surrounding cities already have parkland dedication ordinances in place at the same or higher standard, implementation of the ordinance in Santa Clara would not cause any long term harm to the housing market or development community. The phasing allows for a six month, graduated timeframe for full implementation of the fees.

Disadvantages. Due to the timeline for phase-in of approximately six months, projects with development applications already "deemed complete" ("in the pipeline") will be exempt from the new ordinance.

ECONOMIC/FISCAL IMPACT:

If the ordinance were adopted, new residential development would be required either to dedicate the new parkland and facilities, or pay fees to the City in lieu of dedication. The estimated value is between $385 million and $452 million over the General Plan horizon of 2010-2035. Without the ordinance, the parkland standard may decrease below the existing 2.53 acres per 1000. This could potentially degrade the existing park system due to the additional impacts caused by cumulative growth, increasing Capital costs. Or, the City would have to identify yet unknown/undedicated sources of Capital funds in an equivalent amount to acquire parkland and develop new facilities to meet the additional growth needs.

NEXT STEPS:

The Planning Commission will review the ordinance for findings consistent with the General Plan on June 18, 2014. The adoption of *An Ordinance Adding a New Chapter 17.35 "Park and Recreational Land" to Title 17 ("Development")* will be placed on the City Council Meeting Agenda for action on June 24, 2014. If City Council "passes to print" the ordinance, the City Attorney's Office will prepare a summary and forward to the City Clerk's Office for publication. The City Clerk's Office publishes the summary and posts it in three public places. The City Clerk's Office will then prepare a draft Agenda Report for final adoption (second reading). The ordinance, if adopted, will go into effect after 60 days.

James Teixeira

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
Exhibit A—New Housing Development Impact Nexus Study Administrative Draft
Exhibit B—Draft of "An Ordinance Adding a New Chapter 17.35 ("Park and Recreational Land") to Title 17 ("Development") of "The Code of the City of Santa Clara, California

F:\Council Agenda-New Housing Development Impact Fee Nexus Study & Draft Ordinance-Study Session 06-10-2014.doc

---

[i] City of Santa Clara General Plan 2010-2035, Chapter 5.1.1 P24, and Parks Open Space and Recreational Goals 5.91- G1 to G4 and Policies P1 to P21).
[ii] If sufficient new acreage and facilities is not provided, then there is a deficit and the existing park facilities will experience increased demand, density of use beyond capacity, diversity of use beyond design criteria, and accelerated/premature deterioration.)
[iii] Quimby Act—California Government Code Section 66477.
[iv] Mitigation Fee Act—California Government Code Section 66000ff.
[v] Depending upon whether the combination of new development is subject to either Quimby or MFA as well as other factors such as the Fair Market Value of land determined by annual survey for each of the 3 ZIP code areas of the City.

CITY OF SANTA CLARA

PARK AND RECREATION FACILITIES DEVELOPMENT IMPACT FEE STUDY

ADMINISTRATIVE DRAFT

MAY 28, 2014

WILLDAN Financial Services

Oakland Office
1939 Harrison Street
Suite 430
Oakland, CA 94612
Tel: (510) 832-0899
Fax: (510) 832-0898

Corporate Office
27368 Via Industria
Suite 110
Temecula, CA 92590
Tel: (800) 755-MUNI (6864)
Fax: (909) 587-3510

Other Regional Offices
Lancaster, CA
Memphis, TN
Orlando, FL
Phoenix, AZ
Sacramento, CA
Seattle, WA

www.willdan.com

Table of Contents

1. INTRODUCTION 2

Background and Study Objectives 2
Public Facilities Financing In California 2
Organization of the Report 3
Facility Standards and Cost Allocation Approach 3

2. LAND USE ASSUMPTIONS 4

Use of Growth Projections for Impact Fees 4
Land Use Types 4
Growth Projections for City of Santa Clara 4
Occupant Densities 5

3. PARKS & RECREATION FACILITIES 6

Existing Park and Recreation Facilities Inventory 6
Improved Parkland Equivalent 8
Park Facility Standards 9
Parkland Unit Costs 10
Facilities Needed to Accommodate New Development 11
Parks Cost per Capita 12
Use of Fee Revenue 12
Fee Schedule 13

4. IMPLEMENTATION 15

Impact Fee Program Adoption Process 15
Inflation Adjustment 15
Reporting Requirements 15
Fee Accounting 15
Programming Revenues and Projects with the CIP 15

5. MITIGATION FEE ACT FINDINGS 17

Purpose of Fee 17
Use of Fee Revenues 17
Benefit Relationship 18
Burden Relationship 18
Proportionality 18

APPENDIX 20

1. Introduction

This report summarizes an analysis of the need for public facilities and capital improvements to support future development within the City of Santa Clara through 2035. It is the City's intent that the costs representing future development's share of these facilities and improvements be imposed on that development in the form of a development impact fee, also known as a public facilities fee. The public facilities and improvements included in this analysis of the City's public facilities fee program all fall into the parks and recreation facilities category.

Background and Study Objectives

The primary policy objective of a public facilities fee program is to ensure that new development pays the capital costs associated with growth. To fulfill this objective, public agencies should review and update their fee programs periodically to incorporate the best available information. The primary purpose of this report is to create fees that incorporate current capital facility plans to serve a 2035 service population for the City of Santa Clara.

In 2013, the Santa Clara City Council adopted a strategic objective to develop a draft new housing development impact fee ordinance for parks acquisition and recreation facility development to meet its continued goal of ensuring fiscal responsibility. In May 2013, Willdan Financial Services was selected by the City to conduct a nexus study and to work with the City to engage stakeholders and solicit input on the study and draft ordinance processes.

The City imposes public facilities fees under authority granted by the *Mitigation Fee Act*, contained in *California Government Code* Sections 66000 *et seq.* This report provides the necessary findings required by the *Act* for adoption of the fees presented in the fee schedules contained herein.

Depending on the characteristics of the development project, the City may use the Quimby Act to calculate impact fees. The Quimby Act allows a city to require developers to dedicate at least three acres and up to five acres per 1,000 residents, if the city's existing park standard as of the last Census justifies the higher level.

Public Facilities Financing In California

The changing fiscal landscape in California during the past 30 years has steadily undercut the financial capacity of local governments to fund infrastructure. Three dominant trends stand out:

- The passage of a string of tax limitation measures, starting with Proposition 13 in 1978 and continuing through the passage of Proposition 218 in 1996;
- Declining popular support for bond measures to finance infrastructure for the next generation of residents and businesses; and
- Steep reductions in federal and state assistance.

Faced with these trends, many cities and counties have had to adopt a policy of "growth pays its own way." This policy shifts the burden of funding infrastructure expansion from existing taxpayers onto new development. This funding shift has been accomplished primarily through the imposition of assessments, special taxes, and development impact fees also known as public facilities fees. Assessments and special taxes require approval of property owners and

are appropriate when the funded facilities are directly related to the developing property. Development fees, on the other hand, are an appropriate funding source for facilities that benefit all development jurisdiction-wide. Development fees need only a majority vote of the legislative body for adoption.

Organization of the Report

The determination of a public facilities fee begins with the selection of a planning horizon and development of projections for population and employment. These projections are used throughout the analysis of different facility categories, and are summarized in Chapter 2.

Chapter 3 is devoted to documenting the maximum justified public facilities fee for parks and recreation facilities.

Chapter 4 describes the fee implementation process. The five statutory findings required for adoption of the proposed public facilities fees in accordance with the *Mitigation Fee Act* (codified in *California Government Code* Sections 66000 through 66025) are summarized in Chapter 5.

Facility Standards and Cost Allocation Approach

A facility standard is a policy that indicates the amount of facilities required to accommodate service demand. Examples of facility standards include building square feet per capita and park acres per capita. Standards also may be expressed in monetary terms such as the replacement value of facilities per capita. The adopted facility standard is a critical component in determining development's need for new facilities and the amount of the fee. Standards determine new development's fair share of planned facilities and ensure that new development does not fund deficiencies associated with the existing city infrastructure.

The parks and recreation facilities fees calculated in this report use an existing inventory demand standard translated into facility costs per capita to determine new development's fair share of planned facility costs. A cost standard provides a reasonable method for converting disparate types of facilities, in this case parkland and special use recreational facilities, into a single measure of demand (capital cost per capita). The cost standard is based on the **existing inventory** of parks and recreation facilities. New development would fund the expansion of facilities at the same rate that existing development has provided facilities to date, thus by definition, there is no existing deficiency.

2. Land Use Assumptions

This chapter describes the projections of growth used in this study. The existing service population in 2010 is used as the base year of the study and the planning horizon is the year 2035. This chapter also describes the sources of the unit costs for land and buildings used in this study.

Use of Growth Projections for Impact Fees

Estimates of the existing service population and projections of growth are critical assumptions used throughout this report. These estimates are used as follows:

- Estimates of total development in 2035 are used to determine the total amount of public facilities required to accommodate the future service population.
- Estimates of existing and new development are used to allocate the fair share of total planned facility costs between existing and new development.

Land Use Types

To ensure a reasonable relationship between each fee and the type of development paying the fee, growth projections distinguish between different land use types. The land use types used in this analysis are defined below.

- **Single-family:** Detached and attached one-family dwelling units.
- **Multi-family:** All attached multi-family dwellings such as duplexes, condominiums, plus mobile homes, apartments, and dormitories.
- **Accessory Dwelling Unit:** dwelling unit not exceeding 640 square feet in floor area, and which includes a kitchen, one-bedroom sleeping quarters, and a bathroom on a lot with an existing single-family dwelling.

The City should have the discretion to impose the parks and recreation facilities fee based on the specific aspects of a proposed development regardless of zoning. The guideline to use is the probable occupant density of the development. The fee imposed should be based on the land use type that most closely matches the probable occupant density of the development.

Growth Projections for City of Santa Clara

Park and recreation facilities in Santa Clara primarily serve residents in the City of Santa Clara. Therefore residents comprise the park and recreation facilities service population.

The base year for this study is the year 2010, the date of the most recent federal census. The planning horizon is 2035. Resident growth between 2010 and 2035 comprises the growth increment in this analysis. The Santa Clara General Plan identified total projected residents in 2035.

Table 1 shows estimates of the growth in terms of residents between 2010 and 2035.

Table 1: Parks Service Population

	Residents
Existing (2010)	116,468
Growth (2010 - 2035)	38,332
Total (2035)	154,800

Note: Figures rounded to the hundreds.

Sources: US Census, 2010; Santa Clara General Plan.

Occupant Densities

Occupant densities ensure a reasonable relationship between the increase in service population and amount of the fee. Developers pay the fee based on the number of additional housing units for residential development. The fee schedule must convert service population estimates into these measures of housing units. This conversion is done with average occupant density factors by land use type, shown in **Table 2**. The residential occupant density factors for both the various types of dwelling units were derived from the most recently available data from US Census' American Community Survey.

Table 2: Occupant Density

Residential		
Single Family	2.90	Residents Per Dwelling Unit
Multi-family and Accessory Dwelling Units	2.24	Residents Per Dwelling Unit

Sources: U.S. Census Bureau, 2010-2012 American Community Survey, Tables B25024 and B25033.

3. Parks & Recreation Facilities

The following chapter documents the nexus analysis, demonstrating the need for new park and recreation facilities demanded by new development. This analysis documents two separate fees based on the *Quimby Act* and the *Mitigation Fee Act*. The City would collect the fee based a standard of 3.0 acres per 1,000 residents if the development was subject to the *Quimby Act* land dedication requirement. For all other development, the City would collect based on the existing standard through the *Mitigation Fee Act*. The City would only collect one of the two fees depending on which was appropriate.

Existing Park and Recreation Facilities Inventory

The City of Santa Clara maintains several park and recreation facilities throughout the city. **Table 3** summarizes the City's existing parkland inventory in 2010, the year of the last census. All facilities are located within the City limits. Additionally, a list of other park facilities not included in this inventory (cemeteries and historic properties) are included in **Appendix Table A.4** for informational purposes only.

Table 3: Park Land Inventory

	Developed Acreage	Unimproved /Open Space
Community Parks		
Central Park	45.04	-
Subtotal Community Parks	45.04	-
Mini/Pocket Parks		
Geof Goodfellow Sesquicentennial Park	0.18	-
Memorial Cross Park	0.34	-
Mid Town Park (BAREC)	-	1.00
Rotary Park	0.20	-
War Memorial Playground	0.87	-
Subtotal Mini/Pocket Parks	1.59	1.00
Neighborhood Parks		
Agnew Park	1.97	-
Bowers Park	8.50	-
Bracher Park	3.45	-
City Plaza Park	1.60	-
Earl R. Carmichael Park	8.32	-
Everett Alvarez Jr. Park	1.61	-
Fairway Glen Park	4.00	-
Former Kaiser Hospital Site	-	2.30
Fremont Park	4.31	-
Fuller Street Park	2.39	-
Henry Schmidt Park	7.50	-
Homeridge Park	4.28	-
Jenny Strand Park	9.69	-
Larry J. Marsalli Park	7.19	-
Lick Mill Park	11.77	-
Live Oak Park	9.98	-
Machado Park	2.65	-
Mary Gomez Park	5.64	-
Maywood Park	6.98	-
Montague Park	5.65	-
Parkway Park	4.49	-
Steve Carli Park	1.60	-
Thamien Park	3.40	-
Warburton Park & Pool	3.95	-
Westwood Oaks Park	1.75	-
Subtotal Neighborhood Parks	122.67	2.30

Table 3: Park Land Inventory (Continued)

	Developed Acreage	Unimproved /Open Space
Public Open Space		
Agnews Historic Park, Mansion & Auditorium	14.50	-
Civic Center Park	1.63	-
Ulistac Natural Area	-	40.08
Subtotal Public Open Space	16.13	40.08
Recreation Facilities		
Reed Street Dog Park	1.72	-
Santa Clara Senior Center	2.14	-
Santa Clara Youth Soccer Park	11.00	-
Subtotal Recreation Facilities	14.86	-
Recreational Trails	3.72	3.87
Joint Use Facilities		
Mission College Sports Complex	19.40	-
Elmer Johnson Field	5.10	-
Mission City Center for the Performing Arts	-	-
Montague Swim Center	2.50	-
Townsend Field	5.00	-
Washington Park Baseball Field	8.20	-
Steve Carli Park Sports Field	3.92	-
Skate Park	0.90	-
Teen Center	1.00	-
Walter E. Schmidt Youth Activity Center	1.50	-
Subtotal Joint Use Facilities	47.52	-
Grand Total	**251.53**	**47.25**

Sources: City of Santa Clara; Willdan Financial Services.

Improved Parkland Equivalent

Before calculating the existing standards, unimproved parkland owned by the City must be converted to an equivalent amount of improved parkland. **Table 4** details this conversion. The conversion is based on the ratio of the cost of an improved acre of land relative to an acre of unimproved parkland. The City of Santa Clara Parks and Recreation Department provided the estimate of the value of unimproved park land. The estimate of the value of improved parkland is developed below in Table 6.

Table 4: Improved Parkland Equivalent

Type	Cost per Acre	Acres	Total
Unimproved Parkland[1]	$ 3,658,000		
Improved Parkland	3,977,000		
Unimproved Parkland Land Costs as a Relative Percentage of Parkland Costs	92%		
Unimproved Parkland		47.25	
	x	0.92	
Equivalent Improved Acres			43.47

Note: Figures have been rounded.
[1] Value of unimproved parkland provided by City of Santa Clara Parks and Recreation.

Sources: City of Santa Clara Parks and Recreation Department; Tables 3, 6 and A.3, Willdan Financial Services.

Park Facility Standards

Park facility standards establish a reasonable relationship between new development and the need for expanded park facilities. Information regarding the City's existing inventory of existing parks facilities was obtained from City staff.

The most common measure in calculating new development's demand for parks is the ratio of park acres per resident. In general, facility standards may be based on the Mitigation Fee Act (using a city's existing inventory of park facilities), or an adopted policy standard contained in a master facility plan or general plan. Facility standards may also be based on a land dedication standard established by the Quimby Act.[1]

Mitigation Fee Act

The Mitigation Fee Act does not dictate use of a particular type or level of facility standard for public facilities fees. To comply with the findings required under the law, facility standards must not burden new development with any cost associated with facility deficiencies attributable to existing development.[2] A simple and clearly defensible approach to calculating a facility standard is to use the city's existing ratio of park acreage per 1,000 residents. Under this approach, new development is required to fund new park facilities at the same level as existing residents have provided those same types of facilities to date.

Quimby Act

The Quimby Act does specify facility standards to use for parkland dedication. The Act only includes dedication of parkland and does not require construction of park improvements. The Act specifies that the dedication requirement must be a minimum of 3.0 acres and a maximum of 5.0 acres per 1,000 residents. Funds collected through the Quimby ordinance

[1] *California Government Code* §66477.

[2] See the *benefit* and *burden* findings in *Chapter 11, Mitigation Fee Act Findings.*

can only be used for purchasing land to create neighborhood and community parks, not open space. The city can require residential developers to dedicate above the three-acre minimum if the city's existing park standard as of the last Census justifies the higher level (up to five acres per 1,000 residents). The standard used must also conform to the City's adopted general or specific plan standards.

The Quimby Act only applies to land subdivisions. A city cannot apply the Quimby Act to development on land subdivided prior to adoption of a Quimby ordinance, such as development on infill lots. The Quimby Act also would not apply to residential development on future approved projects on single parcels, such as many types of multi-family development.

The Quimby Act allows payment of a fee in lieu of land dedication. The fee is calculated to fund acquisition of the same amount of land that would have been dedicated. The fee does not include the cost of park improvements because the land dedication requirement does not include improvements.

The Quimby Act allows use of in-lieu fee revenue for any park or recreation facility purpose. Allowable uses of revenue include land acquisition, park improvements including recreation facilities, and rehabilitation of existing park and recreation facilities.

CITY OF SANTA CLARA PARK FACILITIES STANDARDS

To calculate new development's need for new parks, municipalities commonly use a ratio expressed in terms of developed park acres per 1,000 residents. **Table 5** shows the existing standard for improved park acreage per 1,000 residents and documents the City's standard as of the last Census for the Quimby Act standard.

Table 5: Existing Level of Service

	Mitigation Fee Act Standard	Quimby Act Standard
Improved Park Acreage	251.53	N/A
Unimproved Park Acreage Equivalent	43.47	N/A
Total - Park Acres	295.00	N/A
Service Population (Residents)	116,468	N/A
Level of Service Standard (Acres per 1,000 Residents)	2.53	3.00

Sources: Tables 1, 3 and 4; Willdan Financial Services.

Parkland Unit Costs

Table 6 shows the estimated cost per acre for developing parkland, including land acquisition, special use facilities and the vehicles and equipment needed to serve those facilities. The land value of $3.6 million per acre was developed based on recent land transactions within the City limits, and is detailed in **Appendix Table A.3**.

The value of special use facilities, vehicles and equipment (detailed in **Appendix Tables A.1 and A.2**, respectively), is allocated across all parkland and added to the cost of land acquisition per acre to determine the total cost to develop an acre of parkland in the City.

Table 6: Parkland Unit Costs

Item	Total Value	Cost Per Acre
Improvements and Special Use Facilities *(Appendix Table A.1)*	$ 78,100,633	
Vehicles and Equipment *(Appendix Table A.2)*	2,198,000	
Total - Special Use Facilities, Vehicles, Equipment	$ 80,298,633	
Improved Park Acres	251.53	
Improvements and Special Use Facilities Cost per Acre		$ 319,000
Land Acquisition *(Appendix Table A.3)*		$3,658,000
Total Special Use Facilities, Park Acquisition and Development Cost per Acre		$3,977,000

Note: Figures have been rounded to the nearest thousand.

Sources: Table 2, and Appendix Tables A.1, A.2 and A.3; City of Santa Clara; Willdan Financial Services.

Facilities Needed to Accommodate New Development

Table 7 shows the park facilities needed to accommodate new development at the existing standard. To achieve the standard by the planning horizon, depending on the amount of development subject to the Quimby Act, new development must fund the purchase and improvement of between 96.98 and 115 parkland acres, at a total cost ranging between $386 and $452 million.

The facility standards and resulting fees under the Quimby Act are higher, because development will be charged to provide 3.0 acres of parkland per 1,000 residents, and 2.53 acres of improvements, whereas development not subject to the Quimby Act will be charged to provide only 2.53 acres of parkland per 1,000 residents, and 2.53 acres of improvements. Since the exact amount of development that will be subject to the Quimby fees is unknown at this time, Table 7 presents the range of total facility costs that may be incurred depending on the amount of development subject to the Quimby Act.

Table 7: Park Facilities to Accommodate New Development

	Calculation	Parkland	Improvements	Total Range[1]
Parkland (Quimby Act), Improvements (Mitigation Fee Act)[2]				
Facility Standard (acres/1,000 residents)	*A*	3.00	2.53	
Resident Growth (2010-2035)	*B*	38,332	38,332	
Facility Needs (acres)	*C = (B / 1,000) x A*	115.00	96.98	
Average Unit Cost (per acre)	*D*	$ 3,658,000	319,000	
Total Cost of Parkland To Serve New Development	*E = C x D*	$ 420,670,000	$ 30,936,620	$ 451,606,620
Parkland and Improvements - Mitigation Fee Act[3]				
Facility Standard (acres/1,000 residents)	*F*	2.53	2.53	
Resident Growth (2010-2035)	*G*	38,332	38,332	
Facility Needs (acres)	*H = (G / 1,000) / F*	96.98	96.98	
Average Unit Cost (per acre)	*D*	$ 3,658,000	319,000	
Total Cost of Parkland To Serve New Development	*I = H x D*	$ 354,752,840	$ 30,936,620	$ 385,689,460

Note: Totals rounded to the thousands.

[1] Values in this column show the range of the cost of parkland acquisition and development should all development be either subject to the Quimby Act, or to the Mitigation Fee Act, respectively.

[2] Cost of parkland to serve new development shown if all development is subject to the Quimby Act (Subdivisions of 50 units or more). Parkland charged at 3.0 acres per 1,000 residents; improvements charged at the existing standard.

[3] Cost of parkland to serve new development shown if all development is subject to the Mitigation Fee Act. Parkland and improvements are charged at the existing standard.

Sources: Tables 1, 5, and 6; City of Santa Clara.

Parks Cost per Capita

Table 8 shows the cost per capita of providing new park facilities at the existing facility standard. The cost per capita is shown separately for land and improvements.

Table 8: Cost per Capita - Existing Level of Service

	Calculation	Land: Quimby Fee	Land: Impact Fee	Improvements: Impact Fee
Parkland Investment (per acre)	*A*	$ 3,658,000	$ 3,658,000	$ 319,000
Existing Level of Service (acres per 1,000 residents)	*B*	3.00	2.53	2.53
Total Cost Per 1,000 capita	*C = A x B*	$ 10,974,000	$ 9,254,700	$ 807,100
Cost Per Resident	*D = C / 1,000*	$ 10,974	$ 9,255	$ 807

Sources: Tables 6 and 7; Willdan Financial Services.

Use of Fee Revenue

The City plans to use park facilities fee revenue to purchase parkland or construct improvements to add to the system of park and recreation facilities that serves new development. The City may only use impact fee revenue to provide facilities and intensify usage of existing facilities needed to serve new development. Depending on the amount of

development subject to the Quimby Act, new development must fund the purchase and improvement of between 96.98 and 115 parkland acres through the planning horizon of 2035.

Fee Schedule

In order to calculate fees by land use type, the investment in park facilities is determined on a per resident basis for both land acquisition and improvement. These investment factors (shown in Table 8) are investment per capita based on the unit cost estimates and facility standards.

The City anticipates that the park fees would be the primary revenue source to fund new development's investment in park facilities. **Tables 9.a and 9.b** show the park facilities fee based on the minimum Quimby standard and the existing standard, respectively. The City would collect the fee based on only one of the two approaches as appropriate. Each fee includes a component for park improvements based on the City's existing standard. The investment per capita is converted to a fee per dwelling unit.

The total fee includes an administrative charge to fund costs that include: (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Table 9.a: Park Facilities Fee Schedule - Quimby Act

Land Use	A Cost Per Capita	B Density	C = A x B Base Fee[1]	D = C x 0.02 Admin Charge[1, 2]	E = C + D Total Fee[1]
Single Family					
Parkland	$ 10,974	2.90	$ 31,825	$ 637	$ 32,462
Improvements	807	2.90	2,340	47	2,387
Total	$ 11,781		$ 34,165		$ 34,849
Multifamily Family					
Parkland	$ 10,974	2.24	$ 24,582	$ 492	$ 25,074
Improvements	807	2.24	1,808	36	1,844
Total	$ 11,781		$ 26,390		$ 26,918

[1] Persons per dwelling unit or per 1,000 square feet of nonresidential.

[2] Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 2 and 8; Willdan Financial Services.

Table 9.b: Park Facilities Fee Schedule - Mitigation Fee Act

Land Use	A Cost Per Capita	B Density	C = A x B Base Fee[1]	D = C x 0.02 Admin Charge[1, 2]	E = C + D Total Fee[1]
Single Family					
Parkland	$ 9,255	2.90	$ 26,840	$ 537	$ 27,377
Improvements	807	2.90	2,340	47	2,387
Total	$ 10,062		$ 29,180		$ 29,764
Multifamily Family					
Parkland	$ 9,255	2.24	$ 20,731	$ 415	$ 21,146
Improvements	807	2.24	1,808	36	1,844
Total	$ 10,062		$ 22,539		$ 22,990

[1] Persons per dwelling unit or per 1,000 square feet of nonresidential.

[2] Administrative charge of 2.0 percent for (1) legal, accounting, and other administrative support and (2) impact fee program administrative costs including revenue collection, revenue and cost accounting, mandated public reporting, and fee justification analyses.

Sources: Tables 2 and 8; Willdan Financial Services.

4. Implementation

Impact Fee Program Adoption Process

Impact fee program adoption procedures are found in the *California Government Code Section 66016*. Adoption of an impact fee program requires the City Council to follow certain procedures including holding a public meeting. A fourteen-day mailed public notice is required for those registering for such notification. Data, such as an impact fee report, must be made available at least 10 days prior to the public meeting. Your legal counsel should inform you of any other procedural requirements as well as advice regarding adoption of an enabling ordinance and/or a resolution. After adoption there is a mandatory 60-day waiting period before the fees go into effect. This procedure must also be followed for fee increases.

Inflation Adjustment

Appropriate inflation indexes should be identified in a fee ordinance including an automatic adjustment to the fee annually. Separate indexes for land and construction costs should be used. Calculating the land cost index may require the periodic use of a property appraiser. The construction cost index can be based on the City's recent capital project experience or can be taken from any reputable source, such as the *Engineering News-Record*. To calculate prospective fee increases, each index should be weighed against its share of total planned facility costs represented by land or construction, as appropriate.

Reporting Requirements

The City should comply with the annual and five-year reporting requirements of the *Act*. For facilities to be funded by a combination of public fees and other revenues, identification of the source and amount of these non-fee revenues is essential. Identification of the timing of receipt of other revenues to fund the facilities is also important.

Fee Accounting

The City should deposit fee revenues into separate restricted fee accounts for each of the fee categories identified in this report. Fees collected for a given facility category should only be expended on new facilities of that same category.

Programming Revenues and Projects with the CIP

The City should commit all projected fee revenues and fund balances to specific projects in its Capital Improvements Program. These should represent the types of facilities needed to serve growth and described in this report. The use of the CIP in this manner documents a reasonable relationship between new development and the use of those revenues. The CIP also provides the documentation necessary for the City to hold funds in a project account for longer than five years if necessary to collect sufficient monies to complete a project.

The City may decide to alter the scope of the planned projects or to substitute new projects as long as those new projects continue to represent an expansion of the City's facilities. If the total cost of facilities varies from the total cost used as a basis for the fees, the City should consider revising the fees accordingly.

5. Mitigation Fee Act Findings

Fees are assessed and typically paid when a building permit is issued and imposed on new development projects by local agencies responsible for regulating land use (cities and counties). To guide the imposition of facilities fees, the California State Legislature adopted the *Mitigation Fee Act* with Assembly Bill 1600 in 1987 and subsequent amendments. The *Act*, contained in *California Government Code* §§66000 – 66025, establishes requirements on local agencies for the imposition and administration of fees. The Act requires local agencies to document five statutory findings when adopting fees.

The five findings in the Act required for adoption of the maximum justified fees documented in this report are: 1) Purpose of fee, 2) Use of fee Revenues, 3) Benefit Relationship, 4) Burden Relationship, and 5) Proportionality. They are each discussed below and are supported throughout this report.

Purpose of Fee

- *Identify the purpose of the fee (§66001(a)(1) of the Act).*

We understand that it is the policy of the City that new development will not burden the existing service population with the cost of facilities required to accommodate growth. Council Goal 2013-14 states that as a strategic objective, the City would "*Develop a new Housing Development Impact fee for parks acquisition and facility development.*" The purpose of the fees proposed by this report is to implement this policy by providing a funding source from new development for capital improvements to serve that development. The fees advance a legitimate City interest by enabling the City to provide parks and recreational facilities to new development.

Use of Fee Revenues

- *Identify the use to which the fees will be put. If the use is financing facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in §65403 or §66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the facilities for which the fees are charged (§66001(a)(2) of the Act).*

Fees proposed in this report, if enacted by the City, would be available to fund expanded facilities to serve new development. Facilities funded by these fees are designated to be located within the City. Fees addressed in this report have been identified by the City to be restricted to funding parks and recreation facilities.

An estimate of the amount of parkland needed to serve new development is identified in *Chapter 3* of this report. More thorough descriptions of certain planned facilities, including their specific location, if known at this time, are included in master plans, capital improvement plans, or other City planning documents or are available from City staff. The City may change the list of planned facilities to meet changing needs and circumstances of new development, as it deems necessary. The fees should be updated if these amendments result in a significant change in the fair share cost allocated to new development.

Benefit Relationship

- *Determine the reasonable relationship between the fees' use and the type of development project on which the fees are imposed (§66001(a)(3) of the Act).*

We expect that the City will restrict fee revenue to the acquisition of land, construction of facilities and buildings, and purchase of related equipment, furnishings, vehicles, and services used to serve new development as described above under the "Use of Fee Revenues" finding. The City should keep fees in segregated accounts. Facilities funded by the fees are expected to provide a citywide network of facilities accessible to the additional residents and workers associated with new development. Under the *Act*, fees are not intended to fund planned facilities needed to correct existing deficiencies. Thus, a reasonable relationship can be shown between the use of fee revenue and the new development residential and non-residential use classifications that will pay the fees.

Burden Relationship

- *Determine the reasonable relationship between the need for the public facilities and the types of development on which the fees are imposed (§66001(a)(4) of the Act).*

Facilities need is based on a facility standard that represents the demand generated by new development for those facilities. Facilities demand is determined as follows:

The service population is established based upon the number of residents living in Santa Clara plus the number of workers working in Santa Clara. Service population correlates to the demand for parks and recreation facilities. One worker is weighted at half the demand of one resident based on an analysis of the relative service demand between a worker and a resident.

For parks and recreational facilities, demand is measured by a single facility standard (park acres per 1,000 service population) that can be applied across land use types to ensure a reasonable relationship to the type of development.

The standards used to identify growth needs are also used to determine if planned facilities will partially serve the existing service population by correcting existing deficiencies. This approach ensures that new development will only be responsible for its fair share of planned facilities, and that the fees will not unfairly burden new development with the cost of facilities associated with serving the existing service population.

Chapter 2, Land Use Assumptions provides a description of how service population and growth projections are calculated. Facility standards are described in the *Facility Inventories, Plans & Standards* sections of in Chapter 3.

Proportionality

- *Determine how there is a reasonable relationship between the fees amount and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (§66001(b) of the Act).*

The reasonable relationship between each facilities fee for a specific new development project and the cost of the facilities attributable to that project is based on the estimated

service population growth the project will accommodate. Fees for a specific project are based on the project's size or increases in the number of dwelling units. Larger new development projects can result in a higher service population, resulting in higher fee revenue than smaller projects in the same land use classification. Thus, the fees can ensure a reasonable relationship between a specific new development project and the cost of the facilities attributable to that project.

See *Chapter 2, Growth Projections,* or the *Service Population* section for a description of how service population or dwelling units adjustment factors are determined for different types of land uses. See the *Fee Schedule* section of *Chapter 3* for a presentation of the proposed facilities fees.

Appendix

Appendix Table A.1: Park Improvements and Equipment Inventory

Name	Description	Building Square Feet	Total Facility Value
Community Parks			
Central Park Tennis Center	Pro Shop, restrooms and bleachers	2,502	$ 858,288
Central Park - Service Center Shop/Garage	Computers networked w. 6 computers	3,744	1,671,841
Central Park - Service Center Sheds	Sheds	380	35,757
Central Park - Service Center Shop/Garage	Shop/Garage	3,492	616,578
Central Park Ballfield/Scorers' booth(s)	Bleachers, PA system, scoreboard and lights	5,045	107,065
Subtotal Community Parks		15,163	3,289,529
		30,326	$ 3,289,529
Mini/Pocket Parks			
War Memorial Playground	Restrooms, storage shed and Pixar themed outdoor play equip.	5,000	$ 172,474
Subtotal Mini/Pocket Parks		5,000	$ 172,474
Cemetaries			
Agnews Historic Cemetery	Museum building, restrooms, contains Historical collection	600	$ 129,818
Mission City Memorial Park - All Buildings	Office, Chapel	10,056	1,525,971
Subtotal Public Open Space		10,656	$ 1,655,789

Sources: City of Santa Clara Parks and Recreation Department; City of Santa Clara PEPIP-CA Property Schedule, January 17, 2014; Willdan Financial Services.

Table A.1: Park Improvements and Equipment Inventory (Continued)

Name	Description	Building Square Feet	Total Facility Value
Neighborhood Parks			
Agnew Park	Recreation Building, Restrooms, Storage Shed and Outdoor Play Equip.	1,708	$ 257,890
Bowers Park	Park Building, Restrooms, Storage Shed and Outdoor Play Equipment	1,680	367,949
Bracher Park	Restrooms, Storage Shed and Outdoor Play Equipment	520	273,101
City Plaza Park Gazebo	Gazebo	1,000	162,062
City Plaza Park	Mission Library	8,507	
Earl R. Carmichael Park, Gymnastics Ctr.	Sports Center, Shed, Restrooms, Indoor Gymnastics equipment; Equip.	3,626	432,007
Everett Alvarez Jr. Park	Restrooms, Storage Shed and Outdoor Play Equipment	500	176,368
Fuller Street Park	Restrooms, Storage Shed and Outdoor Play Equipment	500	74,409
Henry Schmidt Park	Recreation Building - Historical collection, Restooms, Storage; Equipment	2,622	459,381
Homeridge Park	Restrooms, Storage Shed and Outdoor Play Equipment	480	183,197
Jenny Strand Park	Restrooms, Storage Shed and Outdoor Play Equipment	202	120,970
Larry J. Marsalli Park	Scorer's Booth, PA System, Restroom and Storage	530	144,980
Lick Mill Park	Recreation Building w/ kitchen, Storage, Restrooms, Equipment	3,700	889,577
Live Oak Park	Restrooms and storage building, Outdoor Play Equipment	1,500	237,321
Machado Park	Recreation Building, Restrooms, Storage Shed and Outdoor Play Equipment	1,680	322,144
Mary Gomez Park - Includes Pool	Pool locker rooms, restrooms and office; Outdoor Play Equipment	3,148	2,040,040
Maywood Park	Recreation Building, Restrooms, Storage Shed and Outdoor Play Equipment	1,680	324,043
Montague Park - Includes Pool and Buildings	Recreation Building, Storage shed and restrooms, Outdoor Play Equipment	6,350	1,856,355
Parkway Park	Restrooms and Storage building; Outdoor Play Equipment	874	436,265
Steve Carli Park	Restrooms, Outdoor Play Equipment	256	65,023
Thamien Park	Restrooms, Outdoor Play Equipment	500	198,312
Warburton Park - Includes Pool	Restrooms, Outdoor Play Equipment	-	1,061,964
Westwood Oaks Park	Recreation Building, Restrooms, Shed and Outdoor Play Equip.	1,680	340,680
Subtotal Neighborhood Parks		43,243	$ 10,424,038

Sources: City of Santa Clara Parks and Recreation Department; City of Santa Clara PEPIP-CA Property Schedule, January 17, 2014; Willdan Financial Services.

Table 6: Park Improvements and Equipment Inventory (Continued)

Name	Description	Building Square Feet	Total Facility Value
Recreation Facilities			
Central Park - Community Rec Center	Sound and stage equip.; kitchen; alarm systems, 15 computers	29,630	$ 15,070,384
George F. Haines International Swim Center	Swim Center Building	8,776	3,734,920
George F. Haines International Swim Center	Swim Center Grandstand	3,700	1,504,783
George F. Haines International Swim Center	Diving Pool Grandstand	400	53,146
George F. Haines International Swim Center	Snackbar/restroom #1	743	141,428
George F. Haines International Swim Center	Snackbar/restroom #2	743	137,655
George F. Haines International Swim Center	Chlorine Storage	60	103,855
George F. Haines International Swim Center	Diving Tower	25	154,437
George F. Haines International Swim Center	Training Pool	3,190	271,541
George F. Haines International Swim Center	Racing Pool	12,996	1,715,980
George F. Haines International Swim Center	Diving Pool Building #10	4,560	650,564
George F. Haines International Swim Center	Warehouse #1	960	222,196
George F. Haines International Swim Center	Warehouse #2	2,300	410,979
George F. Haines International Swim Center	Equipment Shed	900	156,929
Santa Clara Golf and Tennis Club	Restroom	430	148,698
Santa Clara Golf and Tennis Club	Restroom	430	148,698
Santa Clara Golf and Tennis Club	Cart Storage Building	4,572	1,599,527
Santa Clara Golf and Tennis Club	Golf Course Maintenance building	6,000	1,723,434
Santa Clara Golf and Tennis Club	Pro Shop	9,700	9,582,832
Santa Clara Senior Center	Kitchen, alarm, Guard Card Reg. sys., fitness equipment; 35 computers	44,710	14,894,873
Santa Clara Youth Soccer Park	Full Concession kitchen, Offices, Meeting rooms, restrooms	5,855	687,057
Skate Park	Skate Park and Restrooms	432	141,179
Teen Center	Kitchen; 7 computers; 11 stand alones (in lab); 2 laptops	8,750	3,558,506
Walter E. Schmidt Youth Activity Center	Security alarm system; Guard Card Reg. System; 17 Computers	19,746	5,572,728
Subtotal		182,711	$ 62,386,329
Grand Total - Park Improvements and Recreation Facilities		**307,262**	**$ 78,100,633**

Sources: City of Santa Clara Parks and Recreation Department; City of Santa Clara PEPIP-CA Property Schedule, January 17, 2014; Willdan Financial Services.

Table A.2: Parks and Recreation Department Vehicle and Equipment Inventory

Vehicle	Year	Make	Model	Estimated Replacement Cost
51	1988	Jacobsen	Hyd Drp Tr	$ 8,112
1376	1989	John Deere	Grdn Tract	7,482
1432	1989	Ditchwitch	2310	32,686
1433	1989	Ditchwitch	S5A	3,936
1436	1989	John Deere	270	7,055
1549	1990	Stow	T3000	-
1585	1990	Ariens	Rt8020	2,763
1656	1991	Generac	Sd060	-
1705	1991	Jacobsen	H6125	9,116
1767	1992	Stihl	Bt-308	3,022
1776	1992	Ford	Super Duty	-
1802	1992	Nac-Robin	Np-2T	1,614
1803	1992	Nac-Robin	Np-2T	1,614
1908	1994	Ditchwitch	1020K	8,298
1909	1994	Jacobsen	H-683	7,117
1951	1994	Beughling	B100	16,775
2020	1995	Sase	Grinder	-
2038	1995	Ford	F350	-
2091	1995	Lily	Wfr	-
2092	1995	Sdi	200-20Ke8M	15,589
2138	1996	Ford	F250	34,278
2139	1996	Ford	F250	34,278
2156	1996	Mightymac	Ps350T-10	2,471
2252	1997	Honda	Hrc216K	-
2292	1997	Ford	F250	33,914
2295	1998	Case	570L/Mxt	60,147
2297	1996	Jacobsen	Gk526	10,940
2298	1998	Ryan	544874B	-
2299	1998	Mightymac	Ps350T-10	2,493
2300	1998	Honda	Em2500Xk1A	-
2380	1999	Billygoat	Bc2401A	2,933
2381	1999	Wacker	Wp1550Aw	2,376
2389	1998	I/R	P175Wjd	16,797
2417	1999	Chetech	28-006-A	13,038
2425	2001	Dodge	Br2500 Hd	29,933
2426	2001	Dodge	Br2500 Hd	29,933
2436	2001	Dodge	Br3500	34,209
2437	2001	Dodge	Br3500	34,209
2438	2001	Dodge	Br3500 Hd	34,232
2444	2001	Dodge	Br2500 Hd	29,060
2473	2000	Wacker	Bs500	3,786
2477	2001	Genie	Tmz34	-
2492	2001	Jacobsen	Hr-9016	105,662
2493	2001	Jacobsen	Hr-9016	105,662
2496	2001	Bcs	850-30	4,461

Source: Santa Clara Parks and Recreation.

Table A.2: Parks and Recreation Department Vehicle and Equipment Inventory

Vehicle	Year	Make	Model	Estimated Replacement Cost
2499	2001	Honda	Em3500	2,319
2515	2001	Dodge	Ram 3500	26,806
2537	2001	Dodge	B3500	24,834
2540	2001	Dodge	Br2500	30,421
2541	2001	Dodge	Br2500	30,421
2542	2001	Dodge	Br2500	30,421
2546	2001	Stone	65Cmed	3,712
2583	2002	Turfco	F15B	9,027
2584	2002	Ryan	544944	4,780
2585	2002	Bluebird	Bc18	4,003
2586	2002	Ryan	Lwnaire28	7,521
2587	2002	Bluebird	P18	2,262
2588	2002	Bluebird	P18	2,262
2589	2002	John Deere	220A	8,529
2592	2002	Ford	Ranger	19,021
2593	2002	Ford	Ranger	19,021
2594	2002	Ford	Ranger	19,021
2595	2002	Ford	Ranger	19,021
2596	2002	Ford	Ranger	20,374
2597	2002	Ford	Ranger	19,021
2599	2002	Case	570L/Mxt	62,032
2635	2002	Tennant	Sweeper	52,474
2641	2002	John Deere	Pro Gator	27,919
2642	2002	John Deere	Pro Gator	27,919
2643	2002	John Deere	Pro Gator	27,919
2644	2002	John Deere	Pro Gator	27,919
2645	2002	John Deere	Pro Gator	27,933
2648	2002	Bobcat Ir.	553-F	25,423
2683	2003	Toro	228-D	7,633
2695	2003	Nissan Indust.	Forklift	35,429
2696	2003	Smithco	Sweepstar 50	10,545
2697	2003	New Rider	1000	34,603
2698	2004	John Deere	4610	21,922
2734	2005	Ford	Ranger	21,922
2735	2005	Ford	Ranger	21,922
2736	2005	Ford	Ranger	21,922
2737	2005	Ford	Ranger	21,922
2738	2005	Ford	Ranger	21,922
2739	2005	Ford	Ranger	21,922
2740	2005	Ford	Ranger	13,298
2812	2006	Selma	H6125	13,298
2813	2006	Jacobsen	H6125	33,858
2814	2006	Jacobsen	Utility	33,858
2820	2007	Ford	F350	72,906
2871	2007	Ford	E350	24,008

Source: Santa Clara Parks and Recreation.

Table A.2: Parks and Recreation Department Vehicle and Equipment Inventory

Vehicle	Year	Make	Model	Estimated Replacement Cost
2865	2008	Ford	Ranger	29,934
2956	2009	Ford	Ranger	25,871
2957	2010	Ford	Ranger	25,871
2958	2009	Ford	Ranger	25,871
2959	2009	Ford	Ranger	25,871
2960	2009	Ford	Ranger	25,871
2961	2009	Ford	Ranger	25,871
2962	2009	Ford	Ranger	25,871
2963	2009	Ford	Ranger	25,871
2964	2009	Ford	Ranger	25,871
2965	2009	Ford	Ranger	25,871
2966	2009	Ford	Ranger	25,871
2955	2009	Ford	Ranger	28,078
21904	2001	Genie	Awp	-
799	1978	Christy	1020Hf	10,797
1992	1994	Dayton	5Z591	1,607
2111	1996	Case	1825	22,157
2235	1997	Toro	Wrkman4300	45,267
2236	1997	Steelco	Utility	7,086
2419	1999	Whiteman	Wc92Ph8	3,457
				$ 2,198,000

Note: Total rounded to the 1,000s.

Source: Santa Clara Parks and Recreation.

Appendix Table A.3: Land Valuation

APN	Description	Sale / Transfer / Appraisal Date	Acreage	Value	Cost per acre
290-26-041	Kaiser Property Park Parcel	9/9/2008	1.92	$ 7,516,095	$ 3,914,633
290-26-022	900 Kiely Blvd. (Northwest Parcel)	1/30/2014	3.02	12,365,991	4,094,699
303-17-051	BAREC/Midtown Park Parcel	12/23/2011	1	1,930,000	1,930,000
303-17-053	BAREC land/Midtown Housing in development		11	34,000,000	3,090,909
205-38-021	Texas Instruments	9/23/2011	4.365	44,370,000	10,164,948
290-34-043	Residential 972 Blossom Dr. 95050-5117	11/5/2013	0.14	610,000	4,357,143
220-13-030	Residential 2132 Rockhurst Ct., 95051	1/31/2014	0.16	960,000	6,000,000
290-34-046	Residential 940 Blossom Dr. 95050-5117	6/30/2013	0.14	441,736	3,155,257
224-12-092	Residential 1846 Los Padres., 95050	9/13/2013	0.13	675,000	5,192,308
303-14-030	Residential 202 Kerry Dr., 95050	5/1/2014	0.14	780,000	5,571,429
316-11-026	Residential 3772 Carlysle Ave., 95051	4/30/2014	0.15	1,025,000	6,833,333
104-56-048	Residential 4750 Cheeney St.; 95054	4/22/2008	0.075	823,000	10,973,333
097-95-058	Residential 841 E. River Parkway; 95054	7/21/2011	0.078	1,305,000	16,730,769
101-22-059	Residential 958 Leith Ave., 95054	5/1/2014	0.14	667,000	4,764,286
101-23-031	Residential 744 Orkney Ave., 95054	4/23/2014	0.135	546,000	4,044,444
Various	Reed / Grant Street	12/11/2013	8.745	8,000,000	914,808
224-02-022	Reed / Grant Street	12/11/2013	0.293	320,000	1,092,150
224-02-003	Reed / Grant Street	12/11/2013	0.459	1,050,000	2,287,582
Total / Average Cost per Acre			**32.09**	**$ 117,384,822**	**$ 3,657,988**

Sources: Trulia.com; Carneghi-Blum Partners; City of Santa Clara; Willdan Financial Services.

Appendix Table A.4: Cemeteries and Historical Properties

	Developed Acreage	Unimproved/ Open Space
Public Cemeteries and Historical Properties		
Agnews Historic Cemetery	1.07	-
Harris Lass House (History Museum)	0.94	-
Triton Museum Grounds/Headen-Inman House	6.54	
Mission City Memorial Park	21.60	-
Subtotal Cemeteries	30.15	-

Source: City of Santa Clara.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING A NEW CHAPTER 17.35 ("PARK AND RECREATIONAL LAND") TO TITLE 17 ("DEVELOPMENT") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA"

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara is the Government entity responsible for providing park facilities within the City of Santa Clara;

WHEREAS, the population of the City of Santa Clara has increased by over 100% since the early 1990's;

WHEREAS, the demand for new neighborhood and community parkland generated by development of new residential subdivisions and new non-subdivided residential projects has increased accordingly;

WHEREAS, the City of Santa Clara 2010-2035 General Plan includes a number of policies to maintain and increase the amount of available parkland, and to identify potential funding opportunities for new parkland and/or recreational facilities and an assessment of potential parkland dedication fees;

WHEREAS, the 2010-2035 General Plan includes a goal that "[n]ew parks, open space and recreation [be] provided with new development so that existing facilities are not overburdened";

WHEREAS, the City has conducted a nexus study and a review of comparable cities' park impact fees internally and through public process; and,

WHEREAS, the Parks and Recreation Department has recommended that the City Council establish a parkland dedication and fee requirement based on the results of the nexus study and Parks Master Plan Inventory.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: **Findings and Purpose.** The City Council hereby finds that residential developments have a significant effect on the use and availability of park and recreation space and facilities, and that the limited open space and recreation amenities provided by these residential developments are insufficient to meet the needs of the residents for open space and recreation facilities. The intent of this Chapter is to require that such developments contribute their fair share toward the purchase, development and/or improvement of park and recreational facilities. The provisions of this Chapter are enacted pursuant to the Charter, the City of Santa Clara General Plan and the authority granted as well as sections 66000-66025, 66477 and 66479 of the Government Code (the "Mitigation Fee Act" and the "Quimby Act"), as may be applicable.

SECTION 2: General Standard. In accordance with the City of Santa Clara Nexus Study (April 2014), it is hereby found and determined that the City of Santa Clara currently provides park and recreational facilities to its residents at a ratio of 2.53 acres per thousand residents. The public interest, convenience, health, welfare and safety require that a minimum of 3.0 acres of property for each one thousand (1,000) persons residing within the City of Santa Clara be devoted to public park and recreational facilities.

SECTION 3: That a new Chapter 17.35 ("Park and Recreational Land") of Title 17 ("Development") of "The Code of the City of Santa Clara, California" ("SCCC") is hereby added to read as follows:

"Chapter 17.35

PARK AND RECREATIONAL LAND

Sections:

17.35.010 Definitions.
17.35.020 Requirement to provide park and recreational facilities.
17.35.030 Formula for calculation of land dedication requirement.
17.35.040 Formula for calculation of fee in-lieu of land dedication.
17.35.050 Criteria for requiring both dedication and fee.
17.35.060 Use of land and fees.
17.35.070 Credit for private open space.
17.35.080 Procedure.
17.35.090 Exceptions.

17.35.010 Definitions.

(a) "Active Recreational Use" shall mean activity that requires the use of organized play areas, including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts, fitness stations and various forms of children's play equipment.

(b) "Approving Authority" shall mean the board, body or individual otherwise empowered by this Code or state law to approve the development application.

(c) "Average Density" shall mean the average number of persons per household, as established by City Council resolution, in accordance with the most recent available Federal Census data.

(d) "Complete Application" means an application for a residential development that has been determined to be complete by the Department of Planning & Inspection.

(e) "Dwelling Unit Categories" shall mean the following three types of dwellings, as they are defined by the Zoning Ordinance, for which a separate dedication and/or fee requirement is to be set by Council resolution:

(1) Multiple Dwelling

(2) Single-Family Dwelling

(3) Accessory Dwelling Unit

(f) "Parkland Dedication Standard" shall mean the acreage of park and recreational facilities to be provided per 1000 City residents, which shall be initially set at 3.0 acres per 1000 residents, and as may be periodically adjusted by City Council resolution.

17.35.020 Requirement to provide park and recreational facilities.

Every person who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides residential property shall dedicate land, pay a fee in-lieu thereof, or provide a combination of such dedication and fee, at the discretion of the City, for the purpose of developing new or rehabilitating existing park or recreational facilities, at the time and according to the standards and formula contained in this Chapter.

(a) For subdivisions containing more than fifty (50) parcels, condominium developments of more than fifty (50) dwelling units, and residential developments not including a subdivision, the City may impose a parkland dedication requirement, a fee in-lieu of such dedication, or a combination of the two.

(b) Except as otherwise provided in this section, for subdivisions of fifty (50) parcels or fewer, the City may impose a fee only. Notwithstanding the foregoing, if a condominium project, stock cooperative, or community apartment project contains fifty (50) parcels or fewer, but will contain more than fifty (50) dwelling units, the City may impose a parkland dedication requirement, a fee in-lieu of such dedication, or a combination of the two.

17.35.030 Formula for calculation of land dedication requirement.

The formula for determining the required acreage to be dedicated shall be as follows:

(a) The Average Density for the specific Dwelling Unit Category; multiplied by

(b) The Parkland Dedication Standard; divided by

(c) 1000 Population

By way of example, as of the adoption date of this Chapter, the Average Density for a single-family detached dwelling unit is 2.9 persons, and the Parkland Dedication Standard is 3.0 acres per 1000 residents. For a single-family detached unit, the required acreage would therefore be $2.9 \times 3.0 / 1000 = 0.0087$ acres per single-family detached unit.

17.35.040 Formula for calculation of fee in-lieu of land dedication.

(a) When a fee is required to be paid in-lieu of parkland dedication, the maximum amount of such fee shall be determined by the fair market value of the amount of land that would otherwise be required to be dedicated pursuant to SCCC 17.35.030, as set forth below. The date of valuation of the property for in-lieu fee purposes shall be the date that the City determines that the developer's application for a parcel map or tentative subdivision map, or application for projects not involving a subdivision, is complete.

(b) Fair market value.

(1) The City shall determine the fair market value of the Property by using the average per acre land value for property in the City of Santa Clara, based upon a survey of land values and sale records in the City. The City Council shall set a minimum of three such average values, one for each of the three existing Zip codes in the City (95050, 95051, 95054). The City Council may, at is discretion, set average values for additional subregions of the City. The City Council shall review the fair market values not less than annually and set the values in a Council resolution.

(2) If the developer objects to this determination of fair market value, the developer may elect to have the value established by appraisal. If the developer chooses this option, the developer shall deposit with the City an amount sufficient to cover the cost of an appraisal, which the City shall conduct. The appraisal shall be completed prior to approval of the

tentative or parcel map, or for developments not involving a subdivision, prior to the issuance of a building permit.

(c) Based on the determination of fair market value set forth above in subsection (b)(1), for each of the Dwelling Unit Categories, the City Council shall set the amount of fees to be paid in-lieu of parkland dedication in a Council resolution, which the Council shall review annually.

17.35.050 Criteria for requiring both dedication and fee.

In subdivisions of over fifty (50) parcels of land, in condominium developments of more than fifty (50) dwelling units, and in residential developments not involving a subdivision, a combination of land dedication and fee payment may be required. In any such case, the sum of the in-lieu fees and the fair market value of the land to be dedicated shall equal the amount that would otherwise be required if the developer paid only an in-lieu fee pursuant to this Chapter.

(a) When only a portion of the land to be developed is identified in the Parks, Open Space, and Recreation Goals and Policies of the General Plan as the site for a local park, the portion identified in the General Plan shall be dedicated for local park purposes and a fee computed pursuant to the provisions of SCCC 17.35.040 shall be paid for any additional land that would have been required to be dedicated pursuant to SCCC 17.35.030.

(b) When a major part of the local park or recreational site has already been dedicated and only a small portion of land is needed from the subdivision to complete the site, the remaining portion shall be dedicated and a fee computed pursuant to the provisions of SCCC 17.35.040 shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to SCCC 17.35.030, the fees to be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

(c) If, as a result of a recent annexation or boundary change, the General Plan does not specify the specific amount of park and recreational land for a proposed subdivision containing more than fifty (50) parcels or a residential development not involving a subdivision of more than fifty (50) dwelling units, the City Council shall determine whether it accepts a land dedication, payment of a fee, or a combination of both a dedication and fee, based upon the following factors:

(1) The topography, geology, access and location of land in the development available for dedication;

(2) The size and shape of the development and land available for dedication;

(3) The feasibility of dedication; and

(4) The availability of previously dedicated park property.

(d) The determination of the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

17.35.060 Use of park in-lieu fees.

The fees collected pursuant to this Chapter shall be deposited to the Park Impact Fee Fund, and shall be used for the purposes set forth below.

(a) Money within the Park Impact Fee Fund shall be segregated by fee source and used and expended primarily for the acquisition and/or expansion of parks and recreational facilities reasonably related to serving the public by way of purchase of necessary land.

(b) In the alternative, for residential projects involving subdivisions only, if the City Council finds that there is already sufficient land available for such uses, then as a second priority, this money shall be used for the improvement and rehabilitation of existing land and facilities for park and recreational purposes.

(c) Except as otherwise provided in this section, for developments involving a subdivision of land, the land, fees, or combination thereof shall be used to serve the subdivision. Notwithstanding the foregoing, for subdivisions for which the City requires the payment of fees or a combination of a land dedication and fees, the fees may be spent on facilities in a neighborhood other than the neighborhood of the subdivision, if all of the following requirements are met:

(1) The neighborhood in which the fees are to be expended has fewer than three (3) acres of park area per 1000 members of the neighborhood population;

(2) The neighborhood of the subdivision for which the fees are paid has a park area that meets or exceeds the Parkland Dedication Standard;

(3) The City holds a public hearing before using the fees;

(4) It is reasonably foreseeable that residents of the subdivision will use the proposed park and recreational facilities in the neighborhood where the fees are used; and

(5) The neighborhood where the fees are used is within a 10-minute walking distance of the subdivision.

17.35.070 Credit for private open space.

Where private open space is to be provided in a proposed residential development, and where the developer has submitted a written request with the project application for a credit against the amount of parkland dedication or the amount of the in-lieu fee thereof, a minimum of one (1.0) acre of open space must first be dedicated to the City for public park purposes. A maximum credit of twenty-five (25) percent of the value of the land devoted to private open space that is eligible for credit may be given against the requirement of land dedication or fees in-lieu thereof required by this Chapter, if the Approving Authority finds that it complies with this section and that it is in the public interest to do so. In order to receive such a credit, the

Approving Authority must make findings that the private open space meets the following standards:

(a) The calculation of private open space shall not include features required to be included by zoning and building codes and other applicable laws, including but not limited to yards, court areas, setbacks, decorative landscape areas required with residential site design and other open areas.

(b) The private open space shall be devoted to Active Recreational Uses, and for developments involving a subdivision, shall be wholly or partially owned and maintained by the future residents of the development. The private ownership and maintenance of the open space shall be restricted for such use by a recorded written agreement, conveyance, covenant or restrictions. Such document shall be subject to the prior review and approval of the City Attorney, and any future proposed amendments must be first submitted to the City Attorney for approval prior to adoption.

(c) The space shall be reasonably adapted for use for recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location, and the developer must propose and agree to design and construct the necessary recreational and park facilities and improvements associated with each element of the private open space set forth below; said facilities and improvements shall be constructed prior to the issuance of a certificate of use and occupancy for the units that are receiving the credit.

(d) Facilities proposed for the open space shall be in substantial compliance with the provisions of the Parks, Open Space, and Recreation Goals and Policies of the General Plan.

(e) The developer shall supply a covenant to maintain the open space to the City Attorney prior to approval of the final subdivision map for review and approval. Once approved

by the City Attorney, such document shall be recorded simultaneously with the final subdivision map.

(f) The private open space must contain at least four (4) of the following eight (8) elements:

(1) Turfed play field, comprised of a single unit of land which is generally level and free of physical barriers which would inhibit group play activities with a minimum contiguous area of one-half (0.50) acres;

(2) Children's play apparatus area that conforms to the then current Federal Consumer Product Safety Commission guidelines;

(3) Landscaped and furnished, park-like quiet area;

(4) Recreational community gardens;

(5) Family picnic area;

(6) Game, fitness or sport court area;

(7) Accessible swimming pool (minimum size 42' × 75') with adjacent deck and lawn areas;

(8) Recreation center buildings and grounds.

(g) Shape and Size.

(1) The combined area of Active Recreational Uses for a facility to qualify is a minimum of three quarters (0.75) acre.

(2) The shape and location of the open space shall provide the greatest utility possible to the greatest number of residents of the development for which credit is sought. If limited access recreation areas are proposed, their credit value can only be applied against the park fee obligation generated by those residents with access to the said recreation area.

(3) Irregularly shaped pieces of property of less than optimum utility or burdened by topographic considerations that render them unsuitable for Active Recreational Uses shall not be eligible for credit.

(h) Housing developments for which 100% of the units are affordable to low- and/or moderate-income households, and housing developments for senior citizens authorized by the California Civil Code or the Federal Fair Housing Amendments Act, will be eligible for up to an additional 15% credit toward the parkland dedication requirement or fees in-lieu thereof, provided that the Approving Authority finds that (1) the development complies with all other provisions of this section and that (2) providing the additional credit would serve the public interest.

17.35.080 Procedure.

(a) Upon receiving a complete application for a residential development or subdivision, the Director of Parks and Recreation shall determine the conditions necessary to comply with the requirements for parkland dedication or fees in-lieu thereof as set forth in this Chapter and said conditions shall be proposed to the Approving Authority as conditions of approval for the project. The establishment of such conditions for projects that do not involve a subdivision shall comply with the procedures set forth in Government Code Sec. 66001 et seq.

(b) At the time of project approval, the Approving Authority shall consider the recommendation of the Director of Parks and Recreation and make a final determination as to the land to be dedicated and/or fees to be paid by the developer.

(c) Any in-lieu fees imposed under this Chapter shall be due and payable to the City prior to issuance of a building permit for each dwelling unit.

(d) Refunds. In the event a developer does not use a building permit for construction of a dwelling unit, the City will refund the fee collected for that dwelling unit at the time of

expiration of the building permit. In addition, the City shall commit the funds to the uses authorized under this Chapter within five (5) years of the latter of the date the fee was paid, the issuance of buildings permits on one-half of the lots created by the subdivision, or the construction of one-half of the dwelling units for developments not involving subdivisions. If such fees are not committed within this time, they, without any deductions, shall be distributed and paid to the then record owners of the properties in the same proportion that the size of their lot bears to the total area of all lots within the development.

17.35.090 Exceptions.

This Chapter shall not apply to the following developments:

(a) Commercial or industrial subdivisions that involve no residential component. Notwithstanding the foregoing, the City may, at its discretion, impose a condition on the approval of a parcel map or subdivision map requiring that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the City may require the owner of each parcel to pay the fee as a condition of the issuance of the permit.

(b) Convalescent hospitals and similar dependent care facilities.

(c) Residence halls on the campus of a college or university.

(d) Condominium conversion projects which consist of the subdivision of air space in an existing apartment building which is more than five years old when no new dwelling units are added.

(e) In the event that a developer pays a fee or dedicates land pursuant to this Chapter for a multifamily rental housing development without a subdivision, and the developer or his successors subsequently subdivides the development within fifteen (15) years, the developer or

his successors shall not be required to pay the fee or dedicate land for the subsequent subdivision that would be required under this Chapter."

SECTION 4: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 5: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 6: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California." The fees shall be phased in pursuant to the Implementation and Phasing Schedule set forth in Attachment 1, attached hereto and incorporated herein by this reference.

PASSED FOR THE PURPOSE OF PUBLICATION this _____ day of _____, 2014, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Fee Implementation and Phasing Schedule

I:\ORDINANCES\14.0374 Chapter 17.35 Park and Recreational Land 04-16-14.doc

Attachment 1

Fee Implementation Schedule

Adoption of Ordinance June 24, 2014	
Effective Date (60 days+) August 26, 2014	Exempt
Complete Application August 27—September 30, 2014	25% of fee due
Complete Application October 1 – November 15, 2014	50% of fee due
Complete Application November 16 – December 31, 2014	75% of fee due
Complete Application after January 1, 2015	100%

6/10/14

CLOSED SESSION NOTICE

6:30PM

City of Santa Clara, California

Santa Clara All-America City 2001

The **CITY COUNCIL OF THE CITY OF SANTA CLARA** will meet in closed session on **Tuesday, June 10, 2014,** at **6:30 p.m.**, or as soon thereafter as the matter can be discussed, in the Council Conference Room located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to it/them:

☒ **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to Gov. Code § 54957.6
City designated representative: Julio J. Fuentes, City Manager (or designee)
Employee Organization(s):
Unit #1 – Santa Clara Firefighters Association, IAFF, Local 1171
Unit #2 - Santa Clara Police Officer's Association
Unit #3 – IBEW Local 1245 (International Brotherhood of Electrical Workers)
Unit #4 - City of Santa Clara Professional Engineers
Units #5, 7 & 8 - City of Santa Clara Employees Association
Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees)
Unit #9 – Miscellaneous Unclassified Management Employees
Unit #9A - Unclassified Police Management Employees
Unit #9B - Unclassified Fire Management Employees
Unit #10 – PSNSEA (Public Safety Non-Sworn Employees Association)

☒ **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Gov. Code § 54956.8
Property: APN 104-03-038; 104-03-039; 104-03-040; 104-43-50; 104-55-16; and 104-43-049
Negotiating Party(ies): Larry MacNeil and Jim Mercurio, The San Francisco 49ers
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Parking Rights Agreement

☒ **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Gov. Code § 54956.8
Property: APN 097-01-039, APN 097-01-073, APN 104-01-102, APN 104-03-036
Negotiating Party(ies): William A. Witte, President, Related California
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

☒ **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Gov. Code § 54956.8
Property: APN 104-03-036, APN 104-03-038, APN 104-03-039, APN 104-03-040
Negotiating Party(ies): Kurt Wittek, Montana Property Group, LLC
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

☒ **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to Gov. Code § 54956.8
Property: APN 224-28-035
Negotiating Party(ies): Don Jessup, Silicon Valley Associates
City Negotiator: Julio J. Fuentes, City Manager (or designee)
Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment)

☒ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396

☒ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
D.E. Restaurant, Inc. and D.E. II Restaurants, Inc. v. City of Santa Clara, et al., Santa Clara County County Superior Court Case No. 114CV264438

☒ **CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**
Pursuant to Gov. Code § 54956.9
Potential exposure to litigation: 1 potential case

Date: June 6, 2014

RICHARD E. NOSKY, JR.
City Attorney

I:\COUNCIL\CLOSED SESSION AND SPECIAL MEETINGS\2014\06-10-14 Notice City Labor & Pking Rgts & Related & Montana & Kings Hwy & Exist Lit(2).doc

CLOSED SESSION NOTICE

Successor Agency to the City of Santa Clara
Redevelopment Agency

The **GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF SANTA CLARA REDEVELOPMENT AGENCY** will meet in closed session on **Tuesday, June 10, 2014,** at **6:30 p.m.**, or as soon thereafter as the matter can be discussed, in the Council Conference Room located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to it/them:

☒ **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Pursuant to Gov. Code § 54956.9(a)
Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al., Sacramento County Superior Court Case No. 34-2013-80001396

Date: June 5, 2014

RICHARD E. NOSKY, JR.
Successor Agency Counsel

I:\COUNCIL\CLOSED SESSION AND SPECIAL MEETINGS\2014\06-10-14 Notice Succ Agcy Exist Lit.doc

6/10/14 3A

MINUTES OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA FOR MEETING HELD ON TUESDAY EVENING, MAY 6, 2014

The City Council of the City of Santa Clara met at 5:00 pm for a Study Session to respond to public comments from the April 22, 2014 Council meeting regarding the **2325 Park Avenue project**. With a quorum present, the City Manager introduced the item and the Director of Planning and Inspection reviewed his memo (05/01/14) and made an electronic presentation. The following people addressed the Council with comments of concern: Bob O'Keefe, Joe Hastings, Kathy Kelsey, Hudson Washborn, Carl Hoffman, Julie Liedas, Kay Walker, Sarah Doty, Mark Kelsey, David Conoscenti, Mark Holbeck and Jeanine Barbour. The Director of Planning and Inspection, City Attorney and the City Manager answered questions that arose from public comment. Owner of the property, Eric Fox, addressed the Council with comments and answered Council questions. Further Council comments were made. **MOTION** was made by Mahan, seconded and unanimously carried, that the Council **continue** the **Study Session** to the **May 13, 2014 Council meeting**.

With no public comment, the Council then met at 6:12 pm for a Closed Session in the Council Conference Room for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit # 4 - City of Santa Clara Professional Engineers; Units # 5, 7 & 8 - City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit # 9 - Miscellaneous Unclassified Management Employees; Unit # 9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit # 10 - PSNSEA (Public Safety Non-Sworn Employees Association; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 097-01-039, APN 097-01-073, APN 104-01-102, APN 104-03-036; Negotiating Party(ies): William A. Witte, President, Related California; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 104-03-036, APN 104-03-038, APN 104-03-039, APN 104-03-040; Negotiating Party(ies): Kurt Wittek, Montana Property Group, LLC; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property

DRAFT

(provisions, price and terms of payment); Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-28-035; Negotiating Party(ies): Don Jessup, Silicon Valley Associates; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/ Exchange/Lease of Real Property (provisions, price and terms of payment); Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-02-002, APN 224-02-013, APN 224-02-014, APN 224-02-020; and 224-02-023; Negotiating Party(ies): Steve Zamudio, Colliers International; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment); City Council/City Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396; Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(b); Potential exposure to litigation: 1 potential case; and City Council/City Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case (City Attorney - 05/02/14).

The Council reconvened in the Council Chambers at 7:00 pm and the regular meeting was opened with the recitation of the Pledge of Allegiance and Statement of Values in the Council Chambers.

Present: Council Members Debi Davis, Lisa M. Gillmor, Patrick Kolstad, Patricia M. Mahan, Jerry Marsalli and Teresa O'Neill and Mayor Jamie L. Matthews.

Staff present: City Manager, Assistant City Manager - Alan Kurotori, Assistant City Manager - Sheila Tucker, Director of Planning and Inspection, Director of Public Works/City Engineer, City Attorney and City Clerk/Auditor.

3A. **MOTION** was made by Davis, seconded and unanimously carried, that the **Minutes** for the meeting of **March 31, 2014 - Special Meeting** be adopted as written.

3B. **MOTION** was made by Davis, seconded and unanimously carried with Gillmor abstaining (not present at the meeting), that the **Minutes** for the meeting of **April 8, 2014** be adopted as written.

5A. As an item under Special Order of Business, the Council proceeded with the presentation of a **donation** from the **Santa Clara Women's League**, in the amount of $20,000, to be used for the **Health and Wellness Program** at the **Santa Clara Senior Center**. The Director of Parks and Recreation introduced Nancy Velasco, Women's League First Vice-President, who then addressed the Council with comments and presented the donation. **MOTION** was made by O'Neill, seconded and unanimously carried, that the Council **accept** the donation from the Santa Clara Women's League, in the amount of $20,000, to be used for the Health and Wellness Program at the Santa Clara Senior Center (Director of Parks and Recreation - 04/21/14).

6B. **MOTION** was made by O'Neill, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/23/2014), the Council **adopt** the Negative Declaration pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15050(b) and **pass to print Ordinance No. 1925** entitled, "AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, TO ADD ARTICLE V (POLYSTYRENE FOAM DISPOSABLE SERVICE WARE) TO CHAPTER 13.20 (STORM DRAINS AND DISCHARGES) TO TITLE 13 (PUBLIC SERVICES) OF THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA TO PROHIBIT THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE" which adds **Article V** (**Polystyrene Foam Disposable Service Ware**) to **Chapter 13.20** (**Storm Drains and Discharges**) to **Title 13** (**Public Services**) of the City Code to **prohibit the use of polystyrene foam disposable food service ware**.

7A.1 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/22/14), the Council **approve** the use of **City Electric forces** for the installation of facilities at **5001 Great America Parkway**.

7A.2 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Human Resources' memo (04/15/14), the Council **approve** the **revised job description** for **Electric Program Manager**.

7A.3 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Human Resources' memo (04/17/14), the Council **approve** the **revised job description** for **Fire Marshall**.

7A.4 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/10/14), the Council **accept** the work performed by **Golden Bay Construction, Inc.** for the **San Tomas Aquino-Saratoga Creek Trail On-Street Portion Enhancements project** and **authorize** the

DRAFT

recordation of the **Notice of Completion** with the County Recorder (CE 11-12-01).

7A.5 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Human Resources' memo (04/25/14), the Council **establish** the **Salary Schedule and Range** for **Senior Analyst** as A-43.

7A.6 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineers' memo (04/29/14), the Council **adopt Resolution No. 14-8128** entitled, "A RESOLUTION ORDERING THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA CONVENTION CENTER COMPLEX MAINTENANCE DISTRICT NO. 183, AND APPROVING, CONFIRMING, AND ADOPTING DIRECTOR'S REPORT FOR FISCAL YEAR 2014/15" which orders that the **alternative method for the levy of benefit assessment** be made applicable to the **Santa Clara Convention Center Complex Maintenance District No.183**, sets **June 10, 2014** for the **Public Hearing**, and authorizes the publication and posting of the Notice of the Public Hearing as stated in the Resolution.

7B.1 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/11/14), the Council **approve**, and authorize the City Manager to execute, the **Landscape Maintenance Agreement** with the **County of Santa Clara** for **landscaping** on **Lawrence Expressway overpass embankments** at El Camino Real.

7B.3 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/17/14), the Council **approve**, and authorize the City Manager to execute, the **Agreement for the Performance of Services** with **TRC Engineers, Inc.**, in an amount not to exceed $214,212, for **environmental consulting and construction** services for contaminated soil removal for **Gateway Parcel 3** and **authorize** the City Manager to make minor, non-substantive modifications to the Agreement, if necessary.

7B.4 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Electric Utility's memo (04/22/14), the Council **approve**, and authorize the City Manager to execute, **Amendment No. 1** to **Call No. 13-1** for **Professional Services** with **Electrical Consultants, Inc.**, in an amount not to exceed $231,242, for a total amount not to exceed $777,622, for **engineering and detailed design** of **60kv short-circuit mitigation equipment** at **Northern Receiving Station** for the **Phase Shifting Transformer**.

7B.5 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/21/14), the Council **approve**, and authorize the City Manager to execute, the **Monitoring Well Encroachment Agreement** with **PES Environmental, Inc.** to **construct and maintain five groundwater monitoring wells** within various streets easterly, northerly and northeasterly of 2640 **El Camino Real** (APN 290-06-020; S.C. 18,680).

7B.6 **MOTION** was made by Gillmor, seconded and unanimously carried, that, per the Director of Public Works/City Engineer's memo (04/07/14), the Council **approve**, and authorize the City Manager to execute, the **Monitoring Well Encroachment Agreement** with **Stantec Consulting Services** to **construct and maintain three groundwater monitoring wells** within the public right-of-way along Market Street, approximately 400' northwest of 2665 The Alameda (APN 230-12-012; S.C. 18,683).

7D.1 **MOTION** was made by Gillmor, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Historical and Landmarks Commission** for the meeting of **February 6, 2014** (Director of Planning and Inspection - 03/31/14).

7D.2 **MOTION** was made by Gillmor, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Historical and Landmarks Commission** for the meeting of **January 9, 2014** (Director of Planning and Inspection - 03/31/14).

7D.3 **MOTION** was made by Gillmor, seconded and unanimously carried, that the Council **note and file** the **Minutes** of the **Planning Commission** for the meeting of **February 12, 2014** (Director of Planning and Inspection - 03/31/14).

8A. PUBLIC HEARING: The Mayor declared the hearing open for consideration of the **Annual Plan** for the use of **Federal Community Development Block Grant Program (CDBG)** and **Home Investment Partnerships Program (HOME)** Funds for **Fiscal Year 2014-15**. Assistant City Manager Kurotori reviewed the Acting Housing and Community Services Division Manager's memo (04/11/14). Lynn Morison, Bill Wilson Center, addressed the Council with comments of gratitude. With no further public input, **MOTION** was made by Davis, seconded and unanimously carried, that the Council **close** the public hearing. **MOTION** was then made by O'Neill, seconded and unanimously carried, that the Council **approve** the Annual Plan for the use of CDBG and HOME funds and **authorize** the City Manager to submit the Annual Plan to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2014.

DRAFT

8B. PUBLIC HEARING: The Mayor declared the hearing open for consideration of the project located at **3515-3585 Monroe Street - Monticello Village Project**, including adoption of resolutions to certify the Environmental Impact Report (EIR) and adopt a statement of overriding considerations and the Mitigation Monitoring and Reporting Program (MMRP); approve a rezone from Planned Industrial (MP) to Planned Development (PD) to allow construction of a mixed-use development comprised of 825 apartments, 43,849 square feet of retail and 16,392 square feet of amenities with associated parking and other site improvements, subject to conditions; and approve the Vesting Tentative Parcel Map for financing and conveyance purposes for the 16.11 acre project site, subject to conditions (PLN2013-09665, PLN2013-09666, PLN2013-09667 and CEQ2013-01150). The Director of Planning and Inspection reviewed his memo (04/29/14) and made an electronic presentation regarding the proposed project. He then answered Council questions. Carlene Matchniff, Vice President of Apartment Development with The Irvine Company, and Ken Nilmeier, project architect, then addressed the Council with comments regarding the proposed project. Ms. Matchniff and Mr. Nilmeier then answered Council questions. Joshua Howard and Steve Van Dorn (Santa Clara Chamber of Commerce and Convention-Visitors Bureau) addressed the Council with comments in support of the proposed project. Ms. Matchniff answered further Council questions. Michael Kaufman and Kevin Park addressed the Council with comments in opposition to the proposed project. With no further public input, **MOTION** was made by Davis, seconded and unanimously carried, that the Council **close** the public hearing. A Council discussion followed and further Council questions were answered by the City Manager. **MOTION** was then made by Gillmor, seconded and unanimously carried, that the Council **continue** consideration of the proposed project located at 3515-3585 Monroe Street - Monticello Village Project to the **May 13, 2014** Council meeting.

10. 7B.2 The Council proceeded with the consideration of a **Standard Agreement** with the **California Highway Patrol** for **traffic control related services** for **Levi's Stadium events**. The Chief of Police answered Council questions. **MOTION** was made by Marsalli, seconded and unanimously carried, that, per the City Attorney's memo (05/06/14), the Council **approve**, and authorize the City Manager to execute, the Standard Agreement with the California Highway Patrol for traffic control related services for Levi's Stadium events.

11. Under Public Presentations, Joe Hastings and Mark Kelsey addressed the Council with comments of concern regarding the project located at 2325 Park Avenue.

Keith Adams addressed the Council requesting that there be a

turn lane and holding area from Pruneridge Avenue onto Luther Drive. By Council consensus, this issue was referred to the City Manager.

Mary Lindsay (provided handout), representing the Vista del Lago Condominium Homeowner's Association, addressed the Council with comments of concern regarding the proposed project located at 160 and 166 Saratoga Avenue. The Director of Planning and Inspection answered Council questions.

12A. **MOTION** was made by Davis, seconded and unanimously carried, that the Council **approve** the **bills and claims** and **Progress Payments**.

13A. Under Reports of Councilors and Special Council Committees, Council Member Kolstad reported that he and the Director of Electric Utility attended the Northern California Power Agency (NCPA) Legislative Rally in Washington DC last week.

Council Member Gillmor reported that the Santa Clara Sporting Club soccer teams competed in the State Cup Finals in Northern California and won six of the State Cup Championships.

Council Member O'Neill reported on her attendance at the County of Santa Clara Superior Court Legislative Day.

Mayor Matthews reported that he attended the Ribbon Cutting for the Grand Opening of the Gary G. Gillmor and Family Academic Center at the Mission Community College; he and Council Member Davis participated in Relay for Life event, which raised over $1,000,000; and that there will be a Town Hall Meeting on Wednesday, May 7, 2014 at 3:30 pm in the Great America Meeting Room at the Santa Clara Convention Center to discuss Wrestle Mania 31, which will be held at Levi's Stadium on March 29, 2015.

14. The City Manager then introduced the new City Librarian, Hilary Keith. In turn, she addressed the Council with introductory remarks.

15A. The City Attorney reported that earlier in the evening, the Council met for a Closed Session in the Council Conference Room for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit # 4 - City of Santa Clara Professional Engineers; Units # 5, 7 & 8

DRAFT

- City of Santa Clara Employees Association; Unit #6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit # 9 - Miscellaneous Unclassified Management Employees; Unit # 9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; Unit # 10 - PSNSEA (Public Safety Non-Sworn Employees Association and there was no reportable action; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 097-01-039, APN 097-01-073, APN 104-01-102, APN 104-03-036; Negotiating Party(ies): William A. Witte, President, Related California; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and there was no reportable action; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 104-03-036, APN 104-03-038, APN 104-03-039, APN 104-03-040; Negotiating Party(ies): Kurt Wittek, Montana Property Group, LLC; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and there was no reportable action; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-28-035; Negotiating Party(ies): Don Jessup, Silicon Valley Associates; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/ Exchange/Lease of Real Property (provisions, price and terms of payment) and there was no reportable action; Conference with Real Property Negotiator pursuant to Government Code Section 54956.8; Property: APN 224-02-002, APN 224-02-013, APN 224-02-014, APN 224-02-020; and 224-02-023; Negotiating Party(ies): Steve Zamudio, Colliers International; City Negotiator: Julio J. Fuentes, City Manager (or designee); Under Negotiation: Purchase/Sale/Exchange/Lease of Real Property (provisions, price and terms of payment) and there was no reportable action; City Council/City Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396 and there was no reportable action; Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code Section 54956.9(b); Potential exposure to litigation: 1 potential case and there was no reportable action; and City Council/City Council acting as the Governing Board of the Successor Agency to the City of Santa Clara Redevelopment Agency Conference with Legal Counsel -Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case and there was

no reportable action.

15B. **MOTION** was made by O'Neill, seconded and unanimously carried that, per the City Attorney's memo (04/17/14), the Council **set May 13, 2014** at 6:00 pm for a Closed Session in the Council Conference Room for a Conference with Labor Negotiators pursuant to Government Code Section 54957.6; City designated representative: Julio J. Fuentes, City Manager (or designee); Employee Organization(s): Unit #1 - Santa Clara Firefighters Association, IAFF, Local 1171; Unit #2 - Santa Clara Police Officer's Association; Unit #3 - IBEW Local 1245 (International Brotherhood of Electrical Workers); Unit #4 - City of Santa Clara Professional Engineers; Units # 5,7 & 8 - City of Santa Clara Employees Association; Unit # 6 - AFSCME Local 101 (American Federation of State, County and Municipal Employees); Unit # 9 - Miscellaneous Unclassified Management Employees; Unit #9A - Unclassified Police Management Employees; Unit #9B - Unclassified Fire Management Employees; and Unit #10 - PSNSEA (Public Safety Non-Sworn Employees Association); Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a); *Vinod K. Sharma, et al. v. Successor Agency to the Redevelopment Agency of the City of Santa Clara, et al.*, Sacramento County Superior Court Case No. 34-2013-80001396; and a Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9(a); Potential initiation of litigation: 1 potential case.

16A. **MOTION** was made by O'Neill, seconded and unanimously carried, that, there being no further business, the Council adjourn the meeting at 8:36 pm, **In Memory** of **The Honorable Aldyth Parle** (served as a City of Santa Clara Council Member from 1996 to 2004) to Tuesday evening, **May 13, 2014** at 6:00 pm for a Closed Session in the Council Conference Room and to 7:00 pm for the regular scheduled meeting in the City Hall Council Chambers.

DRAFT

ATTEST: _____
City Clerk

APPROVE: _____
Mayor

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 4A

Santa Clara All-America City 2001

Date: June 3, 2014

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Continuance of the Public Hearing for an Appeal of a Planning Commission Action for a Project Located at 1593 Lexington Street

EXECUTIVE SUMMARY:

At its March 12, 2014 meeting, the Planning Commission denied a design review application to convert an unfinished basement into habitable space on a single-family residential house located at 1593 Lexington Street. The property owner appealed that decision on March 19, 2014, and on March 25, 2014, the City Council set a public hearing for June 10, 2014 to consider the appeal.

In the interest of managing a full agenda, including the annual budget, staff is recommending that this public hearing be continued to the August 26, 2014 meeting. The applicant has been notified of the continuance and public notification will be issued prior to the August hearing.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

None associated with this request.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council continue the public hearing for an appeal of a Planning Commission action for a project located at 1593 Lexington Street to August 26, 2014.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) None

I:\PLANNING\2013\Project Files Active\PLN2013-09691 1593 Lexington Street\CC\Agenda Report to continue public hearing.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 4B

Santa Clara All-America City 2001

Date: June 6, 2014

To: City Manager for Council Information

From: Director of Planning and Inspection

Subject: Continuance of Public Hearing for the Great America Campus Expansion project located at 4301 Great America Parkway

The Great America Campus Expansion project located at 4301 Great America Parkway was scheduled for Public Hearings before the Planning Commission and City Council in April and June respectively. At the Planning Commission meeting of April 30, 2014, the applicant requested a continuance to the June 18, 2014 Planning Commission meeting which in turn altered the City Council hearing date. This project will be heard at a future City Council meeting and public notification will be issued at such time as the date is finalized.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) None

I:\PLANNING\2014\CC-CM 2014\06.10.2014\Continuance of GAP Expansion Project.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5A

Santa Clara All-America City 2001

Date: May 27, 2014

To: City Manager for Council Action

From: City Clerk/Auditor

Subject: Special Order of Business:
Interviews and Appointment to Fill a Vacancy on the Civil Service Commission

EXECUTIVE SUMMARY:

Three applications were received for the vacancy on the Civil Service Commission for the full term ending June 30, 2018. Pursuant to Council policy, applicants to fill a vacancy on the Civil Service Commission are interviewed during a Council meeting. The applicants are scheduled to be interviewed at the June 10, 2014 City Council meeting. The applications are attached for your review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

An advantage is that the appointment will complete a full Commission. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council interview the applicants and appoint one applicant to fill the vacancy on the Civil Service Commission for the term ending June 30, 2018.

Rod Diridon, Jr.
City Clerk/Auditor

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Summary of Applicants***
2) ***Applications***

I:BOARD AND COMMISSIONS INFORMATION\COUNCIL MEMOS\INTERVIEW\Civil Service 6-25-13

SUMMARY OF APPLICANTS

CIVIL SERVICE COMMISSION

1 Sherl Chambliss

2 ArLyne Diamond, Ph.D.

3 Pat Staffelbach

APPLICATION
BOARD, COMMISSIONS AND COMMITTEE
CITY OF SANTA CLARA
Submit Completed Applications to: City Clerk's Office
1500 Warburton Avenue, Santa Clara, California 95050
Telephone: 615-2220 Email: clerk@santaclaraca.gov

RECEIVED
MAY 12 2014
City Clerk's Office
City of Santa Clara

****

Board/Commission/Committee Applying For: Civil Service Commission

Name: Sherl Chambliss

Address: [redacted] City: Santa Clara Zip: 95050

Telephone: Work: [redacted] Home: [redacted]

Email: [redacted] Fax:

Are you eligible to register to vote in Santa Clara? Yes

Are you a registered voter of Santa Clara? Yes How long? 2 yrs

Have you attended a meeting of this Board/Commission/Committee? Not yet.

Present Employer [redacted]

Job Title: [redacted]

Previous Governmental Bodies/Elective Offices Applicant has served	Position/Office Held	Dates
None		

Civic or Charitable Organizations To which Applicant has belonged	Position Held	Dates
Moving Mountains Center "NPO"	Program Director	11/15/13

Special Interests/Hobbies/Talents:
Organizing communities / Empowering others / Motivational speaker

College, Professional, Vocational, Schools attended	Major Subject	Dates	Degree/Date
Walden University	Public Policy"NPO"	May 2013	Certification
Liberty University	Human Services	May 2012	M.A.
Center for Credentialing & Education	Board Certified Coach	March 2012- Present	BCC

***NOTE: ALL INFORMATION PROVIDED WILL BE PUBLIC INFORMATION.**

Special awards or recognition received: Leadership Santa Clara Recognition, SEIU Homecare Political program award Certification of Participation (SEIU Union Neighbor Award), Provider Education Program Recognition.

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board: (Attach second page if necessary)

As a leader I have skills to offer and enhance communities. I would like to help build the gap in communities with resistance to changes as passion exposes possibilities. I would like to help find solutions to continue the success of Santa Clara County. It's a growing community and living in Santa Clara is inspiring. The opportunity of a lifetime was being a part of Leadership Santa Clara. I quickly became empowered and motivated to work in my community. The County of Santa Clara has so much more potential with the help of the community.

Any other information which you feel would be useful to the City Council in reviewing your application: (Attach second page if necessary)

My tenacity will help revive communities and make a difference in Santa Clara County. As a member I will work together with team Santa Clara(member of the advisory board) to bring positive changes in education, college bound students, communities, jobs and fair housing. I would motivate and empower others with good listening skills as we share experiences to grow communities. The purpose is to dilute problems as we create positive transformation

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?

NO

If yes, please state name of Organization/Employment:

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises:

Yes

Have you ever been convicted of a felony or a misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions):

NO

How did you hear about the opening on this Board/Commission/Committee?

Scott Summerfield (Leadership Santa Clara Coordinator) & Santa Clara Newsrelease

Signature of Applicant: Sherl Chambliss

Date signed: May 11, 2014

Application For Board & Commissions

Board and Commission Application (PDF)

Board/ Commission/ Committee Applying For:* Civil Service Commission

Name:* ArLyne Diamond, Ph.D.

Address:* [redacted]

City:* Santa Clara

State:* CA Zip Code:* 95051

E-mail Address:* [redacted]

Primary Phone Number* [redacted]

Secondary Phone Number [redacted]

RECEIVED
MAY 21 2014
City Clerk's Office
City of Santa Clara

Are you eligible to register to vote in Santa Clara?* ☑ Yes ☐ No ☐ Unsure

Are you a registered voter of Santa Clara?* ☑ Yes ☐ No ☐ Unsure

Have you attended a meeting of this Board/Commission/Committee?* ☐ Yes ☑ No ☐ Unsure

Present Employer: Diamond Associates

Job Title: Owner/Consultant

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Senior Advisory Commission	commissioner	Present
commission on the Status of Women	Commissioner	

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
see attached		

Special Interests, Hobbies or Talents:

writing, art, cooking,

College, Professional, Vocational Schools attended: | Major Subject: | Degree/Dates:

see attached

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I believe I can add valuable insight.

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?* ☐ Yes ☑ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☑ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

no

Signature of Applicant:*

Date Signed:* 5/17/14

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

Submit

ArLyne Diamond, Ph.D.
Professional Biography February, 2013

Multi-faceted, ArLyne Diamond, Ph.D. has extensive experience in a wide range of disciplines (business, education, psychology, law, marketing, management and consulting) enabling her to see things from a variety of angles, cleaving to the essence of a problem quickly, offering her clients creative and practical solutions. Specializing in *People and Processes in the Workplace*, ArLyne describes her work as: ***Helping You Get the Most out of Yourself and Others***.

Her clients range from boards of directors and upper management to support staff in many industries, both private and public, including small professional practices, businesses of all sizes, non-profit associations, and government agencies (including police and fire.), She works with individuals, teams and even large groups. She is well noted for her skill in large and small group process, including strategic planning, executive team building, change, quality improvement, customer satisfaction, conflict resolution, and streamlining of systems. She trains boards, leaders, managers, committees and global teams to work more effectively together.

People Skills Consulting/Training

- Board of Directors and Leadership Training & Retreats including working with volunteers for non-profits.
- Strategic Planning, Group Decision Making & Problem Solving, Continuous Improvement, management of programs, products and processes and Quality Workshops and Retreats
- Managing Change: Mergers & Acquisitions, New CEO, Crisis Change
- Communication, Image and Presentation Skill Development
- Persuasion, Mediation, Negotiation
- Employment Compliance issues including Diversity, Gender, Discrimination & Harassment
- Conflict Resolution, including Arbitration, Mediation and Conciliation
- Customer Service/Satisfaction –Internal & External
- Career and Professional Development Planning and Implementation, talent management and succession planning

Process Development - Organizational Development Workshops and Seminars

- Development of Business, Marketing and Sales Strategies, and tactics.
- Streamlining, Re-engineering, Infrastructure, continuous improvement, quality
- Customized Performance & 360 degree evaluations & training in their use
- Administrative Systems including Policy, Procedures, Job Descriptions, and Forms, and staff development and training of procedures and systems

Start-ups find her varied skills and experience useful. In addition to helping them develop their "road map" and Business Plan, she helps select the right mix of personnel, trains effective upper management teams and creates much needed infrastructure which can then be utilized by staff she trains. Policy, procedure and systems are also developed.

Small Businesses and Professional Practices find her consulting about "The Business of the Profession" useful in developing their business, marketing/sales, employee, and customer skills. She also works with them to create policies and procedures.

As a **Professional Development Consultant**, she helps Leaders and those on the fast track for promotion, as well as professionals in private practice and those aspiring for political office. Her clients improve their interpersonal relationship skills, image, presentation, and management style as well as their strategic decision making abilities. They learn to work more effectively up and down the chain of command. This includes monthly CEO and Leadership Forums.

Dr. Diamond teaches a wide range of MBA university courses in: Business, Organizational Development, Quality, and Leadership. A separate list of the many courses she has taught is available upon request.,

Her University affiliations include DeVry University – Keller Graduate School of Management, Lincoln Law School, San Jose State University, various campuses of University of California, University of Judaism, Notre Dame deNemur University, Stanford University, Continuing Education, and DeAnza College. She also guest-lectured at Stanford Law School and other colleges and universities.

Dr. Diamond also teaches persuasion, negotiation and conflict resolution. She uses mediation, facilitation and arbitration skills with clients to resolve workplace conflict. She taught mediation to and was an arbitrator for the Better Business Bureau, as well as having been an arbitrator for the Santa Clara County Bar Association. Her course Conflict in the Workplace at Stanford Continuing Education is using her book: **Conflict in the Workplace Caused and Cures.**

Her community service and committee work is vast and includes being President and on the Board or Advisory Board of many organizations. A separate listing is available. Dr. Diamond has provided hundreds of workshops to association, non-profit, religious, and corporate boards. This background led to the creation of two of her books.

ArLyne, a noted public speaker appears on radio, television YouTube, and Facebook, discussing a wide range of business and management topics.

She has been described by others as seeing things clearly, being perceptive about people, and articulate and comfortable in style.

Internationally quoted and frequently published in textbooks, newspapers, and magazines, Dr. Diamond authors her own newsletter and has a regular column in the international magazine *Outsourcing.* She writes for and is regularly quoted by other professional magazines and newsletters. For example,she wrote a column, *Workplace,* for the San Jose Business Journal and guest columns on management to Silicon Valley BizInk. She has been quoted in *Entrepreneur and the Harvard Management Communications Letter.* She wrote a regular column for the ADA Compliance Guide when she was on their Advisory board. Googling "ArLyne Diamond" will provide a sample of her articles as well as those in which she has been quoted..

Her most recent books are: **Leading and Managing in a Global** and **Conflict in the Workplace: Causes and Cures.** Her books **Training Your Board of Directors:** *A Manual for the CEOs, Board Members, Administrators and Executives of Corporations, Associations, Non-Profit and Religious Organizations (*With a special Section on the Sarbanes-Oxley Act, which raises the standards for corporate governance, even if you are not legally bound by it.). and, **The "Please" and "Thank You" of Fundraising for Non-Profits** are available at: www.productivepublications.com and have been purchased internationally.

In production is a book series: **The Business of the Profession**, designed to help professional practices and small businesses understand business practices, needs, management, marketing and business development.. Her workbook **Roles and Responsibilities in the Workplace** has been used in the training of many groups of entry-level employees and is being converted into a supplement for Corporate Policy and Procedure Manuals. **Managing for Creativity** is being written based on an extensive amount of interviewing with C level executives.

As owner and administrator of Diamond Associates, founded in 1981, ArLyne has experience in all aspects of small business ownership and management of professional and support staff.

Like a Diamond, using ArLyne Diamond, Ph.D. as your consultant will prove to be a wise investment that appreciates in value over time.

ArLyne Diamond, Ph.D.
Partial List of Community Service, Boards and Commissions
Past and Present

Name of Organization	Role(s)	Location
ADA Compliance Guide	Advisory Board	USA
Alzheimer's Association	Facilitator Memories in the Making	San Jose, CA
American Dream Coalition	Board Member	USA
Better Business Bureau	Arbitrator/Mediator, Taught Mediation	San Jose, CA
B'nai Brith Women	Youngest Chapter President	Bronx, NY
B'nai Brith Girls	Chapter & Regional President	Bronx, NY
B'nai Brith	Advisor to Youth Groups	Bronx, NY
B'nai Brith	Anti Defamation League Member	Bronx, NY
Casa Del Valle, HOA	Board President - 5 years	Santa Clara, CA
Challenge Learning Center	Board Member	Mt. View, CA
Civil Society	Board Member & speaker	Santa Clara, CA
Commission on the Status of Women	Commissioner - Chair Women's Workplace Committee	County Santa Clara
CSIX	Advisory Board & Speaker	Silicon Valley, CA
Jewish High Tech Community (JHTC)	Board Member, Treasurer, Membership Chair	Silicon Valley, CA
National Association of Corporate Directors	Member	Silicon Valley, CA
PATCA (Professional & Technical Consultants	Referral Service, Directory, Newsletter, Speaker	Silicon Valley, CA
Parents without Partners	Advisory Board	Silicon Valley, CA
Rotary - Campbell	Membership & Program Chair	Campbell, CA
Rotary - San Jose North	Public Relations Chair	Silicon Valley, CA
Rotary - District	Visioning Committee	Silicon Valley, CA
S.J. Symphony Associate Board	Board Member, Chair Fundraising Committee	San Jose, CA
Santa Clara Chamber of Commerce	Gov't Affairs & Business Committees	Santa Clara, CA
Santa Clara County Bar Association	Fee Arbitrator	County Santa Clara
Santa Clara Performing Arts Foundation	V.P. Board	Santa Clara, CA
San Jose Chamber of Commerce	Chair Infrastructure Committee	San Jose, CA
SCORE	Counselor, Speaker & Trainer	Silicon Valley, CA
Silicon Valley Innovation Institute	Member	Silicon Valley, CA
Temple Emanuel	Assoc. Board Member, Chair Adult Education Comm.	San Jose, CA
UAHC	Board of Directors, Leadership Training Conflict Resolutio	USA
Vanguard	Founder and VP	Silicon Valley, CA
Women In Consulting (WIC)	Membership Benefit Chair	Silicon Valley, CA
Women in Management Consulting	Founder	Silicon Valley, CA

ArLyne Diamond, Ph.D.

Partial List of Community Service, Boards and Commissions

Past and Present

Women's Re-Entry Program	Consultant, course and Program Developer	Northern California
Academic and Professional Committees	Numerous orgs. And positions	New York & California

What Other People Say About ArLyne Diamond, Ph.D.

ArLyne Diamond has a high degree of mental quickness and alertness,
And she is extremely intelligent (I might even say brilliant actually.)
I also found her to have a great ability to facilitate the clearing up
of communication problems...[with] a high degree of integrity...
She is quick and witty and is gifted with a fine sense of humor.
Arthur Anton, Ph.D. – Associates Psychologists

ArLyne Diamond possesses a first-rate mind, lively curiosity about a broad spectrum of human affairs,
Is perceptive in observation, incisive in thought and, happily is an enormously sensitive and kind human being.
William T. Keogh, Esq., Associate Dean (Retired – Deceased) Stanford Law School

Your professional, adroit and humorous handling of the many meetings
Gave everyone a comfortable and open approach to problem solving
That has accomplished more than I ever thought possible. I appreciate
your ability not only to lead people, but to redirect their energies to
look at problems differently. More importantly to change attitudes,
the hardest of all to reshape.
Leonard D. Miller, CEO, Quorum International Ltd.
And Citizen's Task Force Representative to City of San Carlos
Core Team for Permit Streamlining

I have come to know ArLyne as a person of quick intellect, keen perception,
sensitive compassion, serious commitment and creative energy.
Tybil F. Kahn, LCSW

Your columns were quite interesting and I agree with just
about every thing you say....Some of your underlying philosophy
of management reminds me of Robert Townsend's *Up The Organization*
... probably the best book on business and management I've read.
David J. Estrin, Senior Editor, Garland Publishing, Inc.

It was the best lecture I have heard in my 12 years at the college.
I think you have raised the consciousness of many students
concerning the issues of women's rights and position in society today.
Marci Douglas, Professor of English, Gavlin College

I found in ArLyne a person with an exception level of intelligence and capability for innovative, independent thought, reason [and] intellectual honesty. Dr. ArLyne Diamond has a remarkable gift for helping people achieve a far higher level of psychological well being than they might otherwise have felt possible. At the core of this 'gift' is the great depth of caring, emotional sensitivity and human empathy she possesses, and her deep and abiding belief in the innate value and possibility of each individual. Dr. Richard C. Eden, Sr. Vice-President Gigabit Logic

You spoke to your audience with great sensitivity and empathy
and shared many excellent concepts. Your dialogue with the
various Pro-Match members was truly fabulous. Not only did you
come up with workable solutions for painful situations, but your
advice was real and gul level, pertinent to their individual needs.
Helen Gracon, Facilitator – ProMatch

ArLyne is special. She belongs in the "top prospect" or "rare find" category.
...is a member of that informal elite who do exceptional things whatever their undertaking.
The key word to describe ArLyne is balance.
She matches dedication with humor, a good business sense with humanism,
and abundant energy with good cheer.
James Hawkins, Professor, San Jose State Univeristy

The four hours I spent with you were highly valuable. The information was practical and immediately applicable to my work, as it would be to any manager who interviews, hires, tracks performance and sometimes, unfortunately, fires. Your presentation of the material was interesting, the pace was right, your examples were relevant and reflected your experience. I truly enjoyed the workshop as well as finding it practical. Jeanne Howard, Advertising Director, METRO Newspapers

ArLyne has shown dedication, warmth, boldness and clarity.
She has a sense of cleaving through to the essence of a problem.
Jacki Nidever, Ph.D. Associated Psychologists

I noticed many positive changes within our staff...
The session you facilitated was professionally organized and
effectively presented. Your ability to bring each individual into
discussion as well as your ability tokeep us from 'wandering' was
much appreciated. I felt that we were able to discuss many complex
and sensitive areas, and the end result was a better understanding of each
individual's role... It is now common to hear individuals comment on an improved
working atmosphere and a higher level of communication has developed ...
as a direct result of our Management Development session.
The improved atmosphere and communication level has had a positive
Impact on our staff's morale and has even boosted productivity.
Phil Kleinheinz, Fire Chief, City of Santa Clara, Fire Dept.

Your workshop... was invaluable! Your knowledge & skills are excellent. We enjoyed the quick wit and the support materials were terrific. I personally learned a great deal and the agents are still asking if we can't *please* have you here on a permanent basis...You might consider changing the title of your seminar to: *How to figure out where you are, how you got there, where you want to be and how to go about making the most of your talents and how to zero in on the needs of your clients to best serve them, while enjoying the process* Patty Marlow, Vice-President/Manager, Cornish & Carey, Campbell, CA

I came away with several ideas that I have now implemented, resulting in better communication
with my current client base, as well as substantial Increase in projected sales. I absolutely enjoyed
the balance between your warm,Friendly and witty presentation, and your high degree of professionalism.
Natalie Ives, Broker, Cornish & Carey, Campbell, CA.

Your degree of knowledge on the subject matter – Sexual Harassment,
Myth vs. Facts – was extremely impressive and your delivery of the
material equally skillful. The feedback from our employees has been wonderful.
Thank you for making a subject that, in someone else's hands, could have been very awkward.
Not only was it not awkward, but I have actually received requests for additional training
sessions, from those same employees who felt they didn't need it in the first place.
Ellen R. Fox, Personnel Director, Tichenor Media Systems, Inc.

You were effectively able to bring various members of my staff together to accomplish significant and innovative changes... [and[in helping to create an environment for us to continue with these efforts. ...We are now implementing many of your recommendations in the management study. It has been a valuable tool for me to use as I continue to "fine tune" the city's management structure...Thank you for your varied and excellent contributions.
Michael P. Garvey, City Manager, City of San Carlos

Successful process and organizational improvements require strong facilitation
and interpersonal skills. ArLyne has the ability to listen, manage conflict
and get to the bottom line. ...resulted in positive and tangible changes to
existing processes and organization [as well as] community participation.
Connie Martinez, Vice-President Joint Venture Silicon Valley

I highly recommend ArLyne – her facilitation skills are superb,
her integrity unquestioned, and her contribution in terms of both "soft skills"
as well as subject matter expertise are excellent.
Lori Kendall, Vice-President Genesys Telecommunications Labs, Inc.

She has helped us in formalizing personnel policies, streamlining office procedures, preparing an office manual, team building, resolving internal conflicts, office redesign, and even interior decorating. Through customer service training and business and marketing development she helped my accountants increase their client base significantly. She has all of the qualities that business managers and owners seek in that she is dedicated, dependable, and gets results. In my opinion her strongest point is that she's incredibly smart, cuts through a lot of the fog, and gets to the bottom line in an incredibly short time. She also earns the respect and trust of employees who are willing to risk making change with her help.
Leonard W. Williams, CPA

... she was deeply involved in redefining the way San Carlos does business
and in reshaping employee attitudes. She also made a number of valuable observations
about our feelings about diversity in the workplace and a number of management/non-management
issues. We found her insight to be of great value and have made them a feature in many of the changes we
have implemented since. Michael P. Garvey, City Manager, City of San Carlos

ArLyne Diamond, Ph.D.
Diamond Associates
3567 Benton St. #315, Santa Clara, CA 95051
Phone: 408-554-0110
www.DiamondAssociates.net
ArLyne@DiamondAssociates.net

Objective: Faculty position in Business, Management, Psychology and/or Legal Departments of Universities and Corporate Universities.

Summary: Years of teaching, training and consulting experience with high accolades for highly interactive, practical and interesting presentations. Excellent platform skills, capable of creating curriculum and lesson plans. Academic experience in several colleges and universities in California. Highest student evaluations.

Employment History – University – College Teaching

Stanford University, Continuing Education, Stanford, CA 2011 - Present
Conflict in the Workplace
Text: Conflict in the Workplace: Causes and Cures, Author: ArLyne Diamond, Ph.D.

DeVry University/Keller Graduate School, Fremont/San Jose, CA 2008 – 2012

- MBA Courses include:
  - Leadership and Organizational Behavior,
  - Quality and Performance Excellence,
  - International Business,
  - Employment Law,
  - Negotiation Skills,
  - Change Management,
  - Legal, Ethical and Political Aspects of Business,
  - MBA Capstone – Business Planning Seminar,
  - HRMBA Capstone – Staffing,
  - and others.
- Undergraduate courses:
  - Career Decisions
  - Psychology of Life and Work
- Outstanding Student Evaluations, Active in many faculty committees
- Among the texts used for some of these courses:
  Conflict in the Workplace: Causes and Cures, Author: ArLyne Diamond, Ph.D.
  Leading and Managing a Global Workforce, Author: ArLyne Diamond, Ph.D.

Lincoln Law School, San Jose, CA 2009 – 2009

- The Psychology of Practicing Law (co taught with Attorney)
- They are seeking special permission to have me – a non-lawyer, teach other courses.

San Jose State University – Professional Development, San Jose, CA 2004 – 2008

- Advanced Training for Board of Directors and CEOs
  Text: Board of Directors Training, Author: ArLyne Diamond, Ph.D.

University of Notre Dame de Namur, Belmont, CA 2001 – 2002

- Organizational Behavior
- Multi-National Business and Economics

University of California – Davis, Davis, CA 1998

- Leading Diverse Cultures – A Multi-Faceted Challenge

University of Judaism, Los Angeles, CA 1997

- Group Problem Solving and Decision Making in Non-Profit Management
  Text: Board of Directors Training, Author: ArLyne Diamond, Ph.D.

University of California, Santa Cruz Extension, Santa Clara, CA 1993 – 2000

- Culture and cultural Diversity (TESL/CLAD4)
- Dealing with People who are Different
- Diversity in Dispute Resolution
- Diversity with a Difference
- Global Savvy: Working and Managing in a Global Economy
- Protecting the Employer and Employee in Changing Organizations
  (Guest Lecturer in Quality Management course)
- Psychology of Buying (Understanding the Consumer)
- Service Marketing – Marketing Professional Services
- Soft Skills (Leadership, Management, Interpersonal Relations, Communication)

West Valley – Mission College District, Saratoga, CA 1996 – 1999

- Finding, Hiring & Effectively Using the Right Person for the Job
- Marketing Professional Services
- Roles & Responsibilities in the Workplace

University of Santa Clara, Law School, Santa Clara, CA 1981

- Understanding Psychological Testimony (for lawyers & judges)

Stanford Law School (guest lecturer), Stanford, CA 1980 – 1990

- Children's Rights
- Clinical Evaluations and Interviewing of Juveniles
- Issues in Custody and Visitation

DeAnza College, Cupertino, Ca 1973 – 1977

- Career Decisions for Women
- Personal & Social Adjustment
- Vocational & Personal Counseling

San Jose State University, San Jose, CA 1968 – 1972
(Includes teaching, teaching assistant & substitute teaching)

- Elementary Statistics
- Intelligence and Testing Practicum
- Personality and Emotional Problems of Children
- Psychology of Adolescence
- Projective Techniques I (TAT & others)
- Projective Techniques II (Rorschach)

Employment History – Corporate and Government Training

Diamond Associates, Santa Clara, CA 1981 – Present

- Management consulting and training – leadership, organizational behavior, conflict resolution, employment law, sexual harassment and discrimination, mentoring, coaching, persuasion and negotiation
- Work with individuals and groups
- Create and implement all my own workplace courses.

Education

M.B.A. Business and Management (not completed) 2008 – 2010
Keller Graduate School of DeVry University, San Jose, CA

M.B.A. Business Administration and Organizational Development (not completed) 1988

Ph.D. Clinical Psychology 1984
Pacific Graduate School of Psychology (now Pacific University) Palo Alto, CA

Audit Law Classes, Stanford University, Stanford CA

M.S. Clinical Psychology 1978
Pacific Graduate School of Psychology (now Pacific University) Palo Alto, CA

M.S. Clinical Psychology 1972
San Jose State University (now California State University at San Jose) CA

B.A. Psychology – with Distinction 1969
San Jose State University (now California State University at San Jose) CA

A.A. Liberal Arts – with Honors 1967
DeAnza College, Cupertino, CA

Business, Management, Marketing and Economics Courses at various schools
Sexual harassment, diversity, discrimination workshops
Citizen's Police Academy – Santa Clara County Sheriff's Department and Santa Clara Police Department

Publications – Four books and hundreds of articles.

APPLICATION
BOARD, COMMISSIONS, AND COMMITTEES
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
Santa Clara, California 95050
Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

RECEIVED
MAY 21 2014
City Clerk's Office
City of Santa Clara

*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader: http://get.adobe.com/reader

Board/ Commission/ Committee Applying For:	Civil Service Commission
Name:	Pat Staffelbach
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95054
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	[redacted]
Are you eligible to register to vote in Santa Clara?	☒ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☒ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☐ Yes ☒ No ☐ Unsure
Present Employer:	East Side Unified School District
Job Title:	Teacher

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Santa Clara Women's League	Chair - SC Art and Wine Chair - Showtime	2009, 2010, 2011 2006, 2007, 2008
Santa Clara Host Lions	3rd Vice President 1 year director 2 year director	2010 2011-2012 2013-2014

Special Interests, Hobbies or Talents:

Traveling, reading, gardening, cooking

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Oregon State University	Education	BA - 1070
San Jose State	Education	Credentials for special
UC Santa Cruz	Special Education	BA Credentials

Special awards or recognition received:

Exemplary Staff Vision Award. Oak Grove School District

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I have lived in Santa Clara for 45 years and finally have time to serve the city I love to live in. I would like the opportunity to give back by serving on the Civil Service Commission. I feel that my many years of teaching and dealing with many different personalities as well as my experiences in my volunteer organizations would help me be a fair and impartial team member .

Any other information which you feel would be useful to the City Council in reviewing your application:

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☒ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☒ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

Signature of Applicant: Pat Staffelbach

Date Signed: 05/20/14

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5B

Santa Clara All-America City 2001

Date: May 27, 2014

To: City Manager for Council Action

From: City Clerk/Auditor

Subject: Special Order of Business: Appointment to Fill a Vacancy on the Parks and Recreation Commission

EXECUTIVE SUMMARY:

Four applications were received for the vacancy on the Parks and Recreation Commission for the full term ending June 30, 2018. Pursuant to Council policy, applicants to fill a vacancy on the Parks and Recreation Commission are interviewed before a scheduled Council meeting. The applicants are scheduled to be interviewed at 6:00 pm on June 10, 2014 in City Hall at the Reception Lobby area adjacent to the City Clerk's office. The applications are attached for your review.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

An advantage is that the appointment will complete a full Commission. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council appoint one applicant to fill the vacancy on the Parks and Recreation Commission for the full term ending June 30, 2018.

Rod Diridon, Jr.
City Clerk/Auditor

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Summary of Applicants***
2) ***Applications***

SUMMARY OF APPLICANTS

PARKS AND RECREATION COMMISSION

1 Armando E. Carvajal

2 Sudhanshu Jain

3 Andrew Knaack

4 Beverly Silva

APPLICATION
BOARD, COMMISSIONS AND COMMITTEE
CITY OF SANTA CLARA
Submit Completed Applications to: City Clerk's Office
1500 Warburton Avenue, Santa Clara, California 95050
Telephone: 615-2220 Email: clerk@santaclaraca.gov

RECEIVED
MAY 23 2014 4:30pm
City Clerk's Office
City of Santa Clara

****

Board/Commission/Committee Applying For: Park and Recreation Commission

Name: Armando E Carvajal

Address: [redacted] City: Santa Clara Zip: 95051

Telephone: Work [redacted] Home: [redacted]

Email: [redacted] Fax:

Are you eligible to register to vote in Santa Clara? yes

Are you a registered voter of Santa Clara? yes How long? 50 years

Have you attended a meeting of this Board/Commission/Committee? no

Present Employer: Retired From United Airlines since 2002

Job Title: Ramp Service

Previous Governmental Bodies/Elective Offices Applicant has served	Position/Office Held	Dates
none		

Civic or Charitable Organizations To which Applicant has belonged	Position Held	Dates
Boy Scouts of America	Asst Scout Master & Scout Master	1977-1991
Briarwood El Camino Little League	Coach / League President	1968-Present

Special Interests/Hobbies/Talents: Baseball, Football, Fishing, camping, leather working ,

College, Professional, Vocational, Schools attended	Major Subject	Dates	Degree/Date

***NOTE: ALL INFORMATION PROVIDED WILL BE PUBLIC INFORMATION.**

Special awards or recognition received: Community Service Award (From United Airlines)

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board: (Attach second page if necessary)

To help keep the city's and Community parks and schools and there fields up to date.
While still keeping within the necessary budgets mandates.

Any other information which you feel would be useful to the City Council in reviewing your application:

(Attach second page if necessary)

As a Briarwood El Camino Little League volunteer for over 38 years 1968-2003/ 2012-present
I have had the privilege of witnessing the growth of the city and the community parks in Santa Clara. I personaly have worked with many of the city's and park employee's in order to update and repair the fields that our league has used in the past 38 years
I feel that my experience as a community volunteer give me the knowledge and drive to keep the cithy's parks and community up to our Santa Clara standards.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?

none

If yes, please state name of Organization/Employment:

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises:

yes

Have you ever been convicted of a felony or a misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions):

none

How did you hear about the opening on this Board/Commission/Committee? from a friend.

Signature of Applicant: Armando E. Carrajal

Date signed: May 22, 2014

APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
Santa Clara, California 95050
Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

RECEIVED
MAY 23 2014
City Clerk's Office
City of Santa Clara

*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader: http://get.adobe.com/reader

Board/ Commission/ Committee Applying For:	Parks & Recreation Committee
Name:	Sudhanshu Jain
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95050
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	[redacted]
Are you eligible to register to vote in Santa Clara?	☒ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☒ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☒ Yes ☐ No ☐ Unsure
Present Employer:	none
Job Title:	retired

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Acterra.com (environmental non-profit based in Palo Alto)	Board Member	2012-Present
Kona Kai Swim and Racquet Club (Santa Clara)	Board Member	2010-Present
Cub Scout Pack 32 (Santa Clara)	Committee Chair	2008-2009

Special Interests, Hobbies or Talents:

Environment. Computers. Electronics (robotics). Gardening (Master Gardener). Travel. Tennis.

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
Massachusetts Institute of Technology	Electrical Eng.	BSEE/1983
Massachusetts Institute of Technology	Electrical Eng.	MSEE/1985

Special awards or recognition received:

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I'm very interested in making Santa Clara a better place to live and residents are more engaged. That means that the City must provide good services to enhance the quality of life beyond good roads, police and fire and good utilities. We need to provide better enrichment activities for our kids which go beyond the great sports opportunities such as the Youth Soccer park and the International Swim Center. This means we need to have more music, art, theater and science. One primary goal I have is to get some more community gardens built and I've been working with Sheila Tucker on this. It would be really great to have the Master Gardeners (I'm a Master Gardener) create a demonstration garden like they have in Sunnyvale and Palo Alto.

Finally, the population of Santa Clara is aging. We need to think about providing recreation to older people who will not be using soccer and sports fields. The senior center is a model for other cities. We need to think about building a second senior center that is public transit accessible and closer to places where seniors live. In looking at the 2014/15 budget, I see that senior and adult sport services comprise only 11% of the Parks and Rec budget of $15.8 million.

Any other information which you feel would be useful to the City Council in reviewing your application:

I am currently in Leadership Santa Clara. I've made good contacts with many other leaders in Santa Clara. I've worked closely with Larry Owens of SVP, Dave Staub of the Public Works Dept, Gaurav Garg in IT, and Payal Bagat and Steve Lynch in the Planning Dept. I worked with Rachel Thomas to re-establish the Neighborhood Watch program where I live.

I'm currently the secretary for the Citizens' Advisory Committee (CAC) and I'm actively trying to change it to engage more residents and to make it more effective.

Since retiring in 2008, I've been a full-time volunteer for various organizations.
I led the computer committees at Washington Elementary and Discovery Charter school, often putting in 25 hours per week to keep the computers and network upgraded and working efficiently, while spending very little money. I volunteer taught Algebra at Discovery Charter for 2 years, doing my own lesson plans, lectures, problem sets and grading. I've been teaching a weekly class on the science of Climate Change at Discovery Charter for 3 years now. I'm a regular attendee of the Santa Clara Bicycle and Pedestrian Advisory Committee. I'm also on the board of the Old Quad Residents' Association. I'm the neighborhood watch captain for my neighborhood. We've hosted National Night Out at my home for the past 7 years. I've also taken HEAT (emergency preparedness) classes.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☒ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☒ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court.
(If yes, explain convictions)

NO

Signature of Applicant: Sudhanshu Jain

Date Signed: 05/23/14

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

RECEIVED

MAY 21 2014

City Clerk's Office
City of Santa Clara

APPLICATION
BOARD, COMMISSIONS AND COMMITTEE
CITY OF SANTA CLARA

Submit Completed Applications to: City Clerk's Office
1500 Warburton Avenue, Santa Clara, California 95050
Telephone: 615-2220 Email: clerk@santaclaraca.gov

****

Board/Commission/Committee Applying For: Parks and Recreation Commission

Name: Andrew Knaack

Address: [redacted] City: Santa Clara Zip: 95051

Telephone: Work: [redacted] Cell: [redacted]

Email: [redacted] Fax: n/a

Are you eligible to register to vote in Santa Clara? Yes

Are you a registered voter of Santa Clara? Yes How long? 11 months

Have you attended a meeting of this Board/Commission/Committee? Yes

Present Employer: Ronald McDonald House at Stanford

Job Title: Volunteer Services Assistant

Previous Governmental Bodies/Elective Offices Applicant has served	Position/Office Held	Dates
District Office of Congressman Mike Honda	Congressional Intern	6/13 - 8/13

Civic or Charitable Organizations To which Applicant has belonged	Position Held	Dates
Rotary International	Rotary Club Grant Committee Chair, UCSD Rotaract and Wilcox Interact Club President	9/05 - present
Silicon Valley Japanese American Citizens League	Board Member, Civil Liberties Committee Chair	7/13 - present
Japantown Community Congress of San Jose	Board Member and Community Internship Coordinator	2/14 - present
Women's Empowerment International	Fundraising Committee Member and Liaison	6/12 - present
Institute for Democratic Education in America	Marketing and Communications Intern, Development Intern	8/12 - 12/12

Special Interests/Hobbies/Talents: Community Engagement, Cultural Competence, Event Planning, Social Media, Volunteer Management, Fundraising

College, Professional, Vocational, Schools attended	Major Subject	Dates	Degree/Date
UC San Diego	Political Science	2009 - 2012	8/12
Wilcox High School		2005 - 2009	6/09

***NOTE: ALL INFORMATION PROVIDED WILL BE PUBLIC INFORMATION.**

Special awards or recognition received: Rotary Youth Leadership Award (Santa Clara Rotary Club), Optimist International Youth Appreciation Award (local Optimist Clubs), City of Santa Clara Youth Community Service Scholarship, Eagle Scout Award

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board: (Attach second page if necessary)

My life professionally and personally has been dedicated to service. The work has been very difficult at times, but one thing really keeps me grounded and focused. It is the rare moments that bring a community together as one. These events have always been eye opening and inspiring to me, keeping me motivated by the beauty of a community at its best. Therefore, I am excited to serve on the Santa Clara Parks and Recreation Commission because of the vital role the commission plays in creating these unifying experiences for the city I love and grew up in. The unification happens on a large scale such as the Art and Wine Festival, but also on a smaller day-to-day basis with beautiful public spaces and enjoyable classes and events. Therefore, I look forward to serving Santa Clara by listening to the feedback of my fellow community members on ways to expand the capacity of Parks and Recreation services in a sustainable manner.

One issue I do see with large community events is that those in attendance are not directly representative of the population of Santa Clara. I look forward to working with community leaders of underserved populations to ensure that all residents of Santa Clara are well informed about and feel welcomed at Parks and Recreation facilities and events. I will promote culturally competent means to make these services more accessible to the entire Santa Clara population.

Any other information which you feel would be useful to the City Council in reviewing your application:
I have an extensive history of serving the community through half a decade of nonprofit experience and a lifetime of leadership in community service. During my professional career I have worked at four nonprofits, running the gambit of issue areas from higher education to emergency relief. Currently, I work for the Ronald McDonald House at Stanford as a volunteer coordinator, providing housing and a supportive environment to families with critically ill children traveling to receive treatment. Additionally, I have served several board and executive roles for various community and service organizations. My leadership in service has been recognized by several local organizations including the Santa Clara Rotary Club, local Optimistic Clubs, and the City of Santa Clara Youth Commission.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position?
No
If yes, please state name of Organization/Employment:

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises: **Yes**

Have you ever been convicted of a felony or a misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions): **No**

How did you hear about the opening on this Board/Commission/Committee? **City Clerk's Office**

Signature of Applicant: Andrea Knaack

Date signed: 5/21/14

APPLICATION
BOARD, COMMISSIONS, AND COMMITTEE
CITY OF SANTA CLARA

City Clerk's Office 1500 Warburton Avenue,
Santa Clara, California 95050
Phone: 408-615-2220 E-mail: Clerk@santaclaraca.gov

RECEIVED
MAY 13 2014
City Clerk's Office
City of Santa Clara

*If you are having trouble viewing or submitting this form please download the free version of Adobe Reader: http://get.adobe.com/reader

Board/ Commission/ Committee Applying For:	Parks & Recreation Committee
Name:	Beverly Silva
Address:	[redacted]
City:	Santa Clara
State:	CA Zip Code: 95051
E-mail Address:	[redacted]
Primary Phone Number	[redacted]
Secondary Phone Number	[redacted]
Are you eligible to register to vote in Santa Clara?	☒ Yes ☐ No ☐ Unsure
Are you a registered voter of Santa Clara?	☒ Yes ☐ No ☐ Unsure
Have you attended a meeting of this Board/ Commission/Committee?	☒ Yes ☐ No ☐ Unsure
Present Employer:	A10 Networks, Inc.
Job Title:	HR Manager

Previous Governmental Bodies/ Elective Offices Applicant has served:	Position/ Office Held:	Dates:
Civil Service Commission	Chair/commissioner	2006-2014

Civic or Charitable Organizations to which Applicant has belonged:	Position(s) Held:	Dates:
Lions Club	3rd Vice President Board of Directors	2012- current
VolunteerX	Treasurer	2010-current
Soroptimist	Finance Secretary Board of Directors	2001-2004

Special Interests, Hobbies or Talents:

Reading, exercising, traveling, and relaxing

Talents: Finance, HR, Administrative skills, Relationship building, and Decision making

College, Professional, Vocational Schools attended:	Major Subject:	Degree/Dates:
University of San Francisco	HR Management and Organizational Development	MA 2013
University of Nevada - Reno	Social Work	BA 1983
PHR professional Certification	HR	1998

Special awards or recognition received:

Leadership Santa Clara (Can't remember the year I went through that)

Please state reasons why you want to become a member of this Board/Commission/Committee, including what specific objectives you would be working toward as a member of this advisory board:

I would like to continue to servce my community in a volunteer capacity and I am interested in representing the public on the Parks and Recreation Advisory Board. I have lived in Santa Clara for over 30 years and i have enjoyed the use of many of our city's parks. I want to learn more about our Parks and Recreation systems, programs and other offerings so that I may add value to recommendations that move forward to the City Council.

Any other information which you feel would be useful to the City Council in reviewing your application:

I just ended my 8 years tenure on the Civil Service Commission and I enjoyed that experience very much and would like to continue to serve on different commissions/committes and advisory boards in order to give back, and continue to learn about city government and structure.

Are you associated with any Organization/Employment that might be deemed a conflict of interest in performing your duties if appointed to this position? ☐ Yes ☒ No ☐ Unsure

If yes, please name the Organization or Employment.

City policy directs all advisory body members not to vote on matters where there exists a potential conflict of interest. Would you be willing to abstain from voting if such a conflict arises? ☒ Yes ☐ No ☐ Unsure

Have you ever been convicted of a felony or misdemeanor? Do not list any misdemeanor settled in juvenile court. (If yes, explain convictions)

No

Signature of Applicant: Beverly Silva

Date Signed: 05/13/14

By clicking submit you are confirming that you are the person listed in this application, and that all information provided is truthful and correct. You can also submit the completed application in person at: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, California 95050. All information provided will be public information.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5C

Santa Clara
All-America City
2001

Date: May 27, 2014

To: City Manager for Council Information

From: City Clerk/Auditor

Subject: Special Order of Business for Recognition of Outgoing Commissioners

As a Special Order of Business on June 10, 2014, the Mayor, on behalf of the City Council, will recognize the following Commissioners for their years of service:

Civil Service Commission	Beverly Lynne Silva	2005 – 2014
Cultural Commission	Dave Leon	2012 – 2014
Parks and Recreation Commission	Raymond G. Gamma	2006 – 2014

Rod Diridon, Jr.
City Clerk/Auditor

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
None

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5D

Date: May 30, 2014

To: City Manager for Council Information

From: Director of Parks & Recreation

Subject: Special Order of Business: Promotion of the Silicon Valley BBQ Championships held in Central Park on June 27-28, 2014

Lou Ann Alexander, Rotary Club President of Santa Clara, will promote the Silicon Valley BBQ Championships to be held in Central Park on June 27-28, 2014.

James Teixeira

James F. Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

I:\Parks\Agendas\Special Order of Business\Promotion of Silicon Valley BBQ 2014.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 5E/5A SOSA HA

Date: June 3, 2014

To: City Manager for Council Action
Contract Administrator for Sports and Open Space Authority Action
Executive Director for Housing Authority Action
Executive Officer for Successor Agency Action

From: Director of Finance/Assistant City Manager, Director of Finance for SOSA, Housing Authority Treasurer

Subject: PUBLIC HEARING: Adoption of the 2014-15 Budget with Proposed 2014-15 Budget Actions for the City (including Community Development Block Grant and HOME Funds), Sports and Open Space Authority, Housing Authority, and Successor Agency

EXECUTIVE SUMMARY:

On June 10, 2014 at 7 p.m., a Public Hearing is scheduled for the purpose of taking public input and Council/Authority/Agency approval/adoption of the following City of Santa Clara 2014-15 documents:

- Proposed Annual Budget (including Community Development Block Grant and HOME Program funding)
- Proposed Capital Improvement Project Budget
- Proposed Sports and Open Space Authority Budget
- Proposed Housing Authority Budget
- Proposed Successor Agency Budget
- Appropriations Limit
- Proposed disposition of funds from the Give A Little…Help A Lot community donation campaign
- Proposed use of Asset Seizure funds

Copies of the proposed budgets, the 2015-16 through 2019-20 Five-Year Financial Plan, and additional supporting documents for the 2014-15 budgets were submitted to Council for the budget study session held on May 13, 2014. The Capital Improvement Project budget was reviewed by the Planning Commission at their April 30, 2014 meeting and has been found to be consistent with the City's General Plan. Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

A follow-up response to Council comments regarding the Municipal Fee Schedule during the April 22, 2014 adoption is attached.

Copies of the proposed budgets and Five-Year Financial Plan are available for review on the City's website at http://santaclaraca.gov/index.aspx?page=220, and in the City Clerk's Office and the City's libraries during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City Council action in approving the 2014-15 Budgets by June 30, 2014 complies with the City Charter and allows the City and its Agencies and Authorities to continue their operations for the 2014-15 fiscal year.

ECONOMIC/FISCAL IMPACT:

By approving the proposed budget documents plus all adjustments detailed in the 2014-15 Summary of Changes to Proposed Budget and any further adjustments as a result of Council/Authority/Agency Action during the Public Hearing on June 10, 2014, the following budgets will be established: (1) the 2014-15 City of Santa Clara Annual Budget (including Capital Improvement Project Budget); (2) the 2014-15 Successor Agency Budget; (3) the 2014-15 Sports and Open Space Authority Budget (including the Santa Clara Golf and Tennis Club Budget); and (4) the 2014-15 Housing Authority Budget.

RECOMMENDATION:

That the City Council, City Council acting as the Governing Board of the Successor Agency for the former Redevelopment Agency of the City of Santa Clara, Sports and Open Space Authority (SOSA), and Housing Authority take the following actions:

1) Approve the City of Santa Clara Proposed 2014-15 total budget of $660,457,989, including the Operating Budget of $597,634,032, the General Fund Budget of $164,777,000 and CIP Budget of $62,823,957 (including the adjustments as noted in the 2014-15 Summary of Changes to Proposed Budget detailed in Attachments A, B, and C).

2) Approve the Sports and Open Space Authority Proposed 2014-15 total budget of $4,244,443.

3) Approve the Successor Agency to the Redevelopment Agency of the City of Santa Clara Proposed 2014-15 total budget of $19,045,842.

4) Approve the Housing Authority Proposed 2014-15 total budget of $210,589; expenditures are limited only to support administrative loan monitoring costs.

5) Approve the disposition of $20,967.57 from the Give A Little...Help A Lot community donation campaign as recommended in the attached memo and Agenda Report.

6) Approve the use of $113,800 for police activities and programs from the Asset Seizure Trust Fund as requested in the attached Agenda Report from the Chief of Police.

7) Adopt a Council Resolution establishing the Appropriation Limit for 2014-15 of $341,156,650 as computed by the Finance Department. According to regulations, fiscal year 2014-15 appropriations classified within this limit total $123,316,251.

Gary Ameling
Director of Finance/Assistant City Manager
Director of Finance for SOSA
Housing Authority Treasurer

APPROVED:

Julio J. Fuentes
City Manager
Contract Administrator for Sports and Open Space Authority
Executive Director for Housing Authority
Executive Office to Successor Agency

Documents Related to this Report:
1) Summary of Changes to Proposed Budget (Attachments A, B, C)
2) Give a Little…Help a Lot Agenda Report
3) Asset Seizure Trust Fund Agenda Report
4) Agenda Report and Resolution – Appropriations Limit
5) Agenda Report - 2014-15 Municipal Fee Schedule Follow-up Information

Exhibit 1

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment A

	Proposed Budget	Recommended Final Budget	Net Change
City Budgets			
Total City Budget	660,257,989	660,457,989	200,000
Total City Operating Budget	597,434,032	597,634,032	200,000
General Fund Budget	164,577,000	164,777,000	200,000
Capital Improvement Project Budget (CIP)	62,823,957	62,823,957	-
Agency/Authority Budgets			
Sports and Open Space Authority	4,244,443	4,244,443	-
Housing Authority	175,641	210,589	34,948
Successor Agency	19,045,842	19,045,842	-
Stadium Authority	165,691,005	165,691,005	-

See Attachments B and C for explanation of changes.

Note that the Stadium Authority has an April 1 to March 31 fiscal year and that its 2014-15 budget was previously approved on March 31, 2014.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment B

	General Fund			
	Proposed Budget	**Recommended Final Budget**	**Net Change**	**Notes**
Estimated Resources				
Revenues	168,603,686	168,638,634	34,948	(7)
Net Transfers From / (To)	(4,026,686)	(3,861,634)	165,052	(7)
Total Estimate Resources	$ 164,577,000	$ 164,777,000	$ 200,000	
Appropriations				
Salaries	89,072,453	88,573,006	(499,447)	(1, 2, & 5)
Benefits	41,497,649	41,570,418	72,769	(1 & 2)
Operating Expenditures	24,985,406	25,612,084	626,678	(2 ,3, 4, & 6)
Interfund Services	8,816,692	8,816,692	-	
Capital Outlay	204,800	204,800	-	
Total Appropriations	$ 164,577,000	$ 164,777,000	$ 200,000	

Notes:

(1) Police Department - Unfreeze two (2) Police Officer positions to support public safety needs at a total cost of $335,680. In addition, Police salary and benefits budgets were shifted between programs to realign resources with anticipated service delivery.

(2) Information Technology Department - Eliminate Communication Technician I/II position and move budget to Contractual Services. No change in total budget.

(3) City Manager's Office - Add $250,000 for Marketing and City Branding Initiative.

(4) City Manager's Office - Adjusted budget to match recently adopted LAFCO and Silicon Valley Animal Control Authority budgets. Increase of $23,114.

(5) City Manager's Office - Increased estimated savings from attrition by $608,794 to balance modifications in expenditures.

(6) Planning Department - Increase contractual services budget for code enforcement by $200,000.

(7) Increased revenue from Housing Authority for administration of housing programs by $34,948 and Give a Little...Help a Lot contribution of $335. Increased transfer to Working Capital Reserve by $35,283 to balance. Increased transfer from Building Inspection Reserve by $200,000 to cover cost of additional code enforcement contractual services.

City of Santa Clara
Summary of Changes to Proposed Budget
Fiscal Year 2014-15

Attachment C

Housing Authority - CIP Fund

	Proposed Budget	Recommended Final Budget	Net Change	Notes
Estimated Resources				
Housing Program Income	175,641	210,589	34,948	
Total Estimate Resources	$ 175,641	$ 210,589	$ 34,948	(1)
Appropriations				
Administration	175,641	210,589	34,948	
Total Appropriations	$ 175,641	$ 210,589	$ 34,948	(1)

Note:

(1) Increased payment to General Fund for administration of housing programs by $34,948.

Meeting Date: _____

Santa Clara
All-America City
2001

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 2

DATE: May 6, 2014

TO: City Manager for Council Action

FROM: Senior Staff Aide

SUBJECT: **Give A Little . . . Help A Lot Campaign Progress Report and Request for Council Action During the 2014-15 Budget Process**

EXECUTIVE SUMMARY:

The Give A Little...Help A Lot donation campaign, approved by Council in January 1990, continues to generate funds for specific community service programs of the City. Utility bill inserts are mailed two times each year to citizens, informing them of the program and inviting their participation. The programs that benefit from the Give A Little...Help A Lot campaign are: Art in Public Places, Concerts in the Park, Keep Santa Clara Clean, Harris-Lass Historic Preserve, Mission City Community Fund, Championship Teams, HELP Your Neighbor, and Santa Clara City Library Foundation and Friends.

On July 1, 2013, the Give A Little...Help A Lot campaign program had a total balance of $19,836.56. Donations received during fiscal year 2013-14 totaled $1,785. After $653.99 authorized disbursements and budget appropriations by Council, the balance on April 30, 2014 is $20,967.57 (see table on page 4).

Council may consider referring discussion of the unexpended Give A Little...Help A Lot campaign donations to the fiscal year 2014-15 budget process for allocation at that time. The attached table on page 4 includes recommendations for the disposition of funds in all Give A Little...Help A Lot categories, to be referred to the Budget Study Session on May 20, 2014.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Give A Little...Help A Lot community donation campaign allows citizens to easily become involved in their community by contributing to several City sponsored programs and projects which serve people of all ages in the City of Santa Clara. Referring this year's donations, along with the existing trust account balances, to the 2014-15 budget process will allow for Council allocations to be made, as well as citizen input to be received as part of the budget public hearings. Traditionally, the Cultural Advisory Commission provides recommendations for use of the money donated to the Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean accounts. There are no recognized disadvantages to this program.

ECONOMIC/FISCAL IMPACT:

The Give a Little...Help A Lot donation campaign has a total balance of $20,967.57 available for disposition by Council action. Utilizing the donated funds for community programs can help defray costs of existing or new programs. This is described more fully in the discussion section of this report. The cost for printing the utility bill inserts is $400.00 for each issue for a total of $800.00 per fiscal year. There is no additional postage cost associated with including the insert in the utility bill mailings.

RECOMMENDATION:
That the Council refer the disposition of funds from the Give A Little...Help A Lot community donation campaign to the 2014-15 budget study session on May 13, 2014 and note and file the Give A Little...Help A Lot progress report. It is also recommended that the Cultural Advisory Commission provide recommendations on the use, during the 2014-15 budget year, of donations made to the following categories: Art in Public Places, Concerts in the Park, and Keep Santa Clara Clean.

Jashma Kadam
Senior Staff Aide to the City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

DISCUSSION

Information on Programs Supported by the Give A Little...Help A Lot Campaign:

Art in Public Places: The Cultural Advisory Commission administers the Art in Public Places program. Donations are used to support the City's effort to place sculptured art at City Hall and other locations throughout the City.

Concerts in the Park: The City's Concerts in the Park program is held at the Central Park Pavilion and occurs on Wednesday evenings and Sunday afternoons in late June, July, and August.

Keep Santa Clara Clean: This program is an anti-litter, anti-graffiti effort, promoting a clean and healthy City environment. Traditionally, it has been used to fund rewards for information leading to the arrest of graffiti perpetrators through the graffiti abatement program, sponsored by the Cultural Advisory Commission. In addition, the Commission has begun a pilot program to paint artwork on City utility boxes.

Harris-Lass Historic Preserve: This program provides support to the Harris-Lass Historic Preserve which is representative of the area's agricultural past.

Mission City Community Fund: The Mission City Community Fund (MCCF) provides support for theater and the arts, social services, education, health care, and the environment. A partial list of grant recipients includes Project Hired, de Saisset Museum, Westwood School PTA, Community Literacy, South Bay Historical Railroad Society, Soroptimist International, and Santa Clara PAL.

Championship Teams: This program provides assistance for championship teams/individuals and sports affiliated groups to travel to state, national, and international competitions. These requests are brought before Council for approval as they occur.

HELP Your Neighbor: This program provides emergency assistance with utility bill payments for Santa Clara residents experiencing financial hardship.

Santa Clara City Library Foundation and Friends: Donations are used to expand and enhance the library's programs and services.

Undesignated: Traditionally, Council has chosen to remit undesignated donations to the Mission City Community Fund (MCCF), which supports theater and the arts, social services, education, health care, and the environment.

Recommendations for the Give A Little...Help A Lot Trust Fund Balances:

The following table summarizes the April 30, 2014, Give A Little...Help A Lot Trust Fund balances along with staff's recommendations for their disposition.

DONATION TRUST FUND ACCOUNT	APRIL 30, 2014 ACCOUNT BALANCE	FY2014-15 RECOMMENDATION FOR DISPOSITION
Art in Public Places	$220.57	Remain in account.
Concerts in the Park	$171.32	Allocate $170 to Concerts in the Park in the General Fund.
Keep Santa Clara Clean	$168.04	Allocate $165 to Keep Santa Clara Clean in the General Fund.
Harris-Lass Historic Preserve	$35.00	Remit to Historic Preservation Society of Santa Clara.
Mission City Community Fund	$10.00	Remit to MCCF.
Championship Teams	$1,343.69	To be allocated upon request with Council approval.
HELP Your Neighbor	$18,838.95	To be allocated as needed, with City Manager's approval.
Santa Clara City Library Foundation and Friends	$140.00	Remit to Foundation and Friends of Santa Clara City Library.
Undesignated	$40.00	Remit to MCCF.
TOTAL	$20,967.57	

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 3

Date: May 5, 2014

To: City Manager for Council Action

From: Chief of Police

Subject: Request to Approve the Use of Asset Forfeiture Funds as Described Below for Fiscal Year 2014-2015, Pursuant to State and Federal Regulations

EXECUTIVE SUMMARY:

The Police Department has identified the following items, training, or improvements as being necessary to better serve the community by maintaining or improving our current level of service, enhancing our ability to apprehend criminal offenders, or by ensuring a higher degree of officer and employee safety.

The City has the opportunity to enhance Police Department services by funding the following items (totaling $113,800) with Asset Forfeiture monies. Asset Forfeiture funds are obtained as a result of narcotic and other criminal investigations. Federal and State authorities allow the Police Department to share in the distribution of funds seized pursuant to judicial and/or administrative actions. The use of these monies is limited to funding law enforcement-related programs or purchases of equipment.

The Discussion section of this report specifically outlines this year's requests.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this request will provide needed means, equipment, training, and improvements to the Police Department without using General Fund monies and will satisfy the legal requirement to utilize Asset Forfeiture funds for augmenting law enforcement budgets. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

Approval of this request will provide $113,800 to support narcotic enforcement, other programs, and needs in the Police Department without using General Fund monies. Funds are available for appropriation from the unallocated Asset Forfeiture Trust Fund (079-7722-88000-(G)00710).

RECOMMENDATION:

That the Council approve for FY 2014-2015 the use of Asset Forfeiture funds awarded to the Police Department pursuant to State and Federal regulations, as follows:

1.	177-7733-87870-(I)4622-(G)SEIZD	$30,000
2.	177-7742-87820-(I)4673-(G)SEIZD	$12,000
3.	177-7746-87500-(I)2141-(G)SEIZD	$12,000
4.	177-7744-88040-(I)4662-(G)SEIZD	$24,800
5.	177-7732-88040-(I)4672-(G)SEIZD	$15,000
6.	177-7742-88040-(I)4674-(G)SEIZD	$10,000
7.	177-7732-88040-(I)4675-(G)SEIZD	$10,000

Certified as to Availability of Funds: DK
079-7722-88000-(G)00710 $ 113,800

Michael J. Sellers
Chief of Police

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Discussion

Discussion: The Police Department's Asset Forfeiture funding requests for equipment and other law enforcement uses and programs for Fiscal Year 2014-2015 are as follows:

1. Undercover Buy Fund $30,000
   177-7733-87870-(I)4622-(G)SEIZD Program: SCAT
   Monies used by undercover officers during criminal investigations to purchase illegal drugs and other contraband.

2. IACP Conference $12,000
   177-7742-87820-(I)4673-(G)SEIZD Program: Administrative Services
   Funds used for approximately six attendees at the International Association of Chiefs of Police conference in Orlando, FL in October 2014. This conference provides some of the best training for law enforcement officials available in the world.

3. Community Policing Projects $12,000
   177-7746-87500-(I)2141-(G)SEIZD Program: Community Services
   These funds will support our community policing projects for the coming year. Uses include support of of our Northside Substation, community events, special awards, and recognition supplies.

4. Canine Replacement, Equipment, and Training $24,800
   177-7744-88040-(I)4662-(G)SEIZD Program: Administrative Services
   Police service dog " Cezar" will be retired after several years of duty and needs to be replaced. These funds will provide for the purchase of the canine, equipment and training needs. The training for the dog and its handler consists of a four-week basic course and a two-week tracking course. Additionally, the dog will be trained in narcotics and/or explosive detection.

5. Portable Covert Surveillance Camera $15,000
   177-7732-88040-(I)4672-(G)SEIZD Program: Investigations
   This equipment will assist detectives in monitoring locations where theft or other targeted criminal activity may be taking place within the city.

6. Professional Standards Tracking Software $10,000
   177-7742-88040-(I)4674-(G)SEIZD Program: Administrative Services
   This software ensures the most efficient handling of citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to analyze and identify areas of concern so that proactive action can be taken.

7. Anti-Theft GPS Trackers $10,000
   177-7732-88040-(I)4675-(G)SEIZD Program: Investigations
   These anti-theft GPS trackers are placed in decoy items that may be targeted by thieves for theft (laptops, camera bags, tablets, etc.). Once stolen, the GPS trackers can lead detectives to the location of the thief for arrest and prosecution.

Exhibit 4

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Santa Clara All-America City 2001

Date: June 1, 2014

To: City Manager for Council Action

From: Director of Finance/Assistant City Manager

Subject: Adoption of Resolution Establishing Fiscal Year 2014-15 Appropriations Limit

EXECUTIVE SUMMARY:

On November 6, 1979, the California electorate passed Proposition 4, which created Article XIIIB of the State Constitution placing limits on the amount of revenue that can be spent by governmental agencies. This section of the Constitution placed a restriction on the amount of revenue that the City can appropriate in any fiscal year. Not all revenues are restricted by the limit, only those that are categorized as proceeds of taxes.

The City's limit has been based on actual appropriations during fiscal year 1978-79, increased annually by an adjustment factor. On June 5, 1990, the California electorate approved Proposition 111 which modified the method of adjusting the annual Appropriations Limit. Beginning with the 1990-91 appropriations limit, the City may choose from the following indices when arriving at an adjustment factor:

1. The annual growth in the City's population or the annual growth in the County's population as provided by the State Department of Finance.

AND

2. The annual growth in the California Per Capita Income or the growth in the non-residential assessed valuation due to new construction within the City.

In computing the fiscal year 2014-15 appropriations limit, we used the population growth of the County of Santa Clara (1.50%) and the growth in non-residential assessed valuation from new construction (2.62%). For fiscal year 2014-15, the City of Santa Clara appropriations limit is $341,156,650 (Schedule 1). An analysis of the request for appropriations from estimated proceeds of taxes, as reflected in the proposed fiscal year 2014-15 budget, indicates that for fiscal year 2014-15 the City will be at 36.15% ($123,316,251) of its limit.

Schedule 1 provides the history of the City's appropriations limits as adopted by Council for fiscal year 2005-06 through fiscal year 2013-14, including allowable retroactive adjustments, and the appropriations limit being recommended for adoption for fiscal year 2014-15.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

By adopting the fiscal year 2014-15 appropriations limit, the City will be in compliance with the existing State law.

ECONOMIC/FISCAL IMPACT:

By adopting the resolution, the City will have a total increase of its appropriations limit of $13,625,304.

RECOMMENDATION:

That the Council adopt a resolution establishing the City's fiscal year 2014-15 appropriations limit of $341,156,650.

Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Schedule 1***
2) ***Resolution for Appropriations Limit***

SCHEDULE 1

CITY OF SANTA CLARA

PROPOSITION 4 APPROPRIATIONS LIMIT
FYs 2005-06 THROUGH 2014-15

FISCAL YEAR	BEGINNING APPROPRIATIONS LIMIT	PRICE FACTOR		POPULATION FACTOR		ADJUSTMENT FACTOR	ENDING APPROPRIATIONS LIMIT
	(1)	(2)		(3)		(4) = (2) X (3)	(1) X (4)
2014-15	$ 327,531,346	1.0262	X	1.0150	=	1.0416	$ 341,156,650
2013-14	306,762,357	1.0512	X	1.0157	=	1.0677	327,531,346
2012-13	291,996,814	1.0377	X	1.0124	=	1.0506	306,762,357
2011-12	280,361,369	1.0251	X	1.0160	=	1.0415	291,996,814
2010-11	283,808,346	0.9746	X	1.0136	=	0.9879	280,361,369
2009-10	276,718,902	1.0062	X	1.0193	=	1.0256	283,808,346
2008-09	260,849,378	1.0429	X	1.0172	=	1.0608	276,718,902
2007-08	243,287,759	1.0442	X	1.0268	=	1.0722	260,849,378
2006-07	229,611,995	1.0396	X	1.0192	=	1.0596	243,287,759
2005-06	215,466,159	1.0526	X	1.0124	=	1.0657	229,611,995

On June 5, 1990, the California electorate passed Proposition 111 which modified the method of adjusting the annual appropriations limit. Beginning with the 1990-91 Appropriations Limit the City may choose from one of the following indices when determining the adjustment factor:

The annual growth in the City's population OR the annual growth in the County's population as provided by the State Department of Finance.

AND

The annual growth in the California Per Capita Income OR the growth in the non-residential assessed valuation due to new construction within the City.

The 1990-91 appropriations limit was revised by applying the new growth factors to the appropriations limits for 1986-87 and each subsequent year. In computing the FY 2014-15 appropriations limit, the population growth of Santa Clara County and the growth in the non-residential assessed valuation due to new construction within the City were used.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA ESTABLISHING FISCAL YEAR 2014-15 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION AS IMPLEMENTED BY TITLE 1, DIVISION 9 (ENTITLED "EXPENDITURE LIMITATIONS" – SECTION 7900 ET SEQ.) OF THE CALIFORNIA GOVERNMENT CODE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, Proposition 4, commonly known as the Gann Initiative, was adopted by voters on November 6, 1979;

WHEREAS, the Proposition created Article XIIIB of the California State Constitution placing limits on the amount of revenue which can be spent by all entities of government;

WHEREAS, the limit based on the Proposition 4 formula is updated annually using growth data supplied by the State Department of Finance; and,

WHEREAS, the appropriation limit is required to be adopted by the legislative body of each government entity.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Appropriations Limit. That the appropriations limit for fiscal year 2014-15 be Three Hundred Forty One Million One Hundred Fifty Six Thousand Six Hundred and Fifty Dollars ($341,156,650).

2. Calculation Factors. Pursuant to Section 8 of Article XIIIB of the California Constitution, the City Council determines that for 2014-15 the change in the cost of living shall be measured by the percentage change in California per capita personal income or the growth in the non-residential assessed valuation due to new construction within the City and the change in population shall be

measured by the annual growth in the County or the City's population as provided by the State Department of Finance, whichever is higher.

3. Factors for 2014-15. That for purposes of computing the appropriations limit for 2014-15, the growth in non-residential assessed valuation due to new construction within the City is 2.62% and the annual percent change in population minus exclusions in the County's population as provided by the State Department of Finance is 1.50%.

4. Notice of Action to be Taken. Pursuant to Government Code Section 7910, no judicial action or proceeding to attack, review, set aside, void, or annul the action of the City Council in establishing the appropriations limit for 2014-15 shall be brought unless such action or proceeding shall have been commenced within forty-five (45) days of the date of adoption of this resolution.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

//

//

//

//

//

//

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

J:\Budget\2014-15 Budget\50 Operating Budget\Public Hearing & Resolutions\Appropriation Limit\Resolution 2014-15 Appropriations Limit.doc

Meeting Date: _____

AGENDA REPORT

City of Santa Clara, California

Agenda Item # _____

Exhibit 5

Date: May 27, 2014

To: City Manager for Council Information

From: Director of Finance/Assistant City Manager

Subject: 2014-15 Municipal Fee Schedule Follow-up Information

At the April 22, 2014 City Council meeting, Council approved the 2014-15 Municipal Fee Schedule and requested a report back on the following four areas:

1. **Delinquent Business Tax Penalty:**
   When was the business tax penalty changed to 100%?

   The City has had a 100% delinquent business tax penalty for taxes paid more than 30 days from the time they are due in the Business License code since at least August 4, 1981. In 2012-13, 5% or 664 out of 12,796 businesses paid delinquent tax totaling $60,517. Amending the business tax penalty from 100% to a lower amount would reduce the incentive to pay on time and lower General Fund revenues (e.g., reducing the penalty to 50% for taxes paid more than 30 days from the time they are due would reduce the business tax revenue by 50% or $30,258). If the Council desires to lower the penalty, an alternative would be a sliding penalty scale with a 50% penalty assessed when an account is past due 30 days, 75% after 60 days and 100% after 90 days. Any change would require a City code revision.

2. **Use Permits and ABC Permit Fees:**
   Does the City fee structure provide a fair amount of flexibility for ABC liquor licenses for restaurants that amend their offerings or relocate to a new location? With economic development picking up we want to incentivize restaurants to do business in Santa Clara.

   The City has historically had one level of Use Permits that covers applications such as new restaurants, ABC permits, certain retail uses, assembly uses, new schools, daycare, and certain outdoor uses. The cost of a Use Permit is currently $6,000; however, the time spent by staff on different Use Permit applications can vary.

   Based on the 2013 User Fee Study conducted by MGT of America, staff has recommended and Council has approved, a second, lower level of Use Permit with a fee of $2,240. This lower fee applies to applicants that would be classified as a Minor Use Permit effective in 2014-15 and will apply to ABC permits. This new fee will more accurately reflect the time spent by staff, reduce the current disproportionate cost to applicants, and encourage economic development for local businesses.

3. **Rental Fees for Youth Soccer Park:**
Fees charged for users of the Soccer Park are quite high. Council intent is to keep youth programs below full cost recovery. A fee in the Municipal Fee Schedule for Game Field Preparation reflects 100% cost recovery. Mission College reported the fees charged this year were a contributing factor as to why they no longer play soccer at our facility.

The Santa Clara Youth Soccer Park use by Mission College is provided for Men's and Women's Soccer practices and games. Mission College books an average of three permits per year, consisting of up to approximately 10 games or 30 practice dates on each permit. The number of users for all of these permits has increased from 1,180 in 2009 to 3,120 in 2013, at an average cost to Mission College of $6,788.00 per year. Based on the recent fee study done by MGT America, the 10% increase Youth Soccer Park in the Municipal Fee Schedule for 2014-15 applies to uses where a fee is required (i.e., groups that have less than 51% resident participation, tournaments, and any non-soccer uses such as filming). The 10% increase for these groups brings cost recovery to an average of 41% of the full cost factor to provide these services.

4. **Senior Center Classes:**
Council intent is to keep Senior programs below full cost recovery and is seeking confirmation the current fees charged for Senior programs are in line with this desire.

Free drop-in programs are held daily in the Fitness Center and the Natatorium at the Senior Center. Parks and Recreation also offers fitness and dance classes for those who prefer structured, individualized instruction, rather than a free drop-in program. In addition, Adult Education offers classes at the Senior Center at competitive rates, such as water exercise, painting and ceramics. While class fees are not specified in the Municipal Fee Schedule, they were included in the Parks and Recreation Department Municipal study done by MGT America. Class fees at the Sr. Center are set as low as possible for all residents, while providing high quality programming.

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Ordinance No. 1427

BFD:dd 6/19/81

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF SANTA CLARA AMENDING CHAPTER 15 of "THE CODE OF THE CITY OF SANTA CLARA" PERTAINING TO BUSINESS LICENSES

BE IT ORDAINED BY THE CITY OF SANTA CLARA, as follows:

SECTION 1: That Section 15-3 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-3 When Annual Fees Due and Payable

All annual license fees under the provision of this chapter shall be due and payable at the time of commencement of business activity and such license shall expire twelve (12) months after the date of issuance. Fees for the renewal of such licenses shall be due and payable upon the expiration of the prior license. No license fee paid hereunder shall be refundable by reason of the cessation of business during the license period.

SECTION 2: That Section 15-4 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-4 Additional Fee For Delinquent Payment

Every annual license fee which is not paid within a period of thirty (30) days from the time the same became due is hereby declared to be delinquent, and a penalty of 100% will be added to said fee.

SECTION 3: That Section 15-8 of Chapter 15 of "The Code of the City of Santa Clara" is hereby amended to read as follows:

Section 15-8 Transferability: Changes to Affidavit

No license issued pursuant to this chapter shall be transferable. When a license has been issued authorizing a specifically named person to transact and carry on a business at a specific location, the licensee shall, upon application in writing, and the payment of the prescribed fee, have such license amended to include any change including name, type of business, or address. Any business for which such a license change must be made shall

pay a charge of five dollars for the handling and processing of such change.

SECTION 4: Effective Date

This ordinance shall take effect and be in force thirty days after its final adoption, but before such final adoption, it shall be published in an official newspaper of the City of Santa Clara as required by the charter of said city.

PASSED FOR THE PURPOSE OF PUBLICATION BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, this 4th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Tobkin and Mayor Pro Tempore Texera
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	Mayor Gissler

ATTEST: A. S. Belick
A.S. BELICK
City Clerk
City of Santa Clara

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this 18th day of August, 1981, by the following vote:

AYES:	COUNCILMEN:	Mahan, Martinez, Souza, Street, Texera, Tobkin and Mayor Gissler
NOES:	COUNCILMEN:	None
ABSENT:	COUNCILMEN:	None

ATTEST: A. S. Belick
A. S. BELICK
City Clerk
City of Santa Clara

I, A. S. Belick, City Clerk of the City of Santa Clara, do hereby certify that the within Ordinance or Resolution is a correct copy of the original, and that same has been published as required by law.

A S Belick
City Clerk

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENT BUDGET FISCAL YEAR 2014-15

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

City of Santa Clara
Notice of Public Hearing
Regarding Proposed Operating Budget and Capital Improvement Budget
Fiscal Year 2014-15

Notice is hereby given that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California as the location, date and time to conduct a public hearing to receive comment on and consider the proposed Fiscal Year 2014-15 Operating Budget and Capital Improvement Project Budget.

At least 10 days prior to the hearing, all budget documents will be available for review at City of Santa Clara City Clerk's Office; Central Park Library at 2635 Homestead Road, Santa Clara, California; Mission Library at 1098 Lexington Street, Santa Clara, California, and on-line at www.santaclaraca.gov/index.aspx?page=220

Americans with Disabilities Act (ADA)

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-866-833-4703. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency. For more information, contact the City's ADA office at (408) 615-3000.

Rod Diridon, Jr., City Clerk

Citizens are encouraged to attend the hearing and may submit written and/or oral comments directly to the City Clerk, 1500 Warburton Avenue, Santa Clara, California, 95050; telephone (408) 615-2220.

Pub.: 5/28/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-1

Date: May 15, 2014

To: City Manager for Council Action

From: Director of Human Resources

Subject: Approval of the Revised Job Description for Fire Marshal

EXECUTIVE SUMMARY:

At the Council meeting on May 6, 2014, the Council approved a revised job description for the Fire Marshal. This job description is coming back to the Council to make corrections that were not included.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

These corrections need to be made and there are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no economic or fiscal impact to the City in approving the changes to the job description, other than administrative staff time and expense.

RECOMMENDATION:

That the Council approve the revised job description for Fire Marshal.

Dina Murphy

for Elizabeth C. Brown
Director of Human Resources

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***Revised Job Description for Fire Marshal***

Proposed May, 2014
Approved January, 1998

CITY OF SANTA CLARA, CALIFORNIA
FIRE MARSHAL
(Unclassified)
(120)

EDUCATION AND EXPERIENCE

- Education and experience equivalent to graduation from college with a Bachelor's Degree in Fire Protection Engineering, Fire Science, Public Administration, Business Administration, Political Science, or related field, plus
- Ten (10) years of paid experience in the public service uniformed fire service, with at least four (4) years assigned to fire prevention or hazardous materials enforcement, at a rank equivalent to Deputy Fire Marshal, including application and compliance with State and local fire and building codes, plan review of fire protection systems, land development, and building construction; and
- One (1) year of management experience.

DESIRABLE QUALIFICATIONS

- Fire investigation experience.
- Experience responding to or handling hazardous materials emergencies.
- Experience with enforcement of the Fire Code including inspection and plan review.
- Underground Tank Inspector Certification issued by the California Water Resources Control Board.

LICENSES AND/OR CERTIFICATES

- Possession of a valid California Class C driver's license is required at time of appointment and for the duration of employment.
- Completion of California State Fire Marshal Fire Prevention 1 training or equivalent or possession of Certification as a Fire Inspector I training from the International Code Council.
- Completion of California State Fire Marshal Fire Investigation 1A training or equivalent.
- Completion of California State Fire Marshal Fire Management 1 training or equivalent.
- Completion of California State Fire Marshal Fire Investigation 1B training or equivalent within six (6) month of appointment.
- Certification as Fire Inspector II from the International Code Council within one (1) year of appointment.
- Qualify within six months of appointment and have the powers of a Peace Officer as designated in Penal Code Section 832 (a).
- Incumbents shall be required to obtain and maintain any other licenses(s) and or certification(s) that may be required by future regulation by Federal, State, local and/or industry requirements.

DISTINGUISHING CHARACTERISTICS

An incumbent in this classification exercises independent judgment and discretion; formulates administrative policies for the effective use of assigned personnel; actively supports the direction

and policies established by the City Manager and Fire Chief, as well as policies established by the City Council, for the delivery of public safety service to the citizens of Santa Clara. As an officer in charge of the Fire Prevention and Hazardous Materials Division, the Fire Marshal provides leadership that is characterized as being organized, responsible, intelligent, trustworthy, honest, and principled. An incumbent in this classification will be expected to be the Department's representative in the coordination of efforts for inspection of buildings, abatement or removal of fire hazards, life and fire safety education, enforcement of fire prevention codes and regulations, and the investigation of fires.

This is a professional management position in the unclassified service of the City. As a member of the City's Unclassified Service, this is an "at-will" position and the incumbent serves at the discretion of the City Manager. An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and Values.

TYPICAL DUTIES

Duties include, but are not limited to the following.

Under general direction, the incumbent will:

- Plan, organize, manage, and evaluate all segments of the Fire Prevention and Hazardous Materials Division;
- Coordinate, assign, and direct the work and activities of all personnel assigned to the Fire Prevention and Hazardous Materials Division;
- Meet and deal tactfully and effectively with the public, superiors, subordinates, and fellow employees;
- Evaluate and provide training to subordinates;
- Stimulate individual and group initiative;
- Detect, analyze the cause of, adjust, and handle grievances;
- Develop a plan for, and adjust staffing requirements as necessary;
- Develop and justify budget requirements and requests to support division programs and projects;
- Interpret legislation at the local, state, and federal levels as it applies to the fire service;
- Transmit, actively support, and carry out City and Fire Department policies;
- Provide and supervise technical inspections of various occupancies within the City, taking measures to determine, educate, and enforce compliance with codes, ordinances, laws and regulations pertaining to safety, prevention, and control of fire;
- Initiate the investigation of fires to determine their cause and origin, following cases to prosecution when necessary;
- Coordinate with other Divisions within the Fire Department for the education and training of Department personnel in inspection programs, hazardous and flammable materials, detection of evidence of arson, and the recognition and appraisal of hazardous conditions;
- Interface with other City departments on regulations and safety practices involving property and life safety;
- Initiate the inspection of areas or places of public gatherings, high value, or hazardous conditions;

- Plan, coordinate, direct, and conduct programs in Life and Fire Safety education and provide information regarding fire prevention and life safety;
- Investigate complaints and answer questions regarding hazards and violations of fire prevention regulations;
- Conduct fire drills in schools, hospitals, and convalescent homes;
- Advise the Fire Chief and keep him/her apprised on matters related to fire prevention and hazardous materials;
- Maintain records and prepare reports;
- Present evidence in court;
- Give talks to industrial groups, civic organizations, and school groups;
- Coordinate the maintenance of complete and accurate files of fire safety codes and regulations;
- Manage the plan review and inspection process for new construction and tenant improvement, fire alarm systems, fire sprinkler systems, storage and use of hazardous materials, fire and life safety conditions, and any other condition requiring the issuance of a construction permit from the Santa Clara Fire Department;
- Coordinate the adoption of the Fire Code;
- Make presentations to the City Council, as directed by the Fire Chief; and
- Perform other related work as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Modern management and effective interpersonal skills;
- Principles of fire prevention and the related principles of arson investigation and the State and City laws concerning these activities;
- Applicable sections of various codes, such as Fire and Building Codes, and the appropriate enforcement methods;
- Building construction, including hazardous materials, alarm systems; sprinkler systems, standpipe systems, and related systems;
- Firefighting procedures, techniques, and equipment;
- Principles of chemistry, analytical testing techniques, and sampling techniques;
- Environmental and safety practices, procedures and standards;
- Fire investigation techniques;
- Supervisory techniques and methods of motivating staff to perform efficiently;
- Report presentation; and
- Desktop applications computer software including electronic spreadsheets, word processing, and database software (e.g., Excel, Word, Access).

Ability to:

- Apply firefighting procedures, techniques, and equipment to a variety of fire control and prevention situations;
- Manage, train, and discipline subordinate personnel;
- Develop and conduct an effective public relations program on fire prevention;
- Develop and conduct an effective public relations program on hazardous materials and waste;
- Speak effectively before large groups of people;
- Reason logically and analyze situations correctly;

- Understand laws, rules, and regulations pertaining to hazardous materials and waste;
- Interpret and present findings in a clear, concise written form including the creation and use of tables, charts, and graphics to summarize results;
- Exercise independent judgment and initiative;
- Communicate requirements, policies, and decisions to the public and personnel in an effective manner;
- Communicate logically and clearly using correct English grammar, spelling, and punctuation;
- Carry out and provide written and oral directions;
- Prepare comprehensive and precise written reports;
- Plan, assign, manage, and review the work of fire department personnel;
- Research, interpret, apply, and explain laws, regulations, policies, and procedures;
- Establish and maintain effective working relationships with those contacted in the course of work;
- Deal tactfully and courteously with government officials, supervisors, co-workers, contractors, architects, and the general public;
- Work in a team-based environment and achieve common goals;
- Effectively handle multiple priorities, organize workload, and meet strict deadlines;
- Read and interpret blueprints or construction drawings;
- Perform heavy and hazardous physical labor, and wear protective clothing and breathing apparatus as required to perform inspections and investigations; and
- Bend, stoop, reach, carry, crawl, climb, and lift as necessary to perform assigned duties.

SUPERVISION RECEIVED

Works under the general direction of the Fire Chief and/or the Deputy Fire Chief-Administrative/Technical Services.

SUPERVISION EXERCISED

Manage personnel assigned to the Fire Prevention and Hazardous Materials Division which include Deputy Fire Marshals, Deputy Fire Marshals — Hazardous Materials, Fire Protection Specialists, Fire Safety Aides, Fire Inspector Aides, and assigned administrative support staff.

OTHER REQUIREMENTS

- May be required to work unusual hours and be available on an on-call basis.
- Incumbents of this classification are required to maintain a permanent residence within a fifty minute response time to the City within six months of appointment. The fifty minute response time assumes standard road conditions and following speed limits.
- Candidates will be required to pass a City background investigation which will include fingerprinting and may include psychological and polygraph screening as required for Fire Marshal.
- Must be able to perform all of the essential functions of the job assignment.

CONFLICT OF INTEREST

The incumbent in this position is required to file a Conflict of Interest statement upon assuming office, annually, and upon leaving office, in accordance with City Manager Directive 100.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-2

Santa Clara All-America City 2001

Date: May 27, 2014

To: City Manager for Council Action

From: Director of Human Resources

Subject: Approval of the Revised Job Description for Building Official

EXECUTIVE SUMMARY:

The Building Official is a management position in the unclassified service responsible for managing the Building Inspection Division of the City's Planning and Inspection Department. The job description is being revised and updated. The division manager, as a member of the department's management team, contributes and supports the goals of all divisions of the department in meeting the needs of citizens, businesses and the development community in enhancing and maintaining the high quality of the physical characteristics of the City.

As a member of the City's unclassified service, this is an "at will" position and the incumbent serves at the discretion of the City Manager. An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and Values. Staff is recommending the revised job description.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the revised job description for Building Official will allow the City to begin a recruitment process. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no economic or fiscal impact to the City in approving the changes to the job description, other than administrative staff time and expense.

RECOMMENDATION:

That the Council approve the revised job description for Building Official.

Dina Murphy

for Elizabeth C. Brown
Director of Human Resources

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***Revised Job Description for Building Official***

Revised June, 2014
Approved August, 1998

CITY OF SANTA CLARA, CALIFORNIA

BUILDING OFFICIAL
(Unclassified)
(042)

EDUCATION AND TRAINING

- Any combination of education and experience substantially equivalent to that obtained by a Bachelor's Degree in engineering, architecture, or related field from an accredited college or university; and
- Five (5) years of increasingly responsible experience in work involving building inspection, design, or construction, at least two (2) years of which shall have been in a management capacity.

Desirable Qualifications:

- Supervisory experience with a municipal government is highly desirable.

LICENSE/CERTIFICATION

- Possession of a valid California Class C driver's license is required at time of appointment and for duration of employment.

- Certification by the International Conference of Building Officials as a Combination Inspector, Plans Examiner, or Building Official is desirable.
- Possession of a valid certificate of registration from the State of California as a Civil or Structural Engineer is desirable.

DISTINGUISHING CHARACTERISTICS

This is a management position in the unclassified service responsible for overseeing the Building Inspection Division of the Planning and Inspection Department. The division manager, as a member of the department's management team, contributes and supports the goals of all division in meeting the needs of citizens, businesses and the development community in enhancing and maintaining the high quality of the physical characteristics of the City.

As a member of the City's Unclassified Service, this is an "at-will" position. The incumbent serves at the discretion of the City Manager. An incumbent in this classification: demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills; sets a good example; and correctly applies the tenets of the City's Code of Ethics and Values.

TYPICAL DUTIES

Duties may include, but are not limited to the following.
Under general direction:

- Serve as the City's Building Official;
- Manage the Building Inspection Division which includes permit review, inspection, code

enforcement, and permit issuance functions;

- Manage the overall operation of the one-stop Permit Center to ensure the timely issuance of permits and the proper dissemination of information to the public;
- Serve as technical advisor and assistant to the Director of Planning and Inspection;
- Assign, monitor, and evaluate the work of Plans and Permits as well as Building Inspection staff for completeness, accuracy, timeliness, and adherence to professional and mandated standards, and prepare performance improvement plans as necessary;
- Plan, organize, direct, and participate in the plan review and design of documents for all projects submitted to the City of Santa Clara for plan check;
- Participate in the enforcement of State and Local ordinances and codes related to commercial and residential building, including fire protection through building inspection, permit issuance, plan check, and related code enforcement activities;
- Review and interpret the State Building Codes and propose and implement revisions to codes and standards;
- Provide review of proposed alternative "Means and Methods" to the California Building Code when required;
- Develop and participate in the enforcement of local ordinances that ensure life safety;
- Render decisions on local applications of building code questions;
- Develop technical code-related informational bulletins for the use of the public and in-house staff;
- Assist in preparation of operating budget for the Planning and Inspection Department and prepare and monitor division budget;
- Prepare or direct the preparation of requests for proposals and consultant services and participate in the selection and management of consultants;
- Represent the department in technical organizations, committees, and attend meetings of regional importance;
- Provide information and serve as liaison to representatives from State, Federal, and Local agencies;
- Encourage quality teamwork and exceptional customer service;
- Consult and partner with staff to resolve interdepartmental issues and enhance customer service;
- Recognize and utilize staff's individual talent and skills and empower staff to make informed decisions on projects;
- Ensure the staff is provided the tools, training, and processes, which enable them to perform assigned responsibilities in a manner which best support customer satisfaction;
- Provide technical expertise to other City departments and divisions;
- Ensure that customer complaints are resolved by offering immediate result;
- Meet with and/or make presentations to community groups and representatives of local businesses to explain the functions, policies, and operations of the division, and to respond to questions concerning plan and permit submittals;
- Review policies, correspondence, regulations, reports and legislation to determine necessary operational changes;
- Participate in the development, interpretation, clarification, and communication of applications of policies and operational procedures; and

- Perform other duties as assigned.

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Plan review and permit issuance operations;
- California building codes, standards, and regulations;
- Building inspection including, structural and non-structural aspects of California building codes;
- Fire, plumbing, electrical, mechanical, and related codes and regulations;
- Methods, materials, techniques, and practices employed in building design, construction and inspection, engineering, and plan check;
- Project and workload planning;
- Principles of budget preparation in the public sector;
- Practices and methodologies of contract administration;
- Principles and practices of management;
- Technical report writing;
- Computerized land use and permitting enterprise systems; and
- Public information and public speaking techniques.

Skill in:

- Reading and interpreting building plans, specifications and codes;
- Identifying appropriate alternative "Means and Methods" to the California Building Code;
- Applying "Green Building" principles; and
- Dealing tactfully and effectively with diverse group of people.

Ability to:

- Function effectively, with integrity, both as a team member and as a team builder within the department and division;
- Lead others while fostering an atmosphere of teamwork among Building Inspection Division staff;
- Plan, organize, direct, and participate in the work of staff engaged in the performance of complex, technical engineering work;
- Determine and evaluate levels of achievement and performance;
- Lead and guide team members to excel;
- Motivate staff to explore their potential within the scope of their work;
- Develop, coordinate, and implement organizational goals and objectives of the department and the division;
- Identify and analyze administrative problems and implement operational changes;
- Allocate resources between staff and contract services;
- Deliver seamless service to the Permit Center;

- Review construction plans and conduct field inspections of building for compliance with standards, codes, ordinances, and regulations;
- Understand, interpret, and explain codes, regulations and policies;
- Focus on discovering and meeting the customer's or client's needs;
- Understand others; accurately hear and understand the unspoken or partially expressed thoughts, feelings, and concerns of others;
- Commit to an organization while showing an ability and willingness to align one's own behavior with the needs, priorities, and goals of the organization;
- Be flexible while developing and maintaining cooperative working relationship with staff and clients from a variety of ethnic and socio-economic backgrounds;
- Determine and implement the appropriate course of action in stressful situations;
- Take initiative; identify a problem, obstacle, or opportunity and take action to address current or future problems or opportunities with the department and division;
- Speak to large and small groups while being persuasive and influential;
- Manage meetings effectively;
- Prepare written and verbal reports;
- Work independently;
- Resolve disputes;
- Perform work involving considerable attention to detail;
- Work well while striving to surpass a standard of excellence; and
- Bend, stoop, reach, carry, crawl, climb, and lift as necessary to perform assigned duties.

SUPERVISION RECEIVED

Works under administrative direction of the Director of Planning and Inspection.

SUPERVISION EXERCISED

Manage employees in the Building Inspection Division.

OTHER REQUIREMENTS

- May be required to travel independently both within and outside of the City limits.
- Must be able to perform all of the essential functions of the job assignment.

CONFLICT OF INTEREST

Incumbents in this position are required to file a Conflict of Interest Statement upon assuming office, annually and upon leaving office, in accordance with City Manager Directive 100.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 4A-3

Santa Clara All-America City 2001

Date: June 10, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Resolution for Repeal of Certain Parking Regulation on Vincent Drive

EXECUTIVE SUMMARY:

The following proposed Resolution is needed for the repeal of Resolution No. 5768, Section 1, which established a handicapped parking zone on Vincent Drive, in front of 3323 Vincent Drive.

The attached Resolution prepared by staff to accomplish the proposed parking regulations has been approved by the City Attorney's Office.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The repeal of the handicapped parking zone is at the request of the property owner who is in the process of selling the property and does not need the handicapped parking zone anymore. The buyer of the property has been made aware of this by the existing property owner and concurs. This will increase the number of on-street parking spaces for general use.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

That the Council adopt a Resolution establishing the repeal of Resolution No. 5768, Section 1, which established a handicapped zone on Vincent Drive, in front of 3323 Vincent Drive.

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REPEALING CERTAIN PARKING REGULATIONS ON VINCENT DRIVE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, in past years, the City adopted Resolution 5786, Section 1, which approved a certain Handicapped Parking Zone on Vincent Drive;

WHEREAS, the Handicapped Parking Zone is no longer needed and the property owner requested that the City remove the designated zone; and

WHEREAS, the City intends to remove the Handicapped Parking Zone that is no longer needed on Vincent Drive (in front of 3323 Vincent Drive).

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That Resolution No. 5786, Section 1 is hereby repealed. Before this repeal, Resolution No. 5786, Section 1, established a Handicapped Parking Zone on the north side of Vincent Drive from a point 100 feet west of the west curb of Marchese Way to a point 125 feet west of the west curb of Marchese Way.

2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
None

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MA-4

Date: May 27, 2014

To: City Manager for Council Action

From: Senior Staff Aide

Subject: Request for Approval and Authorization to Publish *Mission City SCENES*/July 2014

EXECUTIVE SUMMARY:

The July 2014 issue of Mission City SCENES is scheduled to include the following:

- Street Dance
- Citywide Garage Sale
- Rummage Sale and Flea Market
- Ice Cream Social for Seniors
- Graffiti Watch
- National Night Out
- Dog Gone! (A Note from City Meter Readers)

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The *Mission City SCENES* provides timely and important information to citizens, including details about City events and programs, and updates of City activities. There are no recognized disadvantages.

ECONOMIC/FISCAL IMPACT:

Cost of printing the *Mission City SCENES* for one year is $18,000 or roughly 3.6 cents for each insert printed. There is no additional postage cost for including the SCENES with utility bills. With the current one-page utility bills, there is usually sufficient postage to handle a second, additional insert without incurring increased postage costs.

RECOMMENDATION:

That the Council give approval and authorization to publish the July,, 2014 *Mission City SCENES.*

Jashma Kadam
Senior Staff Aide

APPROVED:

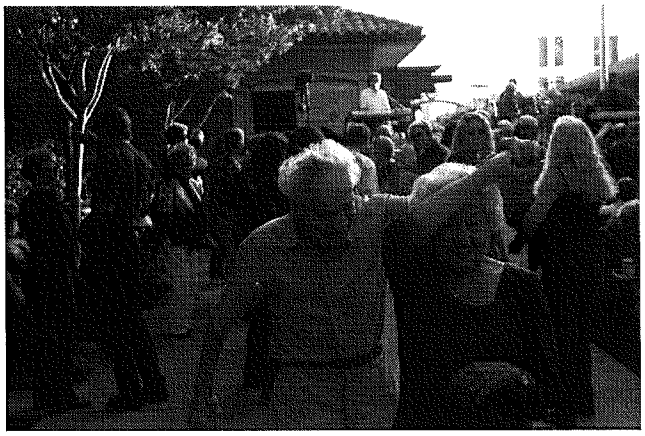
Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***July 2014 Mission City SCENES***

I:\Citymanagers\CMO Publications\Mission City SCENES\2014\July 2014

Cover



Street Dance
August 1

The free Franklin Square Street Dance will feature the high energy, eclectic music of the Silicon Valley Houserockers, a 10-piece rock and soul band that plays the music of the rolling Stones, Earth, Wind, and Fire, Tower of Power, Stevie Wonder, Springsteen and more. The dance will be held on Jackson Street between Homestead Road and Benton Street from 7 to 9 p.m. Refreshments will be available for purchase, or start the evening by making reservations for an early dinner at a Franklin Square restaurant. Don't miss this enjoyable event, sponsored by the City's Cultural Commission. For more information, call 408-615-2210.

INSIDE:

- Citywide Garage Sale
- Rummage Sale and Flea Market
- Ice Cream Social for Seniors
- Graffiti Watch
- National Night Out
- Dog Gone! (A Note from City Meter Readers)

City-Wide Garage Sale
The 2014 City-Wide Garage Sale will take place on Saturday, August 9, 2014. Residents throughout the City are encouraged to hold garage sales on this date. The City-Wide Garage Sale will be advertised on Cable Channel 15, and on the City and various other websites. On-line registration of garage sales will be accepted beginning July 7, 2014 and will be taken until noon on Friday, August 8, 2014.

The City-Wide Garage Sale map will include a list of addresses holding garage sales as well as a brief list of the items for sale at each address. The map will be available for downloading beginning August 1, 2014 and will be updated regularly until noon on August 8.

Registration forms, detailed information on holding a successful garage sale, places to donate unsold usable items, rules for garage sale signs and their placement, etc. can be found at *santaclaraca.gov/GarageSale.*

Rummage Sale and Flea Market
August 2
The Harris-lass Museum lawns and parking lot will be the venue for a rummage sale and flea market from 8 a.m. to 2 p.m. the Museum will sell overstocked, marked down, and final clearance items from the Tankhouse Gift Shop at rock bottom prices. Members of the Museum (The Historic Preservation Society of Santa Clara) will have the opportunity to set out rummage tables. Browers looking for bargains should drop by any time during sale hours. For information, visit *harrislass.org.*

Ice Cream Social for Seniors
August 27
Adults age 50+ are invited to the annual Ice Cream Social for ice cream and a variety of toppings. There will be entertainment and informational booths set up to showcase Senior Center programs and services. The fun begins at 1 p.m. at the Santa Clara Senior Center, 1303 Fremont Street. Cost for the event is $1 for Santa Clara seniors, $2 for seniors who live in other cities. Come learn more about the opportunities available at the Senior Center. For more information, call the Senior Center at 408-615-3170.

Graffiti Watch
Graffiti can trigger a decline in property values and is seen as a factor in the overall deterioration in a community's quality of life. Graffiti taggers consider themselves to be artists, but graffiti is not an art form. It is the deliberate defacing of public or private property without the owner's permission. Rapid and continual removal is one of the best ways to discourage "tagging." It denies graffiti vandals the recognition they seek and results in the area remaining graffiti-free for a longer period. The City of Santa Clara offers a $250 reward for information that leads to an arrest of graffiti vandals. To report graffiti vandalism, call the Police Department Graffiti Hotline at 408-241-9495. For more information on removal from private property, call 408-615-3080.

National Night Out
Every August, neighborhoods throughout America come out of their homes to attend neighborhood events designed to increase awareness of crime prevention programs and strengthen positive police and community partnerships.

This year, National Night Out is scheduled for Tuesday, August 5, from 6 to 8:30 p.m. and neighborhoods in Santa Clara are invited to participate. Neighborhoods that register by July 30 to officially be part of National Night Out can schedule a visit from a City official or representative of the Police or Fire Departments.

Neighborhood events vary with some of the most popular being potlucks, barbecues, ice cream social, children's activities and theme parties. Some neighborhoods organize block parties with street closures and amplified music. Street closures require a petition signed by all affected neighbors turned into the City's Business License Department, 1500 Warburton Avenue, at least three weeks in advance. Information on an amplified music permit may be obtained at *santaclaraca.gov/amplifiedmusic*.

Participants are reminded to be sure to lock their doors while they are outside and to turn on outdoor lights. For more information, contact Community Services Office Rachel Thomas at 408-615-4876 or by email at *rthomas@santaclaraca.gov*.

Dog Gone!
Have you recently become the proud owner of a puppy or new adult dog? Many pet owners know that opened gates are invitations for runaway and sometimes lost pets. Please help the City of Santa Clara Meter Readers and keep your pets safe! Call or email the City's Finance Department Customer Service number at 408-615-2300 and/or UtilityBilling@santaclaraca.gov so your account is updated to alert the Meter Reader of your new dog. Help keep your pets SAFE!

Meeting Date: 6/10/14

AGENDA REPORT

Agenda Item # MA-5

City of Santa Clara, California

Santa Clara All-America City 2001

Date: May 19, 2014

To: Mayor for Council Action

From: City Manager

Subject: Departmental Activity Report for March 2014

EXECUTIVE SUMMARY:

A copy of the Departmental Activity Report for the month of March 2014 can be viewed on the City's website or is available in the City Clerk's Office for review during business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Departmental Activity Report includes activity reports for all City Departments. There is no disadvantage.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council note and file the Departmental Activity Report for the month of March 2014.

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Departmental Activity Report

I/CITYCLERK/DEPARTMENTALACTIVITYREPORT/Agenda Report
02/19/13
Office Records Specialist

CITY OF SANTA CLARA

DEPARTMENTAL ACTIVITY REPORT

MONTH OF

MARCH 2014

CITY OF SANTA CLARA

I\CITYCLERK\DEPARMENTAL ACTIVITY REPORT\Cover, List of Departments & Missing Page.doc
01/01/07
Office Records Specialist

DEPARTMENTAL ACTIVITY REPORT
LIST OF DEPARTMENTS

City Manager

City Clerk/City Auditor
- **Performance Measures**
- **Recorded Documents**

Electric Department
- **Monthly Outage Report**

Finance Department (Purchasing)
- **Performance Measures**
- **Municipal Services/License**

Fire Department

Human Resources
- **Employee Activity**
- **Performance Measures**
- **Training/Safety Program Status**
- **Workers Adjustment & Retraining Notification Act**

Library Department
- **Performance Measures**

Parks and Recreation Department
- **Cemetery Division/Mission City Memorial Park**

Planning & Inspection Department
- **Planning Division**
- **Building Inspection Division**
- **Housing & Community Services Division**

Police Department

Public Works Department
- **Automotive Services**
- **Engineering**
- **Building Maintenance**
- **Street**

Water and Sewer Utilities Department
- **Sewer Utility**
- **Water Utility**

Monthly Activity Report
CITY MANAGER'S OFFICE

March 2014				Previous year		
Performance Measures/Activities	**Current Month**	**Year to Date**	**Budget**	**Current Month**	**Year to Date**	**Budget**
Number of citizen contacts responded to by City Manager's Office	21	321	450	33	277	450
Number of contacts assigned out within 5 business days	21	277	---	33	277	---
% contacts assigned out within 5 business days	100%	86%	90%	100%	100%	90%
Number of EOC training meetings	2	9	5	0	2	5
Number of hours of EOC activation	0	7	---	0	0	---
Assist families in purchasing a home though the First Time Homebuyers Program	0	0	25	0	5	25
Prepare and distribute the Annual Report/Calendar	0	1	1	0	1	1
Prepare and distribute monthly utility bill inserts to utility customers	1	9	12	1	9	12
Prepare City Employee newsletter and distribute to all employees, six times per year	0	4	6	0	4	6
Prepare City newspaper (Inside Santa Clara) and distribute three times per year	0	3	3	1	2	3
Prepare and distribute newsreleases as needed	3	23	---	3	36	---
Number of website updates processed	34	223	---	37	260	---
Number of website page views	191,019	2,084,852	---	3,543,867	15,823,853	---
Develop and review City publications	4	22	---	5	270	---
Number of weekly cable channel updates processed	24	380	---	28	290	---
Number of press contacts	185	814	---	170	932	---
Number of video newsbriefs produced	2	14	44	1	18	44
Percent of Council meetings taped and broadcast	100%	100%	100%	100%	100%	100%
Respond to legislative inquiries within 4 working days	100%	99%	90%	100%	86%	90%
Number of special events, recognition, and dedications held	3	66	---	5	49	---
Number of business outreach contacts	75	216	---	60	506	---
Provide staff support to Council Committees/ Commissions (number of meetings attended)	5	31	---	9	48	---
Update and administer agreements with organizations and intergovernmental agencies	2	35	10	0	11	10

Performance Measures Reporting
Department: City Clerk's Office
March 2014

Division/Program/Measure	2013-14 Current Month	2013-14 Year to Date	2013-14 Budget	2012-13 Current Month	2012-13 Year to Date	2012-13 Budget
Council/Administration Support						
1. Percent of Council minutes approved within 4 weeks	100%	100%	90%	100%	100%	90%
Number of Council minutes approved	2	27		4	24	
Number of Council minutes approved within 4 weeks	2	27		4	24	
2. Percent of Council minutes approved without amendment	100%	100%	100%	100%	100%	100%
Number of Council minutes approved without amendment	2	27		4	24	
Public Information/Legislative Records Management						
1. Percent of records declared eligible for destruction are destroyed within 30 days	100%	100%	100%	100%	100%	100%
Number of records destruction requests processed	9	38		7	29	
Number of records declared eligible for destruction are destroyed within 30 days	9	38		7	29	
2. Percent of requests for records/information completed within one business day	100%	100%	100%	100%	100%	100%
Number of requests for records/information from citizens (includes telephone inquiries)	1,561	11,283		842	8,542	
Number of requests for records/information from staff	960	6,065		307	3,621	
3. Number of documents processed	87	694	1,820	82	671	1,820
Elections/Political Reform Act						
1. Percent of Campaign Disclosure Reports distributed	100%	100%	100%	100%	100%	100%
2. Number of Campaign Disclosure Reports processed	0	0	30	0	128	30
3. Number of Conflict of Interest forms processed	0	0	200	0	26	200
4. Number of elections held	0	0	0	0	1	1

Performance Measures Reporting
Department: City Clerk's Office
March 2014

Division/Program/Measure	2013-14 Current Month	2013-14 Year to Date	2013-14 Budget	2012-13 Current Month	2012-13 Year to Date	2012-13 Budget
City Auditor						
1. Number of vendor warrants audited	1,231	10,219	20,000	1,203	10,692	20,000
2. Number of travel reports audited	19	204	750	34	189	750
3. Number of payroll checks processed	2,410	22,358	35,000	2,324	22,175	35,000
Miscellaneous Tasks (not a program)						
UPS deliveries processed	24	227		38	358	
Number of Notary transactions completed	16	121		18	225	
Number of deeds and real property interests accepted and recorded	2	30		2	25	

Rod Diridon, Jr., City Clerk

ELECTRIC DEPARTMENT ACTIVITY REPORT

The following report covers the principal activities of the Electric Department during the month of
March 2014

DESCRIPTION		CURRENT MONTH	YEAR TO DATE
Poles Replaced		0.0	0.0
Transformers Installed		3.0	3.0
Transformers Replaced		3.0	7.0
Distribution Patrol (circuit maps)	**Total 70 Maps**	0.0	0.0
Distribution Inspection O/H (circuit maps)	**Total 19 Maps**	0.0	0.0
Distribution Inspection U/G (circuit maps)	**Total 19 Maps**	0.0	0.0
Switches Replaced/Installed		1.0	3.0
Underground Cable Installed (ft)		12,340.0	17140.0
Underground Cable Replaced (ft)		0.0	4000.0
Metering New Services (Residential/Comm/Indust)		5.0	26.0
Total Meter Removals (Residential/Comm/Indus)		3.0	14.0
Street Lights Installed or Replaced (Knock Down & New Installations)		1.0	4.0
Street Lights Repaired/Replaced		70.0	209.0
Traffic Signal Lamps Replaced		1.0	8.0
Unlocks	Electric	0.0	1.0
Service & Trouble Calls		158.0	459.0
Trees Trimmed	Contractor	653.0	1965.0
Underground Locates		129.0	490.0
Underground Inspections		38.0	115.0
Peak Demands		March 2014 March 2013	406.20 409.70
Energy Requirements		March 2014 March 2013	260,430.15 258,908.82

Average Service Availability Index (ASAI)	99.98617
System Average Interruption Frequency Index (SAIFI)	0.09176
Customer Average Interruption Duration Index (CAIDI) (Number of hours per customer)	58.81421

Outages (see attached sheet)

Silicon Valley Power | OUTAGE SUMMARIES | March 2014

Total Customers this Month	51,088	Days of Month
Total Customer Minutes this Month	2,280,568,320	31

Outage Totals

		This Month	This Month Last Year
Unscheduled Outages			
Long	# Outages	5	4
	# Customers Out	5,361	157
	# Minutes Out	1,161	826
	# Customer Minutes Out	315,303	14857
	# Within City System	5	4
	# Supply to City Minutes	76,467	8228
Short	# Outages (Blinks)	2	1
	# Customers Affected	4,688	2501
	# Within City System	2	1
	# Supply to City Minutes	0	0
Scheduled Outages			
Long	# Outages	0	0
	# Customers Out	0	0
	# Minutes Out	0	0
	# Customer Minutes Out	0	0
	# Within City System	0	0
	# Supply to City Minutes	0	0
Short	# Outages (Blinks)	0	0
	# Customers Affected	0	0
	# Within City System	0	0
	# Supply to City Minutes	0	0
Totals			
Total Long Outages		5	4
Total Short Outages (Blinks)		2	1
Total Customers Out (Long)		5,361	157
Total Customers Affected (Short- Blinks)		4,688	2501
Total Customer Minutes Out		315,303	14857
Total Outages Within City System		5	4
Total Outages in Supply to City		0	0

Number of Outages (by Cause)

Cause #	Description	Total This Month	This Month Last Year	Rolling AT	% AT
0	Supply to City	0	0	0	0%
1	Overhead Equipment Failure	2	0	23	32%
2	Underground Equipment Failure	0	0	7	10%
3	Weather	0	0	1	1%
4	Birds, Animals, Snakes, etc.	0	0	16	23%
5	Trees	1	1	7	10%
6	Foreign Interference	1	1	3	4%
7	Human	0	0	2	3%
8	Other	0	0	0	0%
9	Unknown	3	3	12	17%
10	Vehicle	0	0	0	0%
	Total	7	5	71	

12 Month Outage Statistics

Index	As of This Month	As of This Month Last Year	Current Month
ASAI (%)	99.9904	99.9948	99.98617
CAIDI (Long) (min)	96.70	79.17	58.81421
SAIDI (Long) (min)	50.72	27.41	6.17176
SAIFI (Long) (ints/tot cust)	0.52	0.35	0.10494
SAIFI (Short) (ints/tot cust)	0.16	0.26	0.09176

ASAI - Average Service Availability Index
(customer minutes available/total customer minutes, as a %)
CAIDI - Customer Average Interruption Duration Index
(average minutes interrupted per interrupted customer)
SAIDI - System Average Interruption Duration Index
(average minutes interrupted per customer for all customers)
SAIFI (Long) - System Average Interruption Frequency Index
(# of long interruptions per customer for all customers)
SAIFI (Short) - System Average Interruption Frequency Index
(# of short interruptions per customer for all customers)

S/U - Scheduled or Unscheduled
Ints - # of Interruptions
Long - >1 min; Short - <1 min
Cause # - see table on page 3

4/29/14
Jeff Ipsaro
Division Manager - Operations

Silicon Valley Power **MONTHLY OUTAGE REPORT** **March 2014**

General Information				Cause		Time & Duration				Customers	
#	Date	S/U	Address/Location	Description	#	Ints	T off	T on	Mins	# Out	Cust Min
1	3/1/2014	U	202-H Circuit tripped. IRO 2474 Forbes	Tree limbs fell onto O/H section of 101H	5	1	3/1/14 12:11 PM	3/1/14 1:00 PM	49	2,154	105546
2	3/1/2014	U	202-H Circuit tripped. IRO 2474 Forbes	Tree limbs fell onto O/H section of 101H			3/1/14 12:11 PM	3/1/14 1:29 PM	78	484	37752
3	3/1/2014	U	104-H Circuit tripped. Unknown	Unknown, line patrolled, nothing to report.	9	1	3/1/14 3:36 PM	3/1/14 3:36 PM	0	2,051	0
4	3/1/2014	U	202-H 680 Clara Vista	O/H xfmr failed, T4429	1	1	3/1/14 5:20 PM	3/2/14 3:00 AM	580	9	5220
5	3/4/2014	U	104-P 758 Orkney	Mylar balloon in primary	6	1	3/4/14 4:07 PM	3/4/14 5:01 PM	54	2,236	120744
6	3/4/2014	U	104-P 758 Orkney	Mylar balloon in primary			3/4/14 4:07 PM	3/4/14 5:34 PM	87	355	30885
7	3/20/2014	U	203-B 2147 Newhall St.	Report of bird into O/H lines but none found	9	1	3/20/14 10:48 AM	3/20/14 12:46 PM	118	57	6726
8	3/20/2014	U	203-B 2147 Newhall St.	Report of bird into O/H lines but none found			3/20/14 10:48 AM	3/20/14 1:13 PM	145	54	7830
9	3/28/2014	U	102-S 3074 Aspen Dr.	O/H SP T4230, unknown, squirrel nest below	9	1	3/28/14 5:03 PM	3/28/14 5:53 PM	50	12	600
10	3/31/2014	U	202-H Circuit tripped. IFO 583 Bucher	O/H Cap bank C155T blown fuses	1	1	3/31/14 2:41 PM	3/31/14 2:41 PM	0	2,637	0

S/U - Scheduled or Unscheduled
Ints - # of Interruptions
Long - >1 min; Short - <1 min
Cause # - see table on page 3

4/29/14
Jeff Ipsaro
Division Manager - Operations

Performance Measures Reporting
Department: Finance
March-14

Division/Program/Measure	2013-2014			2012-2013		
	Current Month	Year to Date	Budget	Current Month	Year to Date	Budget
Administrative Services/City-Wide Fiscal Planning & Administration						
1. Prepare Operating Budget, Capital Improvement Plan and CAFR documents.	N/A	3	3	N/A	3	3
2. Meet with staff at least quarterly to review work plans.	1	3	4	N/A	2	4
Administrative Services/Special Projects						
1. Percent of legislative analysis completed within negotiated time frame.	100%	100%	100%	100%	100%	100%
2. Percent of special requests completed within negotiated time frame.	100%	100%	100%	100%	100%	100%
Budget and Treasury/Cash Management						
1. Average weighted yield on unrestricted funds will be at least 100% of the twelve month average yield on two-year US Government Agency securities.	213%	253%	100%	382%	442%	100%
Budget and Treasury/Contract Management						
1. All actions required in contracts will be met by agreed upon due dates.	100%	100%	100%	100%	100%	100%
2. Ensure that quarterly lease payments for the Great America Theme Park site are made when due.	100%	100%	100%	100%	100%	100%
Budget and Treasury/Debt Management						
1. Submit debt schedules to Council no later than January 31 and July 31 of each year.	N/A	100%	100%	N/A	100%	100%
Budget and Treasury/Financial Analysis						
1. Complete special projects by agreed upon due dates.	100%	100%	100%	100%	100%	100%

Performance Measures Reporting
Department: Finance
March-14

Division/Program/Measure	2013-2014			2012-2013		
	Current Month	Year to Date	Budget	Current Month	Year to Date	Budget
Budget and Treasury/Budget Development & Analysis						
1. Receive California Society of Municipal Finance Officers (CSMFO) budget awards.	N/A	2	2	N/A	2	2
Accounting/General Accounting						
1. Complete the external audit process and preparation of City's Comprehensive Annual Financial Report with an unqualified audit by December 31.	N/A	100%	100%	N/A	100%	100%
2. Receive Government Financial Officers Association of the United States and Canada (GFOA) excellence in financial reporting award.	N/A	1	1	N/A	1	1
3. Complete the preparation and submission of various State, Local, and Federal Agency reports by due dates.	100%	100%	100%	100%	100%	100%
4. Complete the month-end accounting close process and distribution of department budget status reports by the 15th working day of the following month.	100%	78%	83%	100%	78%	83%
Accounting/Payroll						
1. Process bi-weekly payroll and issuance of employee checks by the due date and time.	100%	100%	100%	100%	100%	100%
2. Complete and file the required monthly/quarterly State and federal tax returns before due date.	100%	100%	100%	100%	100%	100%
3. Issue employee W-2 forms by January 31.	N/A	100%	100%	N/A	100%	100%
4. Transmit the electronic version of W-2 to Social Security Administration by March 31.	100%	100%	100%	100%	100%	100%

Performance Measures Reporting
Department: Finance
March-14

Division/Program/Measure	2013-2014			2012-2013		
	Current Month	Year to Date	Budget	Current Month	Year to Date	Budget
Accounting/Accounts Payable						
1. Number of invoices processed.	3,713	28,589	40,000	3,435	28,469	30,000
2. Number of vendor warrants issued.	1,234	10,049	15,000	1,207	10,240	20,000
3. Percent of vendor invoices paid within 7 days of receipt.	98%	95%	95%	100%	96%	95%
4. Number of quick invoice vouchers processed.	1,406	9,767	15,000	1,116	9,968	25,000
5. Number of Payables process improvements.	0	1	2	0	0	1
Accounting/Receivables/Fixed Assets						
1. Percent of time that invoices are mailed within 10 working days of receipt of documentation from City Departments.	100%	100%	100%	100%	100%	100%
Municipal Services/Utility Billing Services						
1. Percent of closed delinquent accounts collected in-house.	91%	81%	80%	57%	66%	80%
2. Amount of late fees assessed.	$71,912	$600,061	$825,000	$58,783	$595,376	$800,000
Municipal Services/Revenue Receipting-Cashiering						
1. Average monthly number of utility accounts paying by automated methods.	34,510	31,285	29,000	30,182	30,463	26,800
2. Average monthly utility payments processed.	55,805	52,653	50,000	50,002	52,708	50,000
3. Percent of cash drawers reconciled.	100%	100%	100%	100%	100%	100%

Performance Measures Reporting
Department: Finance
March-14

Division/Program/Measure	2013-2014			2012-2013		
	Current Month	Year to Date	Budget	Current Month	Year to Date	Budget
Municipal Services/Business Certificate						
1. Number of business tax certificates processed annually.	982	9,106	12,000	1,203	9,054	12,000
2. Percent of delinquent tax certificates at fiscal year end.	4.2%	4.1%	5.0%	4.7%	4.5%	5.0%
Municipal Services/Field Service						
1. Percent of monthly utility meters accurately read.	100%	100%	100%	100%	100%	100%
2. Number of service requests processed yearly.	2,897	26,495	42,000	2,387	26,422	42,000
3. Average number of meters read monthly.	80,094	80,017	80,000	79,865	79,777	80,000
4. Number of months where all 200 routes are read and billed.	1	9	12	1	9	12
Municipal Services/Administration						
1. Percent of Accounts Receivables written off as bad debt annually.	0.000%	0.01%	0.40%	0.21%	0.15%	0.40%
2. Number of major UMIS initiatives successfully implemented during the year.	1	4	5	1	4	5
Municipal Services/Call Center/Communication						
1. Percent of customer calls answered within 90 seconds.	39%	36%	40%	53%	42%	40%
2. Average hold time of sequenced calls (m:s).	4:07	4:12	4:00	2:55	3:35	5:00
3. Number of dropped calls to total calls.	16%	15%	15%	8%	11%	25%
4. Average hold time of sequenced calls before drop (m:s).	3:38	3:32	4:00	2:45	3:31	6:00
5. Average number of customer telephone calls taken monthly.	5,893	5,708	6,000	4,728	5,309	7,000
6. Average number of IVR calls received monthly.	11,301	10,892	12,000	8,845	10,071	12,500
7. Average number of outbound calls made by CSR's.	1,937	1,524	1,500	1,183	1,341	2,100

Performance Measures Reporting
Department: Finance
March-14

Division/Program/Measure	2013-2014			2012-2013		
	Current Month	Year to Date	Budget	Current Month	Year to Date	Budget
Purchasing/Warehouse						
1. Number of material requisitions.	282	2,598	3,200	335	2,505	3,200
2. Number of inventory items cycle counted.	141	1,267	1,200	135	1,264	1,200
Purchasing/Purchasing						
1. Number of purchase orders.	148	1,006	1,250	115	947	1,250
2. Number of cost reductions/avoidance.	0	0	5	0	0	5
Purchasing/Mail Services						
1. Number of mail pieces processed.	12,439	112,443	147,000	N/A	N/A	N/A

CITY OF SANTA CLARA
DEPARTMENT OF FINANCE - BUSINESS TAX & BUSINESS LICENSE
MONTHLY ACTIVITY REPORT
For the month ending March 31, 2014
With Comparative Amounts for the month ended March 31, 2013

	CURRENT FY 2013-2014		PRIOR FY 2012-2013	
	This Month	Fiscal Year To Date	This Month	Fiscal Year To Date
CASH RECEIVED FROM:				
Business License (Tax Certificate)	$ 66,448	$ 672,712	$ 86,047	$ 642,407
Fire Permits	$ 171,278	$ 1,468,615	$ 172,170	$ 1,280,243
Rubbish Hauler (3%-16%)	$ -	$ 856,328	$ 1,600	$ 820,071
Transient Occupancy Tax (9.5%)	$ 651,689	$ 11,044,330	$ 666,789	$ 9,527,449
FISCAL YEAR STATISTICS FOR BUSINESS LICENSES:				
NEW BUSINESS INFORMATION:				
No. of Rental Businesses	2	68	2	36
No. of Santa Clara Businesses	97	1,048	117	987
No. of Out-of-Town Businesses	69	521	68	492
Total New Businesses	168	1,637	187	1,515
RENEWALS	814	7,469	1,016	7,538
LICENSES/PERMITS DELETED:	186	1,439	138	1,448
FIELD ENFORCEMENTS/DELINQUENCIES:				
Total No. of Delinquent Accounts	550	* n/a	602	* n/a
Total No. of Accounts in Collection	421	* n/a	345	* n/a
No. Delinquent Accounts Paid	43	443	82	663
No. Delinquent Accounts Deleted	100	683	36	671
Total Delinquents as a % of Total Certificates	4.2%	* n/a	4.7%	* n/a
BREAKDOWN OF CURRENT BUSINESS LICENSES:**				
(Tax Certificates)				
Number of Hotels/Motels	30		29	
Rental Owners	1,462		1,455	
Fixed Location in City (Inc Home Bus)	8,421		8,236	
Out of City (Includes Contractors)	3,208		3,178	
Total Tax Certificates	13,121		12,898	

Gary Ameling
Director of Finance

cc: City Clerk

* Fiscal Year To Date amounts in these categories are labled not applicable (n/a), as the number listed under "This Month" reflects a revolving count.
** As of report run date on 4/11/14

Business License: The current month is less than the same month from the previous year since there were 202 less renewals processed in the month of March 2014 vs March 2013.

Rubbish Hauler: The current month is less than the same month from the previous year due to payment timing differences of Franchise renewal fees that were paid in March 2013 vs March 2014.

Santa Clara Fire Department
Monthly Activity Report
Mar 2014

		This Month	FY 13/14 To Date
Division: Protection			
Program: Administration			
1	Number of hours contributed by the Volunteer/Reserve Division	687	5683
2	Number of Fire responses	22	143
3	Number of emergency Medical responses	392	3371
4	Number of non-emergency Medical responses	137	1242
5	Number of Hazardous Materials responses	3	16
Division: Protection			
Program: Emergency Response			
1	Response time in 90% of all high level emergency medical calls.	5:45	5:48
2	Rseponse time in 90% of all high level emergency fire calls.	4:55	5:04
3	Number of emergency responses	518	4367
4	Number of non-emergency responses	218	1867
5	Percent of total alarms catagorized as false	10.87%	10.5%
Division: Prevention			
Program: Code Enforcement/Public Education			
1	Number of inspections performed by the Fire Prevention Bureau	180	2271
2	Number of inspections performed by the Fire Protection Division	352	2378
3	Number of citizen complaints	0	10
4	Number of community participants in fire and safety training and education programs	0	1930
5	Number of public education meetings	0	19
6	Number of permit inspections	162	1737
7	Number of new business license inspections	26	596
8	Number of plans reviewed	127	994
9	Percent of multi-family (R-1) occupancies inspected	5.08%	38.47%

	This Month	FY 13/14 To Date
Division: Prevention		
Program: Investigations		
1 Number of fires investigated	2	19
2 Number of hazardous materials incidents investigated	0	1
Division: Training		
Program: Training		
1 Number of fire prevention training hours	61.40	496.10
2 Number of hazardous materials training hours	74.17	534.93
3 Number of Emergency Medical Services training hours	247.52	1137.19
4 Number of rescue training hours	43.00	748.00
5 All other training hours	524.50	5159.84
Division: Hazardous Materials		
Program: Hazardous Materials Code Enforcement		
1 Number of hazardous materials emergency responses	1	1
2 Number of business inspections	19	262
Division: Incremental EMS Costs		
Program: Paramedic Services		
1 Response time in 90% of all high level emergency medical calls.	5:45	5:48

William G. Kelly
Fire Chief

Interoffice Memorandum

Date: April 25, 2014

To: Julio Fuentes, City Manager

From: William Kelly, Fire Chief

Subject: March 2014 Monthly OES Report

3/5: Interoperable Communications at County Chiefs meeting – 1.5 hours

3/10: Development of a job specification for Emergency Services Coordinator – 1.5 hours

3/13: Emergency Management seminar, "the 2013 Boston Marathon Bombing" at Harvard Kennedy School – 3.5 hours

3/14: Emergency Management seminar and panel presentation, "the 2013 Boston Marathon Bombing" at Harvard Kennedy School - 9 hours

3/18: Emergency Management meeting for the 2016 Super Bowl – 1.5 hours

3/19: Emergency Management meeting for the 2016 Super Bowl – 1.5 hours

3/19: Council EOC tour with two Council members – 1.5 hours

3/24: Research: Social Media for Risk and Crisis Communication – 4 hours

City of Santa Clara
Employee Activity Report - March 2014
February 16, 2014 - March 29, 2014

	Classified	Unclassified	As-Needed	Total
Budgeted Positions	**880.50	125.00		**1005.50
Filled Positions	749.00	103.00		852.00
Available Positions	131.50	22.00		153.50
Regular Appointments	2.00	1.00		3.00
As-Needed Appointments (includes Additional Classes)			28.00	28.00
Filled As-Needed Positions			419.00	419.00
Separations - Failed Probation				0.00
Separations - Resignation	2.00			2.00
Separations - Dismissal				0.00
Separations - As-Needed			25.00	25.00
Rehire				0.00
Retirements - Industrial Disability	1.00			1.00
Retirements - Service	0.50	1.00		1.50
Retirements - Service Pending Industrial Disability				0.00
Promotions	9.00			9.00
Death				0.00
Transfer - 3/4-time to Full-Time	0.25			0.25
Voluntary Demotion				0.00
Step/Merit Increases Granted	23.00		13.00	36.00
Step Increases Denied				0.00
Unemployment Insurance Claims			5.00	5.00
Long Term Disability Claims	1.00			1.00
State Disability Claims	3.00			3.00
Industrial Injury/Illness - Supervisor's Report				0.00
Industrial Injury/Illness - Medical Only				0.00
Industrial Injury/Illness - Indemnity (Lost Time)				0.00

** Total includes 1 City Manager Temporary Overfill position.

FHunt

Francine Hunt
Human Resources Supervisor

PERFORMANCE MEASURES REPORTING
HUMAN RESOURCES - RECORDS BENEFITS
MARCH 2014

Records and Benefits	2013-2014		2012-2013	
	Year to Date	Budget Goal	Budget Actual	Budget Goal
Benefits, Records and Payroll				
1. Percent of employee benefits & compensation transactions processed accurately and timely.	100%	100%	100%	100%
2. Percent separation and retirement payoff calculations completed according to policy and within the final pay period.	100%	100%	100%	100%
3. Percent of new hires processed for pay and benefits in time for their first paycheck	100%	100%	100%	100%

Records and Benefits	2013-2014		2012-2013	
	Year to Date	Budget Goal	Budget Actual	Budget Goal
Workers' Compensation				
1. Percent of Workers' Compensation claims processed within five business days of receipt in Human Resources Department.	100%	100%	100%	100%
2. Percent of work hours lost as a result of industrial injuries and illnesses.	1.14%	2.0%	1.14%	2.0%
3. Percent of workforce that is accident free.	88.1%	85%	84.5%	83%
4. Percent of City-sponsored training classes rated very good or above by attendees.	95%	95%	95%	95%
5 Percent of City employees attending City sponsored training classes.	93.2%	40%	72.9%	40%

Notes:

* ANNUALIZED TO DATE

Report Date: 04/28/14
DVMGR:

HUMAN RESOURCES DEPARTMENT

TRAINING AND SAFETY ACTIVITIES
Monthly Report

March 2014

TRAINING

1. Topic: Harassment Prevention – Employee (Video)
Date: March 3, 4, 10, 14, 18, 19, 24, 2014
Participants: 80
Duration: 1 hr.

2. Topic: Windows 7 Office 2010 Office Orientation
Date: March 17, 18, 20, 31, 2014.
Participants: 13
Duration: 1.5 hrs.

4. Topic: Beginner Series #1: Create, Save, and Edit Office Documents
Date: March 25, 2014
Participants: 5
Duration: 1.5 hrs.

SAFETY

No significant activities for the month on a City-wide basis.

ADDITIONAL DEPARTMENTAL TRAINING

FIRE

1. Topic: Hazmat Core Training – Day 3
Date: March 3, 6, 7, 2014
Participants: 33
Duration: 3.5 hrs.

2. Topic: 1st Quarter EMT Refresher
Date: March 8, 11 – 14, 19, 20, 25 – 28, 31, 2014
Participants: 116
Duration: 7 hrs.

3. Topic: HazMat Core Training – Day 4
Date: March 16, 19, 2014
Participants: 18
Duration: 4 hrs.

4. Topic: Haz Mat Specialist A Week
Date: March 17 – 19, 25, 27, 2014
Participants: 1
Duration: 40 hrs.

5. Topic: California Building Code Update
Date: March 17, 20, 2014
Participants: 8
Duration: 7 hrs.

6. Topic: Training Roundtable
Date: March 17, 2014
Participants: 1
Duration: 8 hrs.

7. Topic: 2013 California Fire Code Update
Date: March 18, 20, 2014
Participants: 8
Duration: 7 hrs.

8. Topic: Anatomy of an Environment Investigation and Prosecution
Date: March 18, 2014
Participants: 4
Duration: 8 hrs.

9. Topic: CPR Renewal – SCPD Dispatchers
Date: March 26, 2014
Participants: 3
Duration: 4 hrs.

Attached is the current statistics regarding the Worker Adjustment and Retraining Notification (WARN) Act.

Greg Harris
Human Resources Division Manager/
Training and Safety Officer

cc: Director of Human Resources

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION (WARN) ACT
2014

COMPANY NAME	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Notifications Received This Month	0	0	0	0	0	0	0	0	0	0	0	0
Received This Month Last Year	2	0	2	0	0	0	0	0	1	2	1	0
Employees Affected This Month	0	0	0	0	0	0	0	0	0	0	0	0
Affected This Month Last Year	118	0	85	0	0	0	0	0	36	27	2	0

Total Notifications Received This Year:	0
Total Notifications Received Last Year:	8

Employees Affected This Year:	0
Employees Affected Last Year:	268

City of Santa Clara
Library Department Monthly Report
March 2014

		March-2014	March-2013	Fiscay YTD 2013/14	Fiscal YTD 2012/13
Items Borrowed					
Central Library		206,948	209,994	1,753,385	1,877,272
Mission Branch		2,053	2,116	17,466	18,791
TOTAL		209,001	212,110	1,770,851	1,896,063
Patron Visits					
Central Library		73,284	129,333	609,654	1,046,730
Mission Branch		4,201	4,042	33,891	35,738
TOTAL		77,485	133,375	643,545	1,082,468
Patron Electronic Resources Use					
Central Public ER Use		11,193	11,147	94,794	101,878
Reference Inquiries					
Central Library		13,229	14,188	110,300	126,563
Mission Branch		462	379	4,197	3,906
TOTAL		13,691	14,567	114,497	78,921
Program Attendance	*Number*				
Children: Central Library	*16*	1,832	1,570	19,202	19,271
Mission Branch	*4*	99	16	439	252
Adults: Central Library	*18*	488	522	4,954	5,680
Mission Branch	*1*	5	4	134	265
Senior Booktalks	*1*	14	16	107	94
TOTAL	*40*	2,438	2,128	24,836	25,562
Patron Registration					
Santa Clara		641	809	6,045	6,571
SVLS Libraries		396	510	3,295	3,678
Other Libraries		53	57	435	428
TOTAL		1,090	1,376	9,775	10,677
Collection					
Items Added		2,765	3,314	26,408	22,280
Holds					
Placed		6,553	5,667	56,571	45,123
Filled		5,312	4,545	45,127	36,574
Volunteer Hours					
Genealogy		159.00	184.70	1,386.00	1,318.72
READ Santa Clara		454.50	372.00	3,873.00	2,384.50
Volunteer Program		348.59	293.68	2,463.30	2,160.93
Foundation and Friends		501.00	571.99	4,413.00	4,651.76
Total		1,463.09	1,422.37	12,135.30	10,515.91

Hilary Keith
City Librarian

Performance Measures Reporting
Department: Library
2013-2014
Month Ending March 2014

Division/Program/Measure	2013-2014 Year to Date	2013-2014 Budget	2012-2013 Year to Date	2012-2013 Budget
Division: Administration				
Program: Administration				
1. Number of hours Library facilities are open to the public annually.	2,990.00	4,000	2,918.00	4,000
2. Number of patron visits to all Library facilities annually.	643,545	1,400,000	1,082,468	1,400,000
Division: Youth & Extension Services				
Program: Youth Services				
1. Number of programs for children and parents offered.	160	250	161	250
2. Number of reference and reader's advisory questions annually.	30,154	35,000	28,777	35,000
3. Number of participants registered annually in Summer Reading Club.	422	2,800	30	2,800
4. Number of children and adults attending programs.	19,202	30,000	19,156	30,000

Division/Program/Measure	2013-2014 Year to Date	2013-2014 Budget	2012-2013 Year to Date	2012-2013 Budget
Division: Youth & Extension Services				
Program: Young Adult				
1. Number of Young Adult programs offered.	34	20	31	25
2. Number of Young Adult items circulated.	53,100	75,000	56,122	75,000
3. Number of participants annually in the Teen Summer Reading Program.	141	800	18	800
Division: Youth & Extension Services				
Program: Mission Library				
1. Number of items circulated.	17,466	26,000	18,791	26,000
2. Number of programs for children and parents.	14	11	10	11
3. Number of participants registered annually in the Summer Reading Club.	0	200	54	200
4. Number of matched literacy pairs.	65	75	62	75
5. Number of children and adults attending programs.	439	400	252	400

Division/Program/Measure	2013-2014 Year to Date	2013-2014 Budget	2012-2013 Year to Date	2012-2013 Budget
Division: Youth & Extension Services				
Program: Extension Services				
1 Number of homebound patrons served each month.	17	20	19	20
2 Number of programs for adults.	8	11	8	11
3 Number of volunteer hours.	12,173	15,000	9,355	17,000
Division: Adult Services				
Program: Reference				
1. Number of reference and reader's advisory questions answered annually.	84,038	75,000	97,786	55,000
2. Number of programs offered to adults.	154	90	177	65
3. Total attendance at programs offered to adults.	4,954	4,000	5,680	2,500

Division/Program/Measure	2013-2014 Year to Date	2013-2014 Budget	2012-2013 Year to Date	2012-2013 Budget
Division: Adult Services				
Program: Periodicals				
1 Number of periodicals checked in and processed monthly.	894	7,000	806	750
2 Number of requests for Service resolved by Periodicals staff monthly.	966	6,000	801	40000%
Division: Adult Services				
Program: Local History				
1 Number of programs presented/sponsored annually	20	20	20	20
2 Number of displays developed annually.	7	5	4	5
3 Research inquiries answered annually.	2,643	3,000	2,609	3000
Division: Adult Services				
Program: Circulation				
1 Number of items circulated annually	1,753,385	2,400,000	1,877,272	2,400,000
2 Number of patrons registered annually	9,775	14,000	10,677	14,000
Division: Collection Services				
Program: Technical Services				
1. Number of items added to the collection each month.	2,765	2,000	2,747	2,000

Division/Program/Measure	2013-2014 Year to Date	2013-2014 Budget	2012-2013 Year to Date	2012-2013 Budget
Division: Collection Services				
Program: Collection Management				
1. Books held per capita.	2.92	3.00	3.00	3.00
2. Total items held per capita.	3.31	3.40	3.40	3.40
3 Library materials expenditure per capita.	$4.15	$ 3.80	$3.80	$ 3.80
Division: Support Services				
Program: Facilities				
1 # of safety inspections made annually	9	12	9	12
2 % of safety issues resolved within 48 hours of report	98%	99%	98%	99%
Division: Support Services				
Program: Technology				
1 Percent of problem reports responded to within 24 hours of receipt.	100%	100%	100%	100%
2 Number of tickets/requests for services resolved by Technology Staff	1,395	600	1,123	600
3 Number of tickets/requests for services resolved by Technology Aides	13,244	10,000	11,266	10,000
4 Number of Library public computer users	94,794	108,000	101,878	108,000
5 Number of Public laptop users	107,177	10,000	28,164	10,000

Month: March Year: 2014
PARKS AND RECREATION DEPARTMENT
MONTHLY ACTIVITY REPORT

1 **Participant Attendance Total** **38,944** with breakdown as follows:

A. By Program

Senior Citizens	17,441	Sports Classes & Leagues	1,586
Pre School	1,343	Teen Activities	1,777
Culture/Performing Arts	5,829	Therapeutics	251
Special Events	4,494	Instructional Swim	0
Camps	0	Recreational Swim	1,724
Total	**38,944**	Youth Activities	4499

B. By Location (consider special events for each location)

Community Recreation Center	7,178	Parks	2,053
Senior Center	17,631	Pools	1,724
Parks Buildings	2,698	School Facilities (add special events)	0
Youth Activities Center	5,207	Teen Center	2,111
Total	**38,944**	Off-Site	342

2 **Non-Directed. Permit or Contract groups attendance total** **121,583** with breakdown as follows:

A. By Activity

	Groups	**Attendance**
Community Recreation Center Reservation		1,302
Senior Center		1,355
Teen Center/YAC		535
Parks- Buildings Reservation		2,810
Parks- Picnic Reservation		832
Field Reserv., Adult & Youth Groups		76,719
Swim Pool Reservations		38,030
	Total	**121,583**

B. By Location

Senior Center	1,355	T.C./YAC	535
Community Recreation Center	1,302	Fields	76,719
Park Buildings	2,810	Pools	38,030
Parks Picnics	832		
		Total	**121,583**

3 **Monthly Participation totaled** **160,527** (Program attendance & non-directed or permit groups)

4 **Revenue Collected for the Month:**

			Year to Date Fiscal		**Fiscal Year**
		3/1/2014	**13/14**	**3/1/2013**	**2012/13**
6	Swim Pool Admission	1,566.00	25,483.00	$ 1,599.00	$ 23,481.00
7	Rec. Classes/Swim Lessons	204,625.99	1,775,411.53	$ 235,685.08	$ 1,599,370.07
8	Rentals & Commissions	20,413.25	152,984.47	$ 15,302.00	$ 104,699.50
		$226,605.24	**$1,953,879.00**	**$ 252,586.08**	**$ 1,727,550.57**

March-14
MONTHLY PROJECT ACTIVITY REPORT
PARKS AND RECREATION DEPARTMENT
PARKS DIVISION, CEMETERY DIVISION, SCG&TC OPERATOR

Fund 532 Parks & Recreation:		**Activity**
3001	Miscellaneous Park Improvements	**H. Schmidt** - Caboose repair complete, awaiting installation at park. **Agnew** - Misc. landscape improvements are underway. **Live Oak** - Parkway strip improvement is nearing completion.
3002	Community Recreation Center	
3003	Tennis & Sport Courts	**Central Tennis Center** - Bid awarded for resurfacing courts, work to commence when weather permits. Lighting upgrade in planning stages for Maywood, CRC, E.Carmichael tennis courts.
3004	Youth Activity Center	Roof replacement bids have been received. Awarding of the bid is underway.
3005	Senior Center	
3006	Teen Center	Projects in the planning stages.
3007	Mission City Cntr for Performing Arts	Maintenance continued by S.C.U.S.D., City pays 33%.
3008	Townsend, Johnson, Washington Sports Field	Continuing field repairs & maintenance. **Washington Field** - Renovations have been completed.
3009	Tree Inventor & Habitat Restoration	
3010	Park Building Roof, Structure Rehabilitation & Replacement	Not funded for 2013-14.
3140	Ulistac Natural Area	**SCVWD** Grant work continue removal of non natives, mulch placement.
3170	Central Park Pond Refurbishment	Bids have been received for the project.
3172	International Swim Center Pool	No projects funded 2013-14.
3176	Miscellaneous Swim Pool Improvements Phase VI	**International Swim Center** - Replacement of defective return valve to racing & training pools. **M.Gomez** - Additional deck light installation on hold waiting for arrival of light poles.
Other		

Fund 562-CDBG Projects:		**Activity**
5556	Senior Center ADA Improvements	All projects completed, fund depleted (ADA). No additional funding for FY 2013-14
5558	Senior Center Emergency Generator	Project Completed. No additional funding for FY 2013-14.

Fund 840 SOSA		**Activity**
9532	Golf Course Drainage Restoration	No projects funded for FY 2013-14.

Fund 593 Cemetery		
3625	Burial Improvements	No projects funded for 2013-14.

THE CITY OF SANTA CLARA

ACTIVITY REPORT FOR THE MONTH OF MARCH, 2014

MISSION CITY MEMORIAL PARK

	TOTAL INCOME FROM ALL SOURCES:			FISCAL YEAR COMPARISON SUMMARY TOTALS TO DATE:		
	MARCH, 2014	MARCH, 2013	%	2013-2014	2012-2013	%
FACILITIES						
093/1162/5730						
093/1163/5730	$5,676.00	$12,673.00	-36.3%	$92,945.00	$99,742.00	-6.4%
LABOR						
093/1162/5740						
093/1163/5740	$19,171.00	$20,947.00	-30.2%	$171,557.00	$204,769.00	-18.8%
MATERIALS						
093/1162/5760						
093/1163/5760	$2,982.00	$5,349.00	-0.6%	$77,374.00	$81,334.00	-5.2%
BSR						
TOTALS	$27,829.00	$38,969.00	-27.2%	$341,856.00	$385,845.00	-12.7%
SALES TAX	$260.94	$461.36		$6,770.42	$6,891.66	
ENDOWMENT CARE						
077/0131/57500						
077/0131/0361	$2,313.00	$3,142.00	-17.8%	$31,917.00	$32,702.00	-2.6%
TOTAL INCOME	$30,402.94	$42,572.36	-25.9%	$380,543.42	$425,438.66	-11.7%

MONTHLY PURCHASES AND BURIAL SUMMARY

MARCH FISCAL YEAR 2013-2014		MARCH FISCAL YEAR 2012-2013	
INVOICES	32761- 32769	INVOICES	32618-32629
NICHES PURCHASED	1	NICHES PURCHASED	0
CREMATION PLOTS PURCHASED	0	CREMATION PLOTS PURCHASED	2
CREMATION BURIAL RIGHTS	2	CREMATION BURIAL RIGHTS	2
FULL BODY PLOTS PURCHASED	0	FULL BODY PLOTS PURCHASED	1
CREMATION BURIAL (GROUND OR NICHE)	2	CREMATION BURIAL (GROUND OR NICHE)	3
FULL BODY BURIALS	5	FULL BODY BURIALS	4
TOTAL BURIALS FOR THE MONTH OF MARCH 2014	7	TOTAL BURIALS FOR THE MONTH MARCH 2013	7

4-2-2014

LAWRENCE DEJANVIER

CEMETERY OPERATIONS SUPERINTENDENT

MONTHLY ACTIVITY REPORT
Planning Department
March 1 - 31, 2014

Division/Program/Measure	2013 - 2014 Current Month	2013 - 2014 Fiscal Year To Date	2012 - 2013 This Month Last Year	2012 - 2013 Fiscal Year To Date
Planning Commission Agenda Items				
Variances & Modifications	0	3	0	0
Use Permits (includes Conditional and Special)	4	13	0	16
Zoning & Rezoning	0	13	2	13
Tent. Map, Ten. Parcel Map & Lot Line Adj.	0	4	0	1
ARC Referrals & Review	0	1	0	1
General Plan Amendment	0	4	0	0
CEQA Determination - EIR, Mitigated Neg Dec.	0	8	1	9
Others including Appeals	3	16	0	13
Total	**7**	**62**	**3**	**53**
Historical & Landmark Commission Agenda Items				
Projects reviewed	**1**	**21**	**0**	**4**
Applications Filed				
Variances	0	4	1	3
Permits - Special & Use	4	39	1	44
Zoning - Regular	2	12	4	21
Zoning Administrator Action (Including Modification)	16	99	11	113
Lot Line Adjustment	0	5	0	4
Tentative Map, Tentative Parcel Map, Subdivision Map	1	10	1	18
Historical & Landmarks including Mills Act	2	5	0	4
General Plan Amendments	0	4	0	2
Residential Additions (story) - No Fee	0	1	0	0
Residential Addition (story) - With Fee	1	9	1	13
Residential Regular Projects- No Fee	8	70	11	86
Residential Regular Projects - With Fee	4	18	0	19
Non-Residential - No Fee	2	13	5	43
Non-Residential - With Fee	2	32	3	29
Mixed Use & New Building	1	20	0	10
Landscape - Non Residential	2	26	1	30
Signs	24	171	9	149
Temporary Signs	0	12	0	6
Others including Appeals	2	40	7	43
Total	**71**	**590**	**55**	**637**
Code Enforcement				
New Complaints	**24**	**222**	**28**	**220**
Complaints Resolved	**13**	**148**	**20**	**161**
Fees Collected				
Unadjusted Fees Collected	$ 28,065.00	$ 447,430.50	$ 69,023.50	$ 457,523.00
Add/Deduct: Adjustments & Refunds				
Net Fees Collected	**$28,065.00**	**$ 475,495.50**	**$ 69,023.50**	**$ 526,546.50**

Kevin L. Riley

KEVIN L. RILEY
Director of Planning and Inspection

I:\PLANNING\MonthlyActivity Report\2014\Activity Report - March 2014.xls

City of Santa Clara

Monthly Activity Report — March, 2014

Department of Plannning and Inspection

Building Inspection Division

DESCRIPTION	THIS MONTH	FY YR TO DATE	LAST YEAR
1. PERMITS ISSUED:			
Building	148	1446	143
Electrical	147	1427	142
Plumbing	135	1065	105
Mechanical	83	970	98
Total Number of Permits	513	4908	488
2. NUMBER OF INSPECTIONS:			
Building	1075	11645	996
Electrical	595	5784	532
Plumbing/Mechanical	725	6799	653
Housing	0	0	0
Total Number of Inspections	2395	24228	2181
Total Daily Average	114	134	109
3 SERVICE REQUESTS, COMPLAINTS, CN'S			
Service Requests/Complaints	16	186	15
Correction Notices Issued	24	205	12
Correction Notices Resolved	24	176	24
Correction Notices Unresolved	198	0	161
Citations Issued	14	124	9
4. REVENUE GENERATED FEES:			
Building Permits	$ 88,643.68	$ 1,715,721.36	$ 111,443.92
Plan Check	$ 283,011.08	$ 2,774,678.07	$ 241,970.69
Electrical Permits	$ 10,494.78	$ 228,150.24	$ 12,945.47
Plumbing Permits	$ 7,228.82	$ 169,803.17	$ 6,966.00
Mechanical Permits	$ 5,737.42	$ 178,262.98	$ 7,004.63
Miscellaneous	$ 17,753.05	$ 188,844.53	$ 18,532.47
Total Fees	$ 412,868.83	$ 5,255,460.35	$ 398,863.18
Total last year to date		$ 4,118,888.79	

5. NATURE OF BLDG PERMITS ISSUED:

	NO	VALUATION	UNITS	SQFT	PLAN CHECK	PERMIT FEES
Single Family	0					
Multi-Family	0					
Duplex	0					
Apartments	0					
Commercial	1	$220,000.00		4,500	$ 1,178.17	$ 1,683.10
Industrial	0					
Public	0					
Alteration & Additions						
Residential	54	$2,953,518.00		8,915	$ 25,009.69	$29,616.12
Commercial/Industrial	23	$3,459,848.00		422	$ 22,853.29	$24,735.94
Miscellaneous	63	$4,625,760.00			$ 26,484.71	$33,144.46
Public	0					
Total		$11,259,126.00				
Total F/Y to Date		$317,462,012.62				

Sheila Lee, Building Official

4/22/2014

PERFORMANCE MEASURES
BUILDING INSPECTION DIVISION
March, 2014 - FY 2013/14

Permit Services	Adopted	Actual	% Actual/Adopted
1. Percent of express plan checks performed within two working days.	95%	100.0%	105.3%
2. Percent of short cycle plan checks performed within ten business days.	90%	81.8%	90.9%
3. Percent of regular cycle plan checks performed within 30 calendar days.	85%	72.7%	85.6%
4. Percentage of service provided to all Permit Center customers within 20 minutes of their arrival.	90%	79.7%	88.6%
Inspection			
1. Percent of code complaints responded to within two working days.	90%	75%	83.3%
2. Percent of inspections completed within next working day.	95%	96%	101.1%
Housing Inspection			
1. Percent of multi-family rental housing complexes inspected per month.	1.67%	0.0%	0.0%
2. Percent of housing code complaints responded to within two business days.	90%	n/a	N/A

4/21/2014

CITY OF SANTA CLARA
DEPARTMENT OF PLANNING & INSPECTION

HOUSING & COMMUNITY SERVICES DIVISION
ACTIVITY REPORT FOR MARCH 2014

Program: Federal & State Grant Administration

Mission: Meet the expectations of city residents in delivering needed community services while meeting program administration requirements stipulated by the U.S. Department of Housing and Urban Development.

Measures:	Budgeted	Current Month	FYTD
1. Obtain approval by HUD of the City's annual Consolidated Plan.	100%	0%	100%
2. Obtain approval by HUD of the City's Consolidated Annual Performance and Evaluation Report.	100%	0%	0%

Program: Neighborhood Conservation & Improvement Program

Mission: Improve the local housing stock for the protection of residents and the enhancement of the City.

Measures:	Budgeted	Current Month	FYTD
1. Complete minor and substantial rehabilitation of up to 50 owner-occupied houses.	50	3	23

Program: Housing & Community Development Projects

Mission: Implement in a timely manner budgeted projects and programs that are identified as meeting particular community needs, primarily for low and moderate income people.

Measures:	Budgeted	Current Month	FYTD
1. Monitor the performance of all Public Service Agencies contracting with the City and Agency for compliance to contractual obligations.	10	0	0
2. Annually monitor for compliance all affordable housing contracts.	44	1	31

Approval:

Eloiza Murillo-Garcia
Housing & Community Services
Acting Division Manager

Kevin L. Riley
Director of Planning & Inspection

SANTA CLARA POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

MARCH 2014 (by Calendar Year)	Current Month	Previous Month	This Year to Date	Prev. Year to Date
Homicide	0	0	0	0
Rape	2	3	6	1
Robbery	13	4	21	16
Felony Assaults	2	1	7	29
Burglary	45	42	151	105
Larceny - Thefts	183	198	584	499
(Of above that were from vehicle)	<95>	<94>	<300>	<224>
Auto Theft	42	48	140	93
Local Recovered	40	140	225	93
Recovered for Others	12	26	74	61
Traffic Collisions				
Fatalities	1	0	1	0
Injuries	23	19	60	76
Prop. Damage	85	65	212	190
Total	**109**	**84**	**273**	**266**
Traffic Violations				
Moving	425	Not available	1,116	2,070
Parking	529	566	1,794	2,413
Miscellaneous	0	0	0	0
Total	**954**	**566**	**2,344**	**4,483**
Arrests				
Adult	419	380	1,179	1,074
Juvenile	25	21	67	82
Total	**444**	**401**	**1,246**	**1,156**
Warrants				
Received	183	121	470	430
Cleared	125	105	345	362
Reserve Police Hours	842	894	2,655	2,407

MARCH 2014 (by Fiscal Year)	Current Month	Previous Month	This Fiscal Year to Date	Prev. Fiscal Year to Date
Financial Report				
Alarm Permits (4820)	$ 1,512.50	$ 316.50	$ 8,265.50	$ 13,719.50
Vehicle Release Fee (7396)	$ 3,052.50	$ 1,284.00	$ 19,786.50	$ 20,305.40
CA Vehicle Code (7461)	$ 14,764.90	$ 14,866.18	$ 130,794.78	$ 129,376.75
Misdemeanor Fines (7463)	**$ 20,923.56	$ 688.89	$ 24,716.86	$ 9,544.60
City Traffic School Fines (7470)	$ 7,707.55	$ 9,270.01	$ 85,151.99	$ 69,365.92
Parking Enforcement (7472)	$ 20,856.31	$ 20,659.01	$ 231,925.63	*$ 236,121.83
DUI Billing (7475)	$ 2,876.90	$ 2,011.83	$ 13,379.94	$ 11,699.27
Total Monies Received	**$ 71,694.22**	**$ 49,096.42**	**$ 514,021.20**	**$ 490,133.27**

***Parking Enforcement total adjusted to remove $115,242.24 from last FY per Capt. Kazem.**

****Misdemeanor Fines include $20,628.14 fees collected for November 2013.**

Prepared by Caroline Aquino

K:\Records Folders Here\Supervisors\Monthly Act Rpt

Automotive Services
Monthly Activity Report
Fiscal Year 2013-14

Report date: 04/21/2014

Equipment Summary	**March 2014**	**Yr to Date FY 13-14**	**Budgeted FY 13-14**
1. Purchased qty of repl units:	**5**	**70**	**111** *
2. Purchased (co) qty of units:	0	2	2 *
3. Purchased qty of upgrades:	0	0	0
4. Emergency Unsched Purchase:	0	2	2
5. % of total units purchased:	4%	64%	
6. Total Dollars Budgeted: (1. - 6. :minus deferrals)*			4,148,716
7. Cost of units purchased:			
$ Budgeted	50,000 *	3,152,240 *	
$ Actual Cost	55,216 *	3,196,713 *	
8. % of dollars allocated:			
% Budget	1%	76%	
% Actual Purchased	1%	77%	

Appropriations (8804) rplcmnts:	100		3,712,500
Excellerated (8804) rplcmnts:	**11**	**added rplcmnt**	**291,216**
Capital outlay/upgrades:	2 *		145,000
Less equipment deferred:	0 *		0 *
Emergency Unsched Purchase:	2	wrecks etc	0
Balance of total purchases:	**115**		**4,148,716**

Maintenance Summary		**March**	**Yr to Date**
1. Qty of PM appointments:		122	901
2. Unscheduled repairs:		173	1342
3. Total Repairs/PM written:		295	2243
4. Avg Qty repairs/PM per day:		14	12
Total work days this month:	21		
Total work days to date:	185		

Sue Cucuzza
Auto Services Coordinator

c:Monthly activity fy2013-14

Submit to City Clerk,
2nd wk of month following activity.

Automotive Services Department
Sustainable "Green Fleet" Commitment
Monthly Activity Report - Fiscal Year 2013-14

Month: March 2014

In October 2005, the City Council approved a goal of 75% of all non-public safety sedans to be ultra-low or zero-emission vehicles by the end of the fiscal year 2007/08. Succesfully Completed fiscal year 2006/07.

In May 2007, the City Council joined Sustainable Silicon Valley and committed among other items to increase the fuel efficiency of our fleet with the goal of not increasing total fleet fuel usage. Council reaffirmed this goal as part of its Principles and Priorities for 2009/10. On track.

The California Air Resources Board (CARB) approved a regulation to reduce toxic diesel particulate matter emissions from diesel fueled public agency and utility fleet vehicles beginning in 2007. Compliant September 30th, 2013.

Sustainable Green Fleet Progress						
	Base Year End FY 2006-07			March 2014		
Type Vehicle (Sedans)	Non-Public Safety	Public Safety	Total	Non-Public Safety	Public Safety	Total
All Electric	4	1	5	4	1	5
Hybrids (gas/elec)	47	17	64	47	20	67
Alternate Fuel (capable)	0	0	0	0	39	39
Subtotal	86%	16%	41%	91%	56%	68%
qty	51	18	69	51	60	111
Other (gas only)	14%	84%	59%	9%	44%	32%
qty	8	93	101	5	47	52
Total	100%	100%	100%	100%	100%	100%
qty	59	111	170	56	107	163

Comment: Future City purchased police patrol cars off State contract, will be alternate fuel capable vehicles.

Fleet Fuel Usage Unleaded only	Base Year FY 2006/07	Last Year Monthly Usage	Current Monthly Usage	Current Total Usage YTD	Current Total FY (% Base Year)
Annual Gallons	**219029**	10485	14727	149854	68%

CARB Diesel Emission Retrofit/Replacement				
Number of Diesel Vehicles (that require retrofit) By calendar year	Summary of Retrofits	Units sold in Calif.	Retrofits Completed	Total Fleet Retrofits/Sold Completed to date (by Cal Year)
cal year **2007** : 13 20% of applicable Fleet (63)	Compliant	3	13	13 Retros / **3** sold in calif
cal year **2008** : --	Compliant	1	0	**1** sold in Calif
cal year **2009** : 26 60% of applicable Fleet (63)	Compliant	1	29	29 Retros / **1** sold in Calif
cal year **2010** : --	Compliant	1	0	**1** sold in Calif
cal year 2011 : bal of Fleet: 15 100% of applicable Fleet (63)	Compliant	1	14	14 Retros / **1** sold in Calif balance zero to upgrade
cal year **2012** : bal of Fleet: 5 of New applicable count of (68)	Qty:5 2007's to be installed 2013, units found in fleet in late 2012.	0	0	Temp test done, parts on order. To be completed by Dec 2013
cal year **2013** : bal of Fleet: 5 of New applicable count of (68)	Qty:5 2007's with 1: 2004 and 4: 2006 engines. Units found in fleet in 2012.	0	5	100% COMPLIANT with 61 retros, 7 sells

Prepared by Sue Cucuzza
Automotive Services Coordinator

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Support Services
Program: Division Administration
Number: 001/4411

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percentage of Agenda Reports completed on time.	100%	95%	95%
2. Percentage of Agenda Reports completed satisfactorily.	67%	81%	95%
3. Percent of City Manager assignment requests responded within time requested.	-	90%	95%
4. Percentage of customers surveyed that are very satisfied.	-	#DIV/0!	95%

Division: Support Services
Program: Development Support
Number: 001/4412

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. This Program has no reportable performance measures.	N/A	N/A	N/A

Division: Support Services
Program: Capital Improvement Projects
Number: 001/4413

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. This Program has no reportable performance measures.	N/A	N/A	N/A

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Building Maintenance
Program: Maintenance / Repair
Number: 001/2222

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percent of all requests for service responded to within four business days.	-	100%	100%

Division: Building Maintenance
Program: Janitorial
Number: 001/2223

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Respond to all service requests within two hours.	-	100%	100%
2. Clean all restrooms in all major buildings daily.	-	100%	100%

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Design
Program: Division Administration **Number:** 001/4441

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. This Program has no reportable performance measures.	N/A	N/A	N/A

Division: Design
Program: Development Support **Number:** 001/4442

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. This Program has no reportable performance measures.	N/A	N/A	N/A

Division: Design
Program: Capital Improvement Projects **Number:** 001/4443

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percent of Capital Improvement Projects designed within budget.	-	100%	80%
2. Percent of Capital Improvement Projects designed within approved schedule.	-	100%	80%

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Field Services
Program: Division Administration
Number: 001/4461

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percentage of complaints responded to within one business day.	50%	75%	90%
2. Number of construction activity complaints.	4	12	25

Division: Field Services
Program: Development Support
Number: 001/4462

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percent of inspection requests responded to within one business day.	100%	100%	90%

Division: Field Services
Program: Capital Improvement Projects Inspection
Number: 001/4463

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percent of Capital Improvement Projects that reached substantial completion within the construction contract time.	-	#DIV/0!	75%
2. Percentage of Capital Improvement Projects completed within approved budget.	-	#DIV/0!	100%
3. Percentage of customers rating services as satisfactory.	-	#DIV/0!	100%
4. Percentage of Capital Improvement Projects completed with Change Orders under 5% of construction cost.	-	#DIV/0!	90%

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Land & Property Development
Program: Division Administration **Number:** 001/4451

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. This Program has no reportable performance measures.	N/A	N/A	N/A

Division: Land & Property Development
Program: Development Support & Review **Number:** 001/4452

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Percent of subdivision maps first submittals reviewed within 15 business days.	0%	33%	95%
2. Percent of subdivision maps subsequent submittals reviewed within 10 business days.	50%	50%	95%
3. Percent of Title documents drafted within 10 business days.	60%	88%	95%
4. Percent of private development plans reviewed on first review within 20 business days.	40%	57%	95%
5. Percent of private development plans reviewed on subsequent reviews within 15 business days.	67%	73%	95%

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Traffic
Program: Division Administration
Number: 001/4431

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Number of grants applied for or being processed.	0	1	12
2. Number of special transportation permits issued.	44	354	350
3. Number of citizen/customer requested studies completed.	11	115	30

Division: Traffic
Program: Development Support
Number: 001/4432

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Number of preliminary site and development plans for Project Clearance and Subdivision Committee reviewed.	9	88	200
2. Number of encroachment permits, Capital Improvement Projects, and traffic control plans reviewed within agreed time frame.	27	139	145

Division: Traffic
Program: Capital Improvement Projects
Number: 001/4433

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Number of traffic projects under design.	1	3	12
2. Number of projects under construction requiring Traffic division support.	0	0	12

Division: Traffic
Program: Traffic Signal Management
Number: 001/4434

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Number of timing, coordination, detection, equipment, or other signal management requeests responded to.	21	175	150

PERFORMANCE MEASURES REPORTING
ENGINEERING, BUILDING MAINTENANCE, & TRAFFIC
MARCH 2014

Division: Traffic
Program: Traffic Striping and Signing
Number: 001/4435

Performance Measures	MARCH Actuals	YTD Actuals	2013-2014 Budget
1. Number of work orders created for Street Department action.	12	51	150

STREET AND AUTOMOTIVE SERVICES DEPARTMENT
MONTHLY ACTIVITY REPORT - March 2014

			THIS MONTH	THIS FY TO DATE	LAST FY TO DATE
A. STREET MAINTENANCE					
1.	Deeplift AC R&R (In-House)	(ton)	36	2,000	839
2.	AC Restorations (Permits) (In-House)	(ton)	22	353	549
3.	Miscellaneous AC Repair (In-House)	(ton)	2	169	152
3.1.	Total AC Placed (In-House)	(ton)	60	2,515	1,540
4.	Crack Sealing (In-House)	(lf)	118	41,278	39,375
5.	Area of Streets Prepared for Slurry (In-House)*	(sy)	0	0	0
6.	Area of Streets Prepared for Fog Seal (In-House)*	(sy)	0	0	0
7.	Deeplift AC R&R (Contract)	(ton)	0	291	0
8.	AC Restorations (Permits) (Contract)	(ton)	0	0	0
9.	AC Overlay (Contract)	(ton)	0	0	0
10.	Slurry/Cape Seal (Contract)*	(sy)	0	0	0
11.	Miscellaneous AC Repair (Contract)	(ton)	0	0	0
11.1.	Total AC Placed (Contract)	(ton)	0	0	0
12.	Miscellaneous Activities	(hr)	995	8,447	11,141
SIDEWALK MAINTENANCE					
13.	Sidewalk R&R (In-House)	(sf)	0	0	2,413
14.	Curb & Gutter R&R (In-House)	(lf)	0	0	155
15.	Sidewalk Grinding	(hr)	0	113	281
16.	Sidewalk R&R (Contract)	(sf)	0	10,314	6,584
17.	Curb & Gutter R&R (Contract)	(lf)	0	897	1,496
18.	Valley Gutter (Contract)	(sf)	0	0	0
19.	Wheelchair Ramp (Contract)	(ea)	0	0	1
20.	Median Curbs (Contract)	(lf)	0	0	0
21.	Miscellaneous Activities	(hr)	0	0	0
22.	Illegally Dumped Materials	(gal)	2,050	26,800	7,070
B. STORM DRAIN SYSTEM MAINTENANCE					
1.	Catch Basins Cleaned	(ea)	6	2,348	3,248
2.	Main & Lateral Flushing	(ft)	1	10,395	11,918
2.1.	Main & Lateral Flushing	(cy)	3	67	18
3.	Illicit/Illegal Discharge Incidents	(ea)	11	77	19
4.	Illicit/Illegal Discharge Incidents	(hr)	11	263	93
5.	Other Non-Point Source Activities	(hr)	2	101	9
6.	Pump Stn. Mtce./Wet Well/Trash Rack Cleaning	(hr)	12	630	1,038
6.1.	Pump Stn. Mtce./Wet Well/Trash Rack Cleaning	(cy)	2	84	86
7.	Pump Station/Outfall Monitoring	(hr)	139	1,236	981
8.	Creek Clean-Up/Trash Abatement	(hr)	0	34	59
9.	Construction Site Inpections	(ea)	13	97	75
10.	Construction Site Inspections	(hr)	16	144	173
11.	Ind/Com Facility Inspections	(ea)	111	801	122
12.	Ind/Com Facility Inspections	(hr)	48	532	142
13.	Public Information Participation	(hr)	0	19	33
14.	Miscellaneous Activities	(hr)	456	2,250	2,024
C. TRAFFIC STRIPING & SIGNAGE MAINTENANCE					
1.	Striping Installed	(mi)	0.8	66.1	87.6
2.	Curbs Painted	(lf)	257	19,154	17,746
3.	Vandalism	(hr)	4	63	63
4.	Services for Other Departments	(hr)	267	877	431
5.	Pavement Marking (messages & crosswalks)	(sf)	0	6,346	6,294
6.	Sign Fabrication	(ea)	56	758	743
7.	Sign Maintenance	(hr)	147	1,135	1,423
8.	Signs Installed, Upgraded or Repaired	(ea)	136	1,407	1,788
9.	Metal Beam Guardrails	(lf)	0	297	971
10.	Miscellaneous Activities	(hr)	164	1,748	2,113
11.	Striping Installed (Contract)	(mi)	0.0	0.0	0.0
12.	Pavement Marking (Contract)	(sf)	0	0	0
13.	Pavement Markers (Contract)	(ea)	0	0	0

STREET AND AUTOMOTIVE SERVICES DEPARTMENT
MONTHLY ACTIVITY REPORT - March 2014

			THIS MONTH	THIS FY TO DATE	LAST FY TO DATE
14.	Inertial Barriers	(ea)	0	0	0
D. SPECIAL DEPARTMENTAL ACTIVITIES					
1.	Clean-Up Campaign - Hours	(hr)	258	258	8
2.	Clean-Up Campaign - Debris Collected	(cy)	0	0	0
3.	Crack Sealing (Contract)	(lf)	0	0	0
4.	Fog Sealing (Contract)	(sy)	0	0	0
5.	Leaf Vac Program - Debris Collected	(cy)	0	2,699	1,892
6.	Christmas Tree Collection Program	(hr)	0	67	517
E. PARKWAYS & BOULEVARDS MAINTENANCE					
1.	Trees Planted	(ea)	0	101	93
2.	Trees Sprayed/Trees Injected	(ea)	0	3	1,045
3.	Root Pruning	(ea)	3	22	15
4.	Bracing & Cabling	(ea)	2	40	25
4.1.	Immediate Calls for H/B and B/D	(ea)	11	148	154
5.	Trees & Stumps Removed	(ea)	10	114	89
6.	Citizen Generated Tree Trim Requests	(ea)	45	613	681
6.1.	Miscellaneous Generated Service Requests	(ea)	58	434	445
7.	Trees Trimmed - City Crews	(ea)	54	527	562
7.1.	Trees Trimmed - Contract	(ea)	97	695	589
7.2.	Total Trees Trimmed	(ea)	151	1,222	1,151
8.	Backlog of Citizen Trim Requests - In-House				
8.1.	Current Month	(ea)	22		573
8.2.	More than 30 days	(ea)	12		489
8.3.	More than 60 days	(ea)	165		1,218
8.4.	Total Backlog	(ea)	199		2,280
9.	Backlog of Citizen Trim Requests - Contracted				
9.1.	Current Month	(ea)	30		156
9.2.	More than 30 days	(ea)	1		157
9.3.	More than 60 days	(ea)	70		472
9.4.	Total Backlog	(ea)	101		787
10.	Miscellaneous Trash Pickup	(gal)	400	3270	1,706
10.1	VTA Trash Pickup	(gal)	350	3150	2,122
F. SOLID WASTE					
1.	Clean Green Collection				
1.1.	Cubic Yards	(cy)	4,125	38,012	39,265
1.2.	Tons	(ton)	825	7,603	7,853
2.	Complaints Responded To:				
2.1.	Clean Green	(ea)	0	3	0
2.2.	Garbage	(ea)	1	6	4
3.	Street Sweeping				
3.1.	Miles Cleaned	(mi)	2,678	22,348	21,439
3.2.	Man-Hrs per Curb-Mile	(hr/mi)	0.12	1.07	1.03
4.	Illegal Sign/Graffitti Abatement				
4.1.	Illegal Signs Removed	(ea)	369	3,557	4,212
4.2.	Graffiti Loc. (Pri/Pub/Gar Bins) Reported	(ea)	1,051	9,271	2,016
4.3.	Graffiti Notices Issued	(ea)	2	43	186
4.4.	Private Property Graffiti City Clean Up	(ea)	4	1,597	1,624
5.	No. of Violations				
5.1.	For Containers Stored on Street	(ea)	4	88	N/A
5.2.	For Containers with Lids Open	(ea)	0	3	N/A
5.3.	For Overfilled Containers	(ea)	0	4	N/A
5.4.	For Accumulation of Refuse	(ea)	1	9	N/A

* Partial street area not included.

Prepared by: _____ Approved by: _____

CITY OF SANTA CLARA SEWER DEPARTMENT
MONTHLY ACTIVITY REPORT MARCH 2014

ACTIVITY	WORK UNIT	THIS MONTH	FISCAL YEAR
TOTAL Service Request:	Number	140	1,609
Cleanout Installations	Number	5	20
Lateral Stoppages	Number	107	1,126
Main Stoppages	Number	1	26
Misc. Requests/Compl:	Number	26	408
Roach Customer Com	Number	1	8
Lateral/Main Repairs	Number	0	4
Sewer Construction	Feet	0	0
Jet Cleanings	Feet	0	113,691
Roach Control (Manhole:	Number	0	2
Lateral Installations	Number	3	19
TV Inspections, Laterals	Each	7	42
TV Inspections, Main Lin	Feet	0	11
Root Foaming, Main Line	Feet	0	0
Root Foaming, Lateral	Number	0	0
Pump Calls, Storm & Se	Number	5	43

SEWAGE PUMP STATIONS DATA	NORTHSIDE	RABELLO
Total pumped (MG) during March	79.7	170.8
Total pumped (MG) since July 1, 2013	809	1611
Average daily flow for the month (MGD)	2.8	6.1

SAN JOSE OUTFALL			MONTH	F.Y.
28		days		
Flow Total (MG)	Line A	(West)	42.42	416
	Line B	(East)	99.65	985
Combined flow Lines A & B (MG)			142	1400
Average Daily Flow (MGD)		Line A	1.5	
		Line B	3.6	
Total average flow			14.0 mgd	

Nina Hawk for CdG

Christopher L. de Groot
Director Water & Sewer Utilities

Division/Program/Measure		2013-2014			2012-2013		
		Mar-14	Year To Date	Budget	This Month Last Year	Year To Date	Budget
Sewer System Administration	**094/1511**						
1. Prepare annual Sewer Revenue Program (as required for Federal program and WPCP cost distribution) by due dates each year.		0	2	2	0	0	2
2. Prepare monthly status reports and TPAC agenda reports.		1	9	12	1	9	12
Sewer System Maintenance	**094/1512**						
1. Number of feet of mainline jetted.		0	113,693	350,000	12,822	215,253	350,000
2. Percentage of sanitary sewer overflows reported to the State CIQWS database within the time frame required by regulations		100%	100%	100%	N/A	100%	100%
3 Number of reportable sewer spills		0	5	<3	0	4	<3
Sewer Operations	**094/1514**						
1. Number of pump and metering stations inspected.		14	196	396	33	297	396
2. Provide all preventative and routine maintenance as specified in operations and maintenance manuals.		100%	100%	100%	100%	100%	100%
San Jose/Santa Clara WPCP	**094/1515**						
1. Support Treatment Plant Advisory Committee (TPAC) members to represent the City in matters relating to the WPCP at monthly meetings.		1	9	12	1	9	12
2. Provide sufficient funding for all WPCP approved projects.		NA	75%	100%	N/A	75%	100%
Sewer/Storm Pump Maintenance	**094/1516**						
1. Number of storm pump stations inspected.		34	275	408	34	306	408
2. Provide all preventative and routine maintenance as specified in operations and maintenance manuals.		100%	100%	100%	100%	100%	100%
3 Coordinate annual load test for generators.		0	2	10	0	3	10

Nina Hawk for CdG

Christopher L. de Groot
Director of Water & Sewer Utilities

CITY OF SANTA CLARA WATER DEPARTMENT MONTHLY REPORT

March - 2014

Installed Water System Components:

Mains				
SIZE (in)	MT'L	BY	TYP	FT
8	DIP	WD	DW	1181
			TOTAL	1181

Services			
SIZE (in)	BY	TYP	QTY
1	CT	DW	5
2	WD	RW	1
		TOTAL	6

Meters			
SIZE (in)	BY	TYP	QTY
1	CT	DW	5
2	WD	RW	1
		TOTAL	6

Backflows			
SIZE (in)	BY	TYP	QTY
8	CT	DW	1
		TOTAL	1

Fire Services			
SIZE (in)	BY	TYP	QTY
8	CT	RP	1
		TOTAL	1

WD = Water Dept - CT=Contractor - DW= Drinking Water (Potable) - RW = Recycled Water

TASK	QTY
WATER WASTE WARNINGS ISSUED	0
LOW FLOW SHOWER HEAD/CONSERVATION KITS DISTRIBUTED	47
COMPLAINTS & SERVICE REQUESTS RESOLVED	149
SOLAR POOL SYSTEM COMPLAINTS & SERVICES	10
SOLAR DOMESTIC HOT WATER COMPLAINTS & SERVICES	0
WATER QUALITY SAMPLES TAKEN	208
PLANS CHECKED	67
FIRE HYDRANTS REPAIRED	4
DAMAGED FIRE HYDRANTS REPAIRED	0
FIRE HYDRANTS PAINTED	0
FIRE HYDRANTS FLUSHED	61
MAIN BREAKS REPAIRED	3
MAINLINE VALVES TESTED AND EXERCISED	177
BROKEN VALVES REPLACED	0
AIR RELIEF VALVES TESTED AND REPAIRED	0
WELL SITE FACILITIES PAINTED	0
REGULATOR (ZONE) VALVES CHECKED/ADJUSTED	2
SOLAR POOL HEATERS INSTALLED	0
SOLAR DOMESTIC HOT WATER SYSTEMS INSTALLED	0

TASK	QTY
METERS CHANGED FOR REPAIR & TESTING, ROUTINE - POT & RCW	137
METERS TESTED IN SHOP - POT & RCW	0
METERS REPAIRED - POT & RCW	0
LARGE METERS TESTED & REPAIRED IN FIELD	0
LARGE WATER METERS/SERVICES PAINTED - > 2"	0
FIRE DETECTOR CHECK VALVES REPAIRED	0
FIRE DETECTOR CHECK VALVES READ	8
FIRE DETECTOR CHECK VALVES TESTED	0
BACKFLOW PREVENTERS TESTED	251
BACKFLOW PREVENTERS REPAIRED	23
SERVICE TAGS PROCESSED (SO1)	254
FIRE HYDRANTS INSTALLED	2
USA WATER LOCATES PERFORMED	382
Unused	
Unused	
Unused	
Unused	
Unused	
Unused	

WORK IN PROGRESS:

INSTALLATION OF SOLAR SYSTEMS AT VARIOUS LOCATIONS.
INSTALLATION OF FIRE SERVICES AT VARIOUS LOCATIONS.
INSTALLATION OF RP DEVICES AT VARIOUS LOCATIONS.
INSTALLATION OF FIRE HYDRANTS AT VARIOUS LOCATIONS.
INSTALLATION OF MAIN ON WINCHESTER
Instalation of watermain on Agate job
Transfer sevices on Agate Phase II

WORK COMPLETED:

Winchester Watermain.

WATER SUPPLY DATA		QTY
Ground Water Pumped - MG	MG	309.4
Scvwd Treated Water Purchased - MG	MG	92.9
Hetch-Hetchy Water Purchased - MG	MG	64.7
Total Drinking Water Production This Month - MG	MG	467.0
Avg. Daily Drinking Water Production This Month - MGD	MGD	15.06

MISCELLANEOUS:

MAINTENANCE OF MAINS, HYDRANTS,SERVICES, WELLS, TANKS AND SOLAR SYSTEMS.

Christopher L. de Groot
Director of Water & Sewer Utilities

I:\Water\Memos\MonthlyReports\Water\FORM.xls

Division/Program/Measure		2013-2014			2012-2013		
		Mar-14	Year To Date	Budget	This Month Last Year	Year To Date	Budget
Water Engineering/Design Engineering	**092/1411**						
1. Number of plans reviewed.		67	323	220	19	215	220
2. Complete review of plans by the required due dates.		84%	82%	90%	90%	96%	90%
Water Engineering/ Water Quality	**092/1412**						
1. Create and publish the annual Consumer Confidence Report in accordance with the California Safe Drinking Water Act requirement.		0	0	1	0	0	1
2. Number of water quality samples processed.		208	2,791	3,000	198	2,810	3,000
Water Engineering/Water Resources	**092/1413**						
1. Promote water conservation at public events.		0	2	4	1	2	5
Water System Maintenance	**092/1422**						
1. Maintain an industrial standard for unaccounted water of 5% or less.		<5%	< 5%	< 5%	< 5%	< 5%	< 5%
2. Number of responses to customer service requests.		149	1,147	1,600	119	985	1,600
3. Respond to customer service requests within 30 minutes of receipt of calls (excluding scheduled appointments and after hours call back requests).		95%	91%	80%	92%	90%	80%
4. Number of backflow prevention devices tested.		251	2,158	2,000	303	2,032	2,000
5. Number of meters changed for routine, repair and testing.		137	900	800	106	552	800
6. Number of main break repairs/broken valve replacements performed.		3	75	95	3	55	95

Division/Program/Measure		2013-2014			2012-2013		
		Mar-14	Year To Date	Budget	This Month Last Year	Year To Date	Budget
Water System Construction	**092/1423**						
1. Number of lineal feet of water mains installed.		1,181	5,479	7,500	460	2,462	5,000
2. Number of new service installations.		16	91	50	7	84	50
3. Number of underground utility locates performed.		382	2,732	2,000	346	2,545	2,000
Water System Operations	**092/1424**						
1. Perform routine maintenance on City fire hydrants.		65	504	750	63	690	750
2. Number of production meters read and recorded.		64	576	800	64	576	800
3. Number of mainline water valves tested and exercised.		177	1,338	800	63	892	800
Solar System Maintenance	**092/1532**						
1. Number of responses to customer service requests.		10	123	300	16	171	300
2. Number of systems provided with semi-annual winterization service. twice each year.		58	121	110	16	67	50
3. Number of removal and reinstallation requests.		2	20	12	2	45	12
4. Percent of service requests responded to within one business day.		95%	92%	75%	100%	93%	75%
Recycled Water System Maintenance, City	**097/1522**						
1. Number of recycled water meters greater than 2" tested annually.		0	0	18	0	0	18
South Bay Water Recycling System Maintenance	**097/1525**						
1. Provide all O & M services as required in Agreement for Services.		100%	100%	100%	100%	100%	100%

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-6

Date: May 15, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Request to Accept Donation from Lois and Stephen Smallwood for Roberta Jones Junior Theatre

EXECUTIVE SUMMARY:

Lois and Stephen Smallwood have offered to donate $100 to help support the Roberta Jones Junior Theatre program.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this donation will provide $100 for the Roberta Jones Junior Theatre program.

ECONOMIC/FISCAL IMPACT:

Approval of this donation will provide $100 for the Roberta Jones Junior Theatre program (041-1156-57800-(G)00021).

RECOMMENDATION:

That the Council accept the donation of $100 from Lois and Stephen Smallwood for the Roberta Jones Junior Theatre program and authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.

James Teixeira

James F. Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
None

I:\Parks\Agendas\Donation\2014\Lois & Steve Smallwood- Roberta Jones Theatre.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-7

Date: May 15, 2014

To: City Manager for Council Action

From: Director of Human Resources

Subject: Approval of Revised Job Description for Executive Assistant to Mayor and City Council

EXECUTIVE SUMMARY:

The Executive Assistant to Mayor and City Council is distinguished from other classes in the administrative support series in that the incumbent provides responsible, confidential, administrative support services for the Mayor and members of the City Council. The job involves working with individuals, activities and issues with which the Council is involved and requires daily contact with a cross-section of high level government, community and public and private officials, as well as individual members of the community. The incumbent must be able to handle non-partisan confidential matters with a high level of judgment.

The employee in this classification is a member of the City's unclassified service, which is an "at will" position, and the incumbent serves at the discretion of the City Manager. This job description incorporates the expectation for incumbents to adhere to the City's Code of Ethics and Values, and demonstrate strong professional and service-oriented leadership. Staff is recommending approval of this job description.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the revised job description for Executive Assistant to Mayor and City Council will allow the City to begin a recruitment process. There are no disadvantages.

ECONOMIC/FISCAL IMPACT:

There is no economic or fiscal impact to the City in approving the revised job description, other than administrative staff time and expense. Funding is provided for this position in the City Council's 2013-2014 budget.

RECOMMENDATION:

That the Council approve the revised job description for Executive Assistant to Mayor and City Council.

Dina Murphy

for Elizabeth C. Brown
Director of Human Resources

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report

1) Revised Job Description for Executive Assistant to Mayor and City Council

Revised, June 2014
Approved July, 2002

CITY OF SANTA CLARA, CALIFORNIA
EXECUTIVE ASSISTANT TO MAYOR AND CITY COUNCIL
(Unclassified)
(187)

EDUCATION AND EXPERIENCE

- Associate of Arts degree or equivalent in office practices, business management or related field; and
- Six years of progressively responsible and varied administrative support experience including supervisory responsibilities; and
- Public sector experience is preferred.

DISTINGUISHING CHARACTERISTICS

The Executive Assistant to Mayor and City Council is distinguished from other classes in the administrative support series in that the incumbent provides responsible, confidential, administrative support services for the Mayor and members of the City Council. The job involves working with individuals, activities and issues with which the Council is involved and requires daily contact with a cross-section of high level government, community and public and private officials, as well as individual members of the community. The incumbent must be able to handle non-partisan confidential matters with a high level of judgment.

As a member of the City's unclassified service, this is an "at-will" position and the incumbent serves at the discretion of the City Manager. An incumbent in this position demonstrates strong ethical, professional, and service-oriented leadership and interpersonal skills, sets a good example, and correctly applies the tenets of the City's Code of Ethics and Values.

TYPICAL DUTIES

Duties may include, but are not limited to the following:

Under general direction of the City Manager, the incumbent may:

- Receive and reply to mail, office visitors and telephone calls for Mayor and City Council Members;
- Answer or refer matters not requiring administrative or professional attention;
- Maintain calendar and appointment schedule for Mayor and City Council Members, as requested;
- Prepare original correspondence, reports, news releases, proclamations and commendations for Mayor and City Council Members;
- Coordinate Mayor and City Council Member attendance at numerous board, committee, and commission meetings;
- Handle all travel arrangements for Mayor and City Council Members;
- Prepare finished copy from notes, typed copy, rough draft, oral instructions or original letters or memoranda;
- Review materials submitted for attention of Mayor and other City Council Members to

determine that all relevant data, files, signatures, and other required details are included;
- Screen incoming correspondence, follow up to ensure deadlines are met;
- Contact other agencies for information required for special reports or correspondence, handle confidential information regarding controversial matters;
- Establish and maintain office files and procedures;
- Prepare annual City Council operating budget and monitor use of funds;
- Track Council proclamations and awards received by the City of Santa Clara;
- Order office supplies and capital outlay items; and
- Perform related work as required.

KNOWLEDGE, SKILLS, & ABILITIES

Knowledge of:

- Basic organization and function of municipal government, including the role of an elected City Council and appointed boards and commissions; functions and role of City Manager and City operations;
- Individual activities and issues with which the Council is involved;
- Office methods, procedures and machines, including filing systems, reception and telephone techniques and letter and report writing;
- Office safety practices, procedures and standards;
- Microsoft Office suite products, including Word, Excel, PowerPoint and Outlook;
- Correct English usage, spelling, punctuation, grammar and vocabulary; and
- Budgetary and financial record keeping methods.

Ability to:

- Perform difficult clerical work independently;
- Use tact and discretion in handling routine, complex, and confidential matters related to the City of Santa Clara's business;
- Effectively manage the calendar and appointment schedule of the Mayor and City Council Members;
- Establish and maintain effective working relationships with those contacted in the course of work, including the general public;
- Prepare correspondence without review, employ good judgment and make sound decisions in light of established policies and procedures;
- Understand and follow oral and written instructions;
- Communicate effectively and clearly, both verbally and in writing;
- Compose letters independently;
- Effectively use word processing, spreadsheet, presentation and scheduling software (Microsoft Office) to complete job duties;
- Deal effectively with a wide variety of personalities and situations requiring diplomacy, friendliness and poise, including individuals who may be upset;
- Supervise the work of administrative support staff ;
- Recognize priorities and take appropriate action;
- Manage multiple priorities, organize workload, organize files, meet strict deadlines and work with many interruptions; and
- Walk or stand for extended periods of time and bend, stoop, crawl, climb, and lift as necessary to perform assigned duties.

SUPERVISION RECEIVED
Works under the general direction of the City Manager or designee.

SUPERVISION EXERCISED
May supervise administrative support staff as assigned by the City Manager.

CONFLICT OF INTEREST
Incumbents in this position are required to file a Conflict of Interest statement upon assuming office, annually and upon leaving office, in accordance with City Manager's Directive 100.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-8

Date: May 21, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Pass and Adopt a Resolution Declaring a Temporary Restriction and Control of Animals at the Santa Clara All City Picnic and Santa Clara Fireworks Event in Central Park on July 4, 2014

EXECUTIVE SUMMARY:

At the May 20, 2014 Parks & Recreation Commission meeting, the Commission made a recommendation that the City Council adopt a resolution to restrict animals in Central Park during the All City Picnic and Fireworks Event on July 4, 2014 from noon to midnight. Animals create health and safety concerns in the food preparation areas, in the crowds and particularly during the music and fireworks display itself. Since 1995, a resolution recommended by the Parks and Recreation Commission has been approved by the City Council to temporarily restrict animals from Central Park. In compliance with the Americans with Disabilities Act guidelines, registered guide dogs and designated service animals are permitted under the resolution. While the animal restriction has been generally well received, the Police Department will enforce the resolution for those not in compliance.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Keeping animals out of the Central Park from noon to midnight will ensure that animals, as well as event attendees, are not injured or frightened during the loud and crowded event. The health and safety issues associated with the presence of animals in heavily congested areas and around food preparation will also be eliminated.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than administrative staff time and for enforcement.

RECOMMENDATION:

That the Council pass and adopt a resolution declaring the temporary restriction and control of animals at the Santa Clara All City Picnic and Santa Clara Fireworks Event in Central Park on July 4, 2014.

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Resolution Restricting Animals at Santa Clara All City Picnic and Santa Clara July 4th Fireworks Event

I:\Parks\Agendas\Resolution\All City Picnic & July 4 Fireworks Animal Control Resolution 14.doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, DECLARING A TEMPORARY RESTRICTION AND CONTROL OF ANIMALS AT THE SANTA CLARA ALL-CITY PICNIC AND SANTA CLARA JULY 4TH FIREWORKS SHOW ON JULY 4, 2014

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Section 9.05.050 of "The Code of the City of Santa Clara, California" ("SCCCC"), the City Council may from time to time adopt and approve regulations concerning recreational lands or facilities which the Parks and Recreation Department of the City of Santa Clara operates and maintains; and

WHEREAS, the City of Santa Clara ("City") finds and determines that the necessity for the provisions and prohibitions, and restrictions contained and enacted by this Resolution are declared, as a matter of the City Council's determination, for the purpose of securing and promoting the public health, safety, and welfare of all citizens of the City; and

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Santa Clara All-City Picnic and Santa Clara Fireworks Show ("Event"), to take place on July 4, 2014, is necessary because of the anticipated crowds and the potential threat animals pose to the health, safety, and welfare of the citizens attending the Event; and

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Event is necessary to preserve the health and safety of citizens and animals by restricting the access and presence of animals in the Event areas of Central Park including, but not limited to, the viewing areas, entertainment stage, exhibits and booths, parking lots, playgrounds, pathways and in any area where food and beverages are being cooked or served to the public.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That there shall be a temporary restriction and control of all animals at the July 4th Fireworks Show in Central Park, Santa Clara, California ("Central Park"). The restricted areas of Central Park shall be posted with a copy of this Resolution.

2. That this temporary restriction and control of all animals within Central Park shall remain in full force and effect on July 4, 2014 from 12:00 p.m. until 11:59 p.m.

3. That this temporary prohibition shall not apply to "guide dogs," "signal dogs," or "service dogs," as each is defined in Section 54.1 of the California Civil Code.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

///

///

///

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None.

I:\Parks\Agendas\Resolution\July 4th Animal Control Resolution 2014.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-9

Date: May 21, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Pass and Adopt a Resolution Declaring a Temporary Restriction and Control of Animals at the Silicon Valley Barbeque Championships on June 27 & 28, 2014

EXECUTIVE SUMMARY:

At the May 20, 2014 Parks & Recreation Commission meeting, the Commission recommended that the Council adopt a resolution to restrict animals in Central Park during the Silicon Valley Barbeque Championships on June 27 & 28, 2014. City Council has approved resolutions prohibiting animals at crowded City special events since 1995 to address health and safety concerns in the park and in food preparation areas. In compliance with the Americans with Disabilities Act guidelines, service animals are permitted under the resolution.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Keeping animals out of the Central Park areas used for the Silicon Valley Barbeque Championships will ensure that animals will not injure or frighten adults and children enjoying the picnic. The safety and health problems associated with the presence of animals in heavily congested areas and around food preparation will be eliminated. Dog owners will be able to use a designated open space located adjacent to the Community Recreation Center at Central Park. This area has been adequate in the past for this purpose. Leash laws will still apply in this area.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than administrative staff time and for enforcement.

RECOMMENDATION:

That the Council Pass and Adopt a Resolution declaring the temporary restriction and control of animals at the Silicon Valley Barbeque Championships on June 27 & 28, 2014.

James Teixeira

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***Resolution Restricting Animals at the Silicon Valley Barbeque Championships***
I:\Parks\Agendas\Resolution\Silicon Valley Barbeque Championships Agenda 14.doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, DECLARING A TEMPORARY RESTRICTION AND CONTROL OF ANIMALS AT THE SILICON VALLEY BARBEQUE CHAMPIONSHIPS ON JUNE 27 & 28, 2014

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Section 9.05.050 of "The Code of the City of Santa Clara, California" ("SCCCC"), the City Council may from time to time adopt and approve regulations concerning recreational lands or facilities which the Parks and Recreation Department of the City of Santa Clara operates and maintains; and

WHEREAS, the City of Santa Clara ("City") finds and determines that the necessity for the provisions and prohibitions, and restrictions contained and enacted by this Resolution are declared, as a matter of the City Council's determination, for the purpose of securing and promoting the public health, safety, and welfare of all citizens of the City; and

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Silicon Valley Barbeque Championships to take place on June 27 & 28, 2014, is necessary because of the anticipated crowds and the potential threat animals pose to the health, safety, and welfare of the citizens attending the Barbeque Event; and

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Barbeque is necessary to preserve the health and safety of citizens by restricting the access and presence of animals in the Barbeque Event areas of Central Park including, but not limited to, the exhibits and booths, entertainment stages, carnival area, car show, playgrounds, pathways and in any area where food and beverages are being cooked or served to the public.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That there shall be a temporary restriction and control of all animals at the Silicon Valley Barbeque Championships in festival areas of Central Park, Santa Clara, California ("Central Park"). The restricted areas of Central Park shall be posted with a copy of this Resolution.

2. That this temporary restriction and control of all animals within the Silicon Valley Barbeque Championships and Santa Clara All-City Picnic area of Central Park shall remain in full force and effect on June 27, 2014 from 3:00 p.m. until 9:00 p.m. and June 28, 2014 from 10:00 a.m. until 9:00 p.m.

3. That this temporary prohibition shall not apply to "guide dogs," "signal dogs," or "service dogs," as each is defined in Section 54.1 of the California Civil Code.

4. That this temporary restriction and control of all animals within the Silicon Valley Barbeque Championships and Santa Clara All-City Picnic area of Central Park shall not include the parking lots where the animal owners will have access, provided animals are on leash.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A

REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None.

I:\Parks\Agendas\Resolution\BBQ Animal Control Resolution 2014.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-10

Date: May 21, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Approval of Resolution Declaring a Temporary Restriction and Control of Animals at the Santa Clara Art & Wine Festival, September 13 & 14, 2014

EXECUTIVE SUMMARY:

At the May 20, 2014 Parks & Recreation Commission meeting, the Commission recommended that the City Council adopt a resolution to restrict animals in Central Park during the 34th Annual Santa Clara Art & Wine Festival September 13 & 14, 2014. Animals create health and safety concerns during the heavily attended Festival. The Parks & Recreation Department has received numerous complaints about dogs and other pets in the Festival area each year. Since 1995, a resolution recommended by the Parks & Recreation Commission has been approved by the City Council to temporarily restrict animals (including dogs and other pets such as snakes and birds) from the Central Park Festival area. In compliance with the Americans with Disabilities Act guidelines, registered guide dogs and designated service animals are permitted under the resolution. Other animals are permitted on leash in the softball fields/parking area only. While the animal restriction is generally well received, the Police Department enforces the resolution for those relative few not in compliance.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Keeping animals out of the areas in Central Park used for the Art & Wine Festival reduces potential health and safety issues between animals and people in heavily congested areas and eliminates concerns around food preparation. Animal owners will be able to use open space areas at the softball fields/parking lot only. This area has been adequate in the past for this purpose. Leash laws will still apply in this area. Service animals are not affected by the ordinance.

ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than administrative staff time and for enforcement.

RECOMMENDATION:

That the Council pass and adopt a resolution declaring the temporary restriction and control of animals at the Santa Clara Art & Wine Festival on September 13 & 14, 2014.

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

*1) **Resolution Restricting Animals at the Art & Wine Festival***

I:\Parks\Agendas\Resolution\Art Wine Animal Resolution Agenda 2014.doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, DECLARING A TEMPORARY RESTRICTION AND CONTROL OF ANIMALS AT THE SANTA CLARA ART AND WINE FESTIVAL ON SEPTEMBER 13 & 14, 2014

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Section 9.05.050 of "The Code of the City of Santa Clara, California" ("SCCCC"), the City Council may from time to time adopt and approve regulations concerning recreational lands or facilities which the Parks and Recreation Department of the City of Santa Clara operates and maintains; and

WHEREAS, the City of Santa Clara ("City") finds and determines that the necessity for the provisions and prohibitions, and restrictions contained and enacted by this Resolution are declared, as a matter of the City Council's determination, for the purpose of securing and promoting the public health, safety, and welfare of all citizens of the City; and

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Santa Clara Art and Wine Festival, to take place on September 13 & 14, 2014, is necessary because of the anticipated crowds and the potential threat animals pose to the health, safety, and welfare of the citizens attending the Santa Clara Art and Wine Festival ("Art and Wine Festival"); and

WHEREAS, the City Council finds that a temporary restriction and control of animals at the Art and Wine Festival is necessary to preserve the health and safety of citizens by restricting the access and presence of animals in the Art and Wine Festival areas of Central Park including, but not limited to, the art and handicraft exhibits and booths, entertainment stages, playgrounds, pathways and in any area where food and beverages are being cooked served to the public.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That there shall be a temporary restriction and control of all animals at the Art and Wine Festival in festival areas of Central Park, Santa Clara, California ("Central Park"). The restricted areas of Central Park shall be posted with a copy of this Resolution.

2. That this temporary restriction and control of all animals within the Art and Wine Festival area of Central Park shall remain in full force and effect on September 13 & 14, 2014 from 9:00 a.m. until 6:00 p.m.

3. That this temporary prohibition shall not apply to "guide dogs," "signal dogs," or "service dogs," as each is defined in Section 54.1 of the California Civil Code.

4. That this temporary restriction and control of all animals within the Art and Wine Festival area of Central Park shall not include the softball fields and parking lots where animal owners will have access, provided animals are on leash.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

/

/

/

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None.

I:\Parks\Agendas\Resolution\Art & Wine Animal Control Resolution 2014.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-11

Date: June 10, 2014

To: City Manager for Council Action

From: City Attorney

Subject: Adopt an Ordinance Amending Chapter 5.35 (Taxicabs) of Title 5 (Business Licenses And Regulations) of "The Code of the City of Santa Clara, California" to Ensure that Pedicabs are Regulated like Taxicabs

EXECUTIVE SUMMARY:

Ordinance No. 1926 amending Chapter 5.35 (Taxicabs) of Title 5 (Business Licenses and Regulations) of "The Code of the City of Santa Clara, California" (SCCC) to regulate pedicabs like taxicabs was passed for the purpose of publication ("passed to print") on May 20, 2014. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 1926 was published on May 28, 2014, and copies were posted in at least three public places. This amendment makes two changes to the current taxicab ordinance: to amend the definition of taxicab so that it applies to pedicabs and to add minimum safety requirements for pedicabs.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Updating SCCC Chapter 5.35 (Taxicabs) to ensure that pedicabs are regulated as taxicabs will help to ensure that pedicabs have permits, are safe and collect appropriate fares. There are no known disadvantages in adopting these amendments.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense. Depending upon the number of pedicab operators that are permitted, the City could see an increase in permitting revenue.

RECOMMENDATION:

That the Council adopt Ordinance No. 1926 to amend Chapter 5.35 (Taxicabs) of Title 5 (Business Licenses And Regulations) of "The Code of the City of Santa Clara, California" to ensure that pedicabs are regulated like taxicabs.

Richard E. Nosky, Jr.
City Attorney

APPROVED:

Julio J. Fuentes
City Manager

Documents Attached/ Related to this Report:

1) Ordinance No. 1926

I:\AGENDA\AGENDA REPORTS\Ordinance Adoption 1926 - Taxicab revisions 6-10-14.doc

ORDINANCE NO. 1926

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 5.35 ("TAXICABS") OF TITLE 5 ("BUSINESS LICENSES AND REGULATIONS") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO ENSURE THAT PEDICABS ARE REGULATED LIKE TAXICABS

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara has regulations that apply to taxicabs to ensure they operate safely and their fares are reasonable and set forth clearly;

WHEREAS, with the opening of Levi's® Stadium, the City expects pedicabs (human powered pedal-operated vehicles) to begin operating within the City;

WHEREAS, the City desires to adopt regulations that ensure the safe operation of pedicabs; and,

WHEREAS, for ease of regulation, the City wishes to use its current taxicab license and permit scheme for pedicabs, and therefore adopts the following amendments to conform pedicabs to existing taxicab regulations.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That subsection (g) of Section 5.35.020 ("Definitions") of Chapter 5.35 ("Taxicabs") of "The Code of the City of Santa Clara, California" ("SCCC") be amended to omit the words "other device" and in their place insert the words "flat rate."

SECTION 2: That a new subsection (d) be added to SCCC 5.35.240 ("Equipment and conditions required") of Chapter 5.35 ("Taxicabs") of "The Code of the City of Santa Clara, California" to read as follows:

"(d) Any human powered taxicab or vehicle regulated by this Chapter shall at all times have:

(1) A battery or generator operated headlight(s) and taillight(s);

(2) Turn signals visible from the front and rear of the vehicle;

(3) Hydraulic or mechanical disc brakes; and,

(4) Spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the vehicle."

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 5: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this 20th day of May, 2014, by the following vote:

AYES:	COUNCILORS:	Davis, Gillmor, Kolstad, Mahan, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PROPOSED ORDINANCE ORDINANCE NO. 1926 - PEDICABS

NOTICE OF PROPOSED ORDINANCE NO. 1926
AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 5.35 ("TAXICABS") OF TITLE 5 ("BUSINESS LICENSES AND REGULATIONS") OF THE SANTA CLARA CITY CODE TO ENSURE THAT PEDICABS ARE REGULATED LIKE TAXICABS
This proposed ordinance would result in the City's regulations for taxicabs applying to pedicabs (human powered vehicles), including permitting and inspections by the Police Department.
DATE OF ORDINANCE INTRODUCTION: May 20, 2014
DATE OF PUBLIC HEARING: June 10, 2014 at 7:00 p.m.
LOCATION OF PUBLIC HEARING: City Council Chambers, 1500 Warburton Avenue, Santa Clara
POSTING LOCATIONS: City of Santa Clara locations where the full text of the proposed ordinance is available for review: City Clerk's Office, 1500 Warburton Avenue, Santa Clara, CA; Central Park Library, Central Park Library 2635 Homestead Road Santa Clara, CA; Mission Branch Library, 1098 Lexington Street, Santa Clara, CA
Pub.: 5/28/2014

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/28/2014

Dated at Santa Clara, California

This 28TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-12

Santa Clara All-America City 2001

Date: May 28, 2014

To: City Manager for Council Action

From: John C. Roukema, Director of Electric Utility

Subject: Approval of the Public Benefit Programs for Fiscal Years 2014-2015 through 2018-2019

EXECUTIVE SUMMARY:

In accordance with Public Utilities Code (PUC) Section 385 covering Public Benefits Charge (PBC), and the City's Public Benefits Program Policy Statement adopted by Council on May 12, 1998, staff has developed a variety of programs to help residents and businesses in Santa Clara. These programs have been of benefit to customers by helping them become more energy efficient through paying a portion of the costs to upgrade systems and equipment, demonstrate new energy technologies, develop new renewable resources, and pay their bills. On June 11, 2013, Council approved an extension of the current programs through June 30, 2018, subject to budget appropriations.

Staff is proposing modifications to the current programs as follows: modification of lighting incentive levels due to changes in energy efficiency measure costs; a reduction in the amount of the Leadership in Energy & Environmental Design (LEED) rebate by 20%, consistent with the previously proposed plan to reduce the rebate on an annual basis; an end to the Apartment Lighting Initiative, which had very little participation; and a name change from the Energy Innovation Grant program to the Emerging Technology Grant program.

As energy efficiency products, regulations and customer-drivers change, SVP's programs require adjustments in order to remain in regulatory compliance or to optimize program performance toward city goals. SVP maintains a general philosophy that rebates must actually serve the purpose of incenting customers to choose the more efficient product or practice. If the cost of that product or practice drops, the rebate amounts are dropped accordingly to maintain an incentive without unnecessarily giving away our customer funds. This year the industry experienced a notable drop in the cost for energy efficient lighting and it is now common practice of developers to pursue (LEED) certification. Maintaining higher rebate levels for these programs is no longer necessary and they are being reduced or phased out accordingly.

The Energy Innovation Grant Program provides grants to encourage businesses to develop new energy-related technologies. Staff proposes to rebrand the program to Emerging Technologies Grant to bring it more in line with similar programs run by other California utilities and should make the type of program more recognizable.

In some cases, programs receive little interest no matter how much outreach is done and become an inefficient use of staff time and funding. The Apartment Lighting Initiative produced very little customer interest and the cost of outreach began to overwhelm the savings benefit realized. Ending that program will allow SVP and customers to focus on more productive areas of energy efficiency.

Staff requests that Council approve the programs through June 30, 2019, subject to budget appropriations, and grant the City Manager authority to make programmatic changes as necessary during the program period. Approving a multi-year program allows customers to better plan implementation of projects that may span more than one fiscal year, and will allow Silicon Valley Power to print marketing

materials without an expiration date, thereby reducing the requirement to reprint for each fiscal year. A description of the PBC goals and objectives on both a qualitative and quantitative basis, customer programs for the upcoming years, and a summary budget by program can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

PBC programs provide ways for residential, commercial, and industrial customers to save electricity through energy efficiency projects, demonstrate new energy technologies, encourage the development of renewable energy, and support low-income customers. Public Benefit Charge Funds are used to support these programs, and the funds are used locally for Silicon Valley Power customers. Customers continue to be very pleased with these programs and report high satisfaction in all surveys. There appear to be no disadvantages in approving these programs.

ECONOMIC/FISCAL IMPACT:

Expenditures for the Public Benefits programs are required by state law to equal 2.85% of utility sales, which for FY 2014-15 will not exceed $12,310,184.00. Sufficient funds have been included in the proposed budget for FY 2014-15 in the Public Benefits program accounts 191-1312-8xxxx ($9,310,184.00) and CIP Public Benefits Program account 591-1312-8xxxx-2125 ($3,000,000.00).

RECOMMENDATION:

That Council approve the Public Benefit Programs as outlined in the Public Benefits Program Proposal for FY 2014-2015 through 2018-2019, in an amount not to exceed $12,310,184.00 for FY 2014-15, and authorize the City Manager to make programmatic changes as necessary during the program period.

John C. Roukema
Director of Electric Utility

Certified as to Budget Form: ok. LF

191-1312-8XXXX	$ 9,310,184.00
591-1312-8XXXX-2125	$ 3,000,000.00

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:

1) Public Benefits Program Proposal for FY 2014-2015 through 2018-2019

Public Benefits Program Proposal
for
FY 2014-2015
through
2018- 2019

Silicon Valley Power

City of Santa Clara

Public Benefits Program Proposal for FY 14/15 to 18/19

The City is required to collect and spend 2.85% of its electric sales revenues on cost effective energy efficiency, new renewable generation, low-income energy programs, and new electric technologies research and development. Assembly Bill 2021 (AB 2021), which passed in 2006, required the City Council to adopt energy efficiency goals for the next ten years and to report its energy efficiency savings to the California Energy Commission (CEC). Based on a feasibility study performed by Rocky Mountain Institute (RMI), goals were adopted by the City Council in June 2007. These goals are updated through a potential study every three years. The most recent study was conducted by Navigant Consulting in 2012 and the goals were adopted by City Council in 2013 at the following rate:

Cumulative Savings	Utility Specified Feasible Goal in MWh
2013-2014	24,076
2014-2015	24,387
2015-2016	23,079
2016-2017	22,848
2017-2018	22,407
2018-2019	21,274
2019-2020	20,961
2020-2021	20,174
2021-2022	18,923
2022-2023	18,282

Goals & Objectives

1. Implement cost-effective energy efficiency programs to lower energy use. The cost to implement energy efficiency programs should be lower than the capital cost to build new generation and benefits of the total programs should exceed costs under the Total Resource Cost (TRC) test under the methodology reviewed and approved by the Northern California Public Agency (NCPA) Public Benefits Committee, of which Silicon Valley Power's PBC program manager is a member.

2. Provide the PBC programs in a manner that creates value to the community and meets all applicable legal requirements.

3. Assist Divisions and City Departments in achieving optimal energy efficiency at City facilities and assist in implementing new energy related technologies for the benefit of the City and community.

4. Implement programs to support renewable power generation that increase resource diversity and minimize adverse environmental impacts from electric generation and operation of the electric system.

5. Support emerging technologies to speed up market acceptance therefore, allowing energy efficiency services and products to compete in the open market.

6. Assist low-income residents in helping them to pay their electric bills and in installing energy efficient appliances and other measures.

7. Determine the best energy programs to offer Santa Clara customers by collecting input from community organizations, businesses and other City departments.

Program Summaries

Proposed New and Modified Programs for FY 14/15 to 18/19

- *Residential LED Lighting Rebate* – We will reduce the rebate amount from $10 to $5 per bulb for LEDs up to 1,000 lumens due to the decline in costs of LED bulbs. However, since there are very few LEDs on the market over 1,000 lumens, we will keep a $10 rebate for bulbs 1,000 lumens or greater in order to encourage manufacturers to make more of these bulbs, which have a higher cost due to the additional diodes. This is in line with the Consortium for Energy Efficiency (CEE) recommendations for utility programs across the country.
- *LEED (Leadership in Energy & Environmental Design) Rebate*: This rebate provides reimbursement to businesses for the cost of registering their LEED building project with the U.S. Green Building Council. Upon completion, if they meet the requirements to obtain LEED certification and achieve the energy requirements, SVP pays a rebate based on the square footage of the facility and the level of certification achieved. The overall incentive levels will decline by 20% for the upcoming program year, as LEED is becoming more commonly implemented and less incentive is needed in order to encourage customers to pursue LEED certification.
- *Commercial Lighting Rebate* – The incentive for reduced wattage fluorescent retrofits will be reduced from $0.30/kWh to $0.25/kWh to reflect the lower cost of the measure.
- *Energy Innovator Grant:* The program provides grants to encourage businesses to develop new energy-related technologies, but does not accurately convey this in its name. Therefore, we propose rebranding the program to the "Emerging Technologies Grant". This is more in line with similar programs run by other California utilities and should be more recognizable for the type of program we are running.

Programs Ending or On Hold

- *Apartment Lighting Rebate Program*: This was planned as a one-year initiative to retrofit common area and exterior lighting at apartment complexes of ten or more units throughout Santa Clara. Prescriptive rebates were offered for specified light fixture types, which are most commonly found at apartment complexes. All eligible fixtures must be retrofitted at one time to ensure cost effectiveness of the package of measures, rather than piecemeal measures. This program had very little participation by apartment complexes, despite our direct mail efforts. Lighting contractors were also trained on the program offering to provide outreach through our Trade Ally Network, but found it too difficult to reach decision-makers and opted not to pursue the program. Therefore, we are recommending that this initiative be cancelled and any lighting retrofits at apartment complexes will be handled with the lighting calculator through our standard Lighting Rebate program.

Ongoing Programs

- *Program Measurement and Verification:* We have combined efforts with other NCPA utilities to develop a joint measurement and verification effort and report on the energy savings from all programs. This will provide third party review of our deemed and measured savings in accordance with AB 2021 requirements.

- *Residential Appliance Rebates:* The program encourages residents to purchase and install ENERGY STAR® labeled refrigerators. Customers receive $50 rebates for new refrigerators if they also participate in the refrigerator-recycling program. Under the recycling program, residents receive $35 for working refrigerators.

- *Residential Energy Star Emerging Technology Award Dryer Rebate Program:* The first electric dryer to meet the Energy Star Emerging Technology Award requirements is now available at major retail outlets and saves an estimated 30% of energy over a conventional clothes dryer. Additional models are anticipated to be available in the near future. SVP offers a $100 rebate to encourage customers to purchase the most efficient model(s) that meet the Energy Star Emerging Technology Award requirements.

- *Residential Heat Pump Clothes Dryer Rebate Program:* Electric heat pump clothes dryers have been available oversees for a number of years and are widely adopted in Europe, but have yet to become available in the united States. They were anticipated in late 2013, so SVP developed this program last fiscal year without launching it. The first models are now anticipated in late 2014 and promise significant energy savings over conventional electric clothes dryers and the Energy Star Emerging Technology Award requirements. Therefore, SVP will launch a $300 rebate for electric heat pump clothes dryers once they are available on the market.

- *Energy Star Ceiling Fan:* Residents who purchase Energy Star qualified ceiling fans (limit 3 per household) will be able to receive a $35 rebate per ceiling fan. The program will encourage customers ceiling fans to help cool their homes instead of using air conditioning. Installations are verified in order to receive the rebate.

- *ENERGY STAR Residential Heat Pump Electric Water Heater Rebate* – These units became commercially available in the Spring of 2010 and are still considered an emerging technology. Due to the cost differential between a standard electric water heater and the Energy Star heat pump, as well as the fact that SVP wants to encourage adoption of this emerging technology, a rebate of up to $1,000 per household is offered for the purchase of an ENERGY STAR-qualified electric heat pump water heater.

- *Residential In-Home Energy Audits, Education, and Hot Line:* The program encourages residents to become more energy efficient and reduce their energy bills. Staff members visit homes and provide information and energy saving items. Also, the *Solar Explorer* and the SVP information booth will continue to be displayed at several City events, providing education on energy efficiency and solar electric generation systems to residents.

- *Financial Rate Assistance Program (FRAP)* – This program provides a 25% discount on the electric portion of utility bills for income-qualified residential customers, up to the first 800kWh of use per month.

- *Low Income Direct Install Program* – This program has a first year budget of $200,000 for a direct install program that includes an energy audit, behavior education, and energy efficiency measures at no cost to qualifying customers and is targeted to those customers who average over 800 kWh/month and are on the FRAP program. If funds are not exhausted in the first year, the program will be renewed for a second year, provided that energy savings potential remains for the target customers.

- *Medical Rate Assistance Program:* Customers receive a 25% discount on their electric bill if they qualify due to high electric use for medical reasons. The programs are managed in-house.

- *Commercial Lighting Rebates* – Incentives are determined through a lighting rebate calculator based on energy savings exceeding Title 24. This is available online so that customers and contractors can easily enter information about the project, facility, and operating hours in order to determine the amount of the rebate.

- *Advanced Lighting Rebate Program:* The program provides a $0.20/kWh rebate for advanced lighting controls projects that have such capabilities as real time monitoring and control via remote access and automatic dimming based on occupancy and/or daylighting control strategies, and where the system reduces lighting energy consumption by at least 50%.

- *Commercial Uninterruptible Power Supply (UPS) Rebate Program* – The rebate amounts are based on a sliding scale of $20-$70 per horsepower, depending on the size of the UPS.

- *Data Center Efficiency Program* – This program targets data centers with IT server load greater than 350 kW or cooling load greater than 100 tons. The incentive is paid as a performance incentive, where the customer will receive five annual payments based on actual measured energy savings, with the first payment made three months after project completion. The incentive payment is $0.03 per kWh in energy savings.

- *Deep Energy Retrofit Pilot Program* – This pilot is open to a maximum of three customers who are interested in deep energy retrofits and able to make a commitment to a multi-year effort in reaching an energy savings of at least 30%. Incentives match the levels offered for the same measures incentivized under SVP's other programs, with a range from $0.02-$0.20 per kWh in first year savings.

- *Business Energy Audits:* Provides free energy efficiency audits to business customers. Energy & Resource Solutions administers this and other business PBC programs.

- *Business Energy Information:* Management Information and education on energy usage through 15-minute interval meters, Itron's EEM Suite software (to be replaced with Energy Engage when the SVP MeterConnect advanced meters are installed), training, and other sources.

- *Business Rebates:* Encourages businesses to install energy efficient lighting, air conditioners, motion sensors, programmable thermostats, and customized energy-efficiency/peak load reduction installations. The programs are occasionally changed to match statewide programs. Energy & Resource Solutions (ERS), administers all of these except for the washing machine rebates, which are administered by the Santa Clara Valley Water District.

- *Customer Directed Rebate* – This program provides incentives based on actual energy saved for energy efficiency measures that do not fall into SVP's standard business rebate programs.

- *Small Business Efficiency Services Program* – This program is targeted at small business customers, and provides assistance in identifying energy efficiency projects, selecting and managing contractors, and help with filling out rebate application paperwork. The program also provides a 35% incentive for lighting and HVAC rebates, provided that customers to install the lighting measures within 6 months of program enrollment and HVAC measures within 12 months of enrollment in order to receive the additional incentive.

- *Controls Program* – This program is available for projects where at least 80% of the savings come from the control strategies. Incentives are paid on a performance basis with 6 payments made over 5 years at a rate of $0.02/kWh saved annually, capped at 65% of total project cost. The first payment is made upon project completion and each additional annual payment will be subject to commissioning of the controls system and validation of persistent energy savings.

- *Public Facilities' Energy Efficiency Program:* SVP provides technical assistance and financial incentives for the expansion, remodel, and new construction of City of Santa Clara buildings. Included in this program are higher levels of rebates for qualifying equipment and energy management assistance.

- *City Revolving Energy Efficiency Loan Program* – Established a revolving loan fund for qualifying energy efficiency measures at City owned and occupied facilities. Funds will be repaid on utility bills through the energy savings achieved by the project. Total available funding would be $250,000, but individual projects are capped at a lower level in order to ensure multiple projects could be implemented. Project paybacks must be under 5 years to qualify.

- *Neighborhood Solar Program:* Customers pay into a special fund to support the installation of solar electric systems at community buildings. Funds are matched through a portion of the money collected through the Santa Clara Green Power program (also a voluntary participation program) and SVP's Public Benefits Charge. Once there are enough funds to install a PV system, participants in the Neighborhood Solar Program are asked to nominate a non-profit located in the City of Santa Clara or a City of Santa Clara facility. Eligible non-profits are then placed on a ballot and Neighborhood Solar Program participants are asked to vote in order to select the PV system recipient. Recipients must own their own building or have five or more years remaining on their lease and be the customer of record on the utility bill. Because not all roof space is idea for a PV system, SVP also allows PV systems on structures located on the property and tied to the electric meter, such as a parking lot shade structure.

- *Residential & Business Solar Photovoltaic Rebates (PV):* A rebate for installation of solar systems will be continued under the current funding levels for residential and business systems in accordance with Senate Bill 1 (SB1) legislation. Current funding levels are as follows:

Residential Customer %		
3 MW goal	**10%**	
Rebate Program 2007-2017		
Residential Installed Capacity MW	Rebate $/Watt	Rebate Expenditures per Step
0.2	$4.50	$900,000
0.4	$3.75	$750,000
0.6	$3.00	$600,000
0.8	$2.50	$500,000
1.0	$2.00	$400,000
1.2	$1.75	$350,000
1.5	$1.50	$450,000
2.0	$1.25	$625,000
2.5	$1.00	$500,000
3.0	$0.75	$375,000

Commercial/Industrial Customer %		
27 MW goal	**90%**	
Rebate Program 2007-2017		
Commercial Installed Capacity MW	Rebate $/Watt	Rebate Expenditures per Step
2	$3.00	$6,000,000
4	$2.25	$4,500,000
6	$1.50	$3,000,000
8	$1.30	$2,600,000
10	$1.10	$2,200,000
12	$0.90	$1,800,000
15	$0.65	$1,950,000
18	$0.45	$1,350,000
22	$0.35	$1,400,000
27	$0.25	$1,250,000

- Installations over 50 kW receive payment on a performance basis. Performance incentives are paid in place of the upfront rebate and net meter revenues that smaller systems receive. These incentives pay the customer based on the measured electricity output in kilowatt-hours of their solar system over a five-year period. Pay under this incentive model is for expected system performance, not simple capacity

Commercial/Industrial Customer %	
27 MW	**90%**
Rebate Program 2007-2017	
Commercial Installed Capacity MW	$ per kWh PBI Incentive Payment
2	$0.40
4	$0.30
6	$0.20
8	$0.17
10	$0.15
12	$0.12
15	$0.09
18	$0.06
22	$0.04
27	$0.03

- Performance based incentive payments are distributed monthly.
- Funding for all PV rebates will come out of the Public Benefit Program up to a total of $500,000 per fiscal year. Any rebate amounts above that level in a fiscal year will come from the utility's revenue.

Third Party Programs for Business Customers

As one of the ways to enhance energy savings through the PBC programs and meet our kilowatt hour and kilowatt demand reduction goals, SVP periodically embarks on an RFP process to add third party energy efficiency programs to its Public Benefit Program offering. Of the responses received each cycle, a review team selects responses that are both cost-effective and the most likely to help our customers without overlapping with programs already being provided. The most recent RFP was issued in December 2013, with new programs planned to begin in FY 2014-2015. Programs are currently being reviewed and the Scopes of Work are being negotiated. We anticipate selecting three programs, all direct install focused on refrigeration measures and small business customers.

Past programs have included:

- *Compressed Air Management Program*, which focused on energy efficiency improvements to compressed air systems in commercial and industrial facilities.
- *Keep Your Cool*, which focused on replacement of refrigeration gaskets and use of strip curtains in commercial refrigeration facilities.
- *Express Refrigeration*, which provided control systems and LED lighting for refrigerated cases, as well as ECM motors.
- *Vending Miser Installation Program*, which installed cold beverage machine occupancy sensors on vending machines at commercial and industrial facilities.
- *EnergySmart Program* – This program delivered energy efficiency measures such as refrigeration controls, motors, gaskets, strip curtains and LED lights to customers with commercial refrigeration equipment. The program was designed to provide free energy audits and savings recommendations targeted at refrigeration and provide incentives

ranging from $0.06 - $0.18 per kilowatt hour to offset up to 90% of the costs of the equipment. This program rolled up the energy efficiency measures offered under several different refrigeration programs in the past so that they were presented to customers as a package that may be more cost effective than implementing individually.

- *Data Center Optimization Program (DCOP)* - This program targets small data centers less than 10,000 square feet within existing office or other buildings.
- *Enhanced Automation Initiative* – This program promoted investments in enhanced automation and control technologies targeted at HVAC systems controls in facilities over 100,000 square feet or with a demand of at least 500 kilowatts. The program provided free technical assistance to qualifying customers, as well as incentives for energy saved.
- *Sustainable Preschools Program* – This program delivered energy efficiency measures such as lighting, programmable thermostats, HVAC tune ups, LED exit signs, and occupancy sensors to preschools located in the City of Santa Clara. The program was designed to provide technical assistance, contractor management and up to 100% incentives to offset the costs of the equipment.
- *Sustainable Schools Program* – This program expanded on the Sustainable Preschools Program and delivers energy efficiency measures such as lighting, programmable thermostats, HVAC tune ups, LED exit signs, and occupancy sensors to schools located in the City of Santa Clara. The program was designed to provide technical assistance, contractor management and up to 100% incentives to offset the costs of the equipment.
- *Laboratory Energy Management Program* – This program delivers design of energy efficient lab space and custom energy efficiency measures to customers with laboratory space within their facilities. Technical assistance is provided free of charge to the customer in order to encourage implementation of the energy efficiency measures and rebates are paid based on the actual energy savings achieved.
- *Retrocommissioning:* This program is an innovative cost-effective program to generate substantial energy savings by providing commissioning and retro commissioning services for businesses, commercial buildings, educational facilities, and hotels. The program includes sub-metering and demand responsive strategies. Commissioning services identify measures that improve the energy performance of existing building systems and equipment, often at very low cost. They are typically the most cost-effective method for achieving energy savings. Including program incentives, customer investment typically would have a payback of less than one year.
- *Data Center Airflow Management Program* – This program is targeted at small data centers under 15,000 square feet that are located within an office building or other type of facility. The program provides technical assistance in identifying and correcting airflow management issues, which make up a significant portion of wasted energy in these facilities.

Budgeted Program Costs for Fiscal Year 2014-2015 (Operating & Capital)

Program	#	kWh Saved	kW Saved	Rebates to Customer	Total Budgeted*
REVENUE					
PBC Charges					**$9,310,184.00**
Transfer From Unallocated PBC Funds from Prior Fiscal Years					**$3,000,000.00**
Subtotal Revenue					**$12,310,184.00**
EXPENDITURES					
Energy Efficiency					
Residential					
Audits	200				$50,000.00
Energy Audit Program Enhancements					$60,000.00
Refrigerator Rebate	250	21,750	3.75	$12,500.00	$35,000.00
Ceiling Fan Rebates	150	27,000	25.5	$5,250.00	$15,000.00
Low Income Direct Install Program	65	150,000		$200,000.00	$240,000.00
Refrigerator Recycle	500	973,000	4	$17,500.00	$80,000.00
Heat Pump Water Heaters	20	55,700		$20,000.00	$27,500.00
LED Lighting Rebates	1200	60,000		$7,200.00	$33,000.00
LED Lighting Rebates - HOA Exteriors	500	25,000		$5,000.00	$10,000.00
Heat Pump Clothes Dryer Rebate	10	3,000		$3,000.00	$10,000.00
Energy Star Emerging Technology Award Clothes Dryer Rebate	20	2,000		$2,000.00	$7,000.00
Energy Info & Website					$200,000.00
Business					
Audits & Consultations	100				$700,000.00
Lighting Rebate	185	4,193,210	489	$450,000.00	$700,000.00
HVAC Rebate	25	500,000	81.54	$200,000.00	$400,000.00
New Cons. Rebate	2	550,000	89.69	$200,000.00	$275,000.00
Food Service	7	334,999	80	$25,000.00	$75,000.00
Washer Rebate	75	95,025	54	$7,500.00	$12,500.00
Customer Directed/Data Center Rebates	30	13,000,000	1,250.00	$2,100,000.00	$2,650,000.00
Advanced Lighting Controls	10	1,000,000		$200,000.00	$240,000.00
Building Controls	5	750,000		$15,000.00	$40,000.00
Third Party Energy Efficiency Programs	5	1,250,000	500	$750,000.00	$950,000.00
Emerging Technology Grant	3	1,500,000	100	$500,000.00	$540,000.00
Energy Info & Website	-		-	$ -	$300,000.00
City Programs	5	300,000	40.77	$100,000.00	$125,000.00

City Loan Program	5	400,000	25	$250,000.00	$275,000.00
LED Streetlight Replacement Program	6000	5,000,000			$3,000,000.00
Renewable					
Green Power (most paid by member fees)			-	$ -	$60,000.00
Solar Rebate--Residential	50			$100,000.00	$175,000.00
Solar Rebate--Business	6			$400,000.00	$475,000.00
Low Income					
RAP (discount provided outside PBC funding)	2,400		-		$100,000.00
EM&V					$150,000.00
RD&D Projects (non-energy efficiency)					$150,000.00
Customer/Community Education				$ -	$150,000.00
Total Expenditures		**30,190,684**	**2,743**	**$5,569,950.00**	**$12,310,000.00**

*Includes marketing & overhead

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-13

Santa Clara All-America City 2001

Date: June 5, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Authorize Council Members Davis, Kolstad and Mahan to Attend the American Public Power Association National Conference in Denver, CO June 14-18, 2014

EXECUTIVE SUMMARY:

The American Public Power Association (APPA) is holding its National Conference in Denver Colorado, from June 14-18, 2014. This conference addresses issues of national interest to the City's electric utility, Silicon Valley Power (SVP). In addition, SVP will be receiving a national award from the Department of Energy at the meeting. Council Members Davis, Kolstad and Mahan will represent the City at the conference. SVP typically budgets funds for participation at this conference by representatives of the Council, City Manager's office and the Director of the Electric Utility. The expected cost for each Council Member attending this conference is $3000.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Participation in the APPA National Conference provides the opportunity to exchange ideas with other utility policy makers and promote Santa Clara's interests on a national level.

ECONOMIC/FISCAL IMPACT:

The cost of travel, lodging, and the conference for these Council members to attend the conference is expected to be $9,000. Funds are available in the Electric Department Conference and Travel Budget account 091-1321-878xx.

RECOMMENDATION:

That Council authorize Council Members Davis, Kolstad and Mahan to attend the American Public Power Association National Conference June 14-18, 2014 in Denver, Colorado, at a cost not to exceed $9,000.00.

John C. Roukema
Director of Electric Utility

Certified as to Availability of Funds:
091-1321-878xx $9,000.00

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report: ***None***

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7A-14

Date: June 5, 2014

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Approval and Adoption of a Resolution of the City of Santa Clara, California Committing $5.83 Million to Affordable Housing Purposes to Secure a Matching Commitment of $8.14 Million of Former Redevelopment Housing Funds From the County of Santa Clara

EXECUTIVE SUMMARY:

The County of Santa Clara approved a resolution on June 17, 2013 establishing a policy for the use of certain revenues from the dissolution of Redevelopment Agencies. The resolution included offering an allocation of one-time low and moderate income housing funds toward a reserve for affordable housing using the monies received from the various cities in the County from the due diligence reviews. The funds have been referred to as "boomerang" funds because with the adoption of this resolution, the funds would be returned to their originally designated purpose, affordable housing. There are two types of boomerang funds: "one time" funds that have already been collected (which are the subject of the attached resolution) and "ongoing" funds that will be collected going forward. The City must act on the "one-time" funds by June 16, 2014, but there is no specific deadline for allocating the ongoing funds, so it is not a part of this current consideration and could be considered at a later time if the City is so inclined.

The County's resolution dedicated these funds to support projects in those cities on the condition that the individual cities adopt similar policies dedicating their share of the funds to affordable housing purposes. The County has mandated that such policies be adopted by June 16, 2014, within one year of the County resolution. With such a dedication of funds to affordable housing by the City, the County would match at a proportional rate based upon the State Department of Finance (DOF) required set-aside contributions for the agency. In the case of the City of Santa Clara, dedicating approximately $5.83 million toward affordable housing would garner approximately $8.14 million from the County's reserve, according to the estimates still pending final resolution.

In the City of Santa Clara, however, the situation is unique, because the City will not actually be receiving any one-time funds. On December 17, 2013, the Department of Finance disallowed certain expenditures as enforceable obligations under the Redevelopment Dissolution process that the City had already made on affordable housing projects. Therefore, the City is required to reimburse the taxing entities for these expenditures and may not be allowed to apply to this purpose the "one-time" funds that the City would have otherwise received, according to a conversation with Deputy County Executive. He indicated the County is willing to commit $8.14 million of the County's share of one-time funds to affordable housing purposes in the City, if the City commits $5.83 Million from other sources. The City can do this without specifying the source at this time and may also designate a smaller amount, in which case the County's contribution would be reduced proportionately

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The adoption of the attached Resolution will help to secure the County's use of one-time "boomerang" funds for affordable housing projects that benefit City residents. The County of Santa Clara is willing to contribute up to $8.14 Million to affordable housing in the City, a significant benefit to the City.

The disadvantage is that the City will need to commit $5,826,000 from its resources and establish the fund in order to receive the County's $8.14 Million match. The City also has the option to designate a smaller amount, in which case the County's match would be reduced proportionately.

ECONOMIC/FISCAL IMPACT:

The City will need to commit up to $5,826,000 in funds to receive the County's match. The source and amount of funds will come from either the Land Sale Reserve Fund or a yet to be determined source. Once the source has been identified, it will be brought before the Council for approval. It is not necessary to determine the source at this point, but the City will adopt a policy through this resolution by the June 16, 2014 deadline in order to potentially receive the County's matching funds in the future.

RECOMMENDATION:

That the Council approve and adopt a Resolution of the City of Santa Clara, California Committing $5.83 Million to Affordable Housing Purposes to Secure a Matching Commitment from Santa Clara County of $8.14 Million, and direct the City Manager to advise the County of the action and to return with a recommendation of source funds at such time as the Council acts to transfer monies for the affordable housing reserve fund.

Kevin L. Riley
Director of Planning & Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***A Resolution of the City of Santa Clara, California Committing $5.83 Million to Affordable Housing Purposes to Secure a Matching Commitment of $8.14 Million of Former Redevelopment Housing Funds from the County of Santa Clara***

I:\PLANNING\2014\CC-CM 2014\06.10.2014\Boomerang Funds Report 6-10-14 revised 6-6-14 FINAL.doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA COMMITTING $5.83 MILLION TO AFFORDABLE HOUSING PURPOSES TO SECURE A MATCHING COMMITMENT OF $8.14 MILLION OF FORMER REDEVELOPMENT HOUSING FUNDS FROM THE COUNTY OF SANTA CLARA

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to AB 1x 26 (2011), the Redevelopment Agency Dissolution Act, all redevelopment agencies (RDAs) in California were dissolved by order of law effective February 1, 2012;

WHEREAS, the dissolution of RDAs over time returns to affected taxing entities the property tax revenues that were previously diverted for redevelopment purposes in the same allocation as all other property tax is distributed;

WHEREAS, funds that formerly would have been distributed to RDAs as tax increment are deposited into a redevelopment property tax trust fund (RPTTF) for each former agency, and are used first to pay for pre-existing passthrough commitments to affected taxing entities, second to pay pre-existing obligations of the former RDA, and third to pay for certain capped administrative costs of successor agencies;

WHEREAS, any remaining funds in the RPTTFs are distributed to affected taxing entities as "residual" in the same manner as property tax is normally distributed (Health & Safety Code §§ 34183(a)(4), 34188);

WHEREAS, prior to the dissolution of redevelopment agencies, the Community Redevelopment Law required redevelopment agencies to set aside 20% of tax increment for low and moderate income housing purposes ("Housing Funds");

WHEREAS, as a part of the dissolution process, the California Department of Finance ordered a Due Diligence Review ("DDR") of former RDA Housing Funds;

WHEREAS, the DDR identified the amount of Housing Funds already collected ("one-time" funds), as distinguished from additional amounts that will be collected in the future ("ongoing" funds);

WHEREAS, on June 17, 2013, the County of Santa Clara passed a resolution committing the County to use a portion of the RDA Housing Funds identified in the DDR for affordable housing purposes in each jurisdiction of the former RDAs;

WHEREAS, the County's commitment was contingent upon receiving similar commitments from the individual jurisdictions to use their shares of the former RDA Housing Funds for affordable housing purposes;

WHEREAS, for the City of Santa Clara, the County has committed to provide up to $8.14 Million in "one-time" funds for affordable housing purposes within the City, if the City makes a similar commitment of up to $5,826,000 in "one-time" funds;

WHEREAS, the City has already committed its share of "one-time" funds to reimbursement of the taxing entities pursuant to an Installment Payment Plan Agreement with the California Department of Finance; and,

WHEREAS, the City is nevertheless willing to designate $5,826,000 to affordable housing purposes from the Land Sale Reserve Fund or other sources in order to secure the County's match, and by this Resolution makes this commitment.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. For purposes of securing the County of Santa Clara's match of "one-time" funds from former Low and Moderate Income Housing Funds distributed pursuant to Health and Safety Code section 34179.6, the City hereby makes a commitment to providing $5,826,000 to affordable housing purposes.

2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

3. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None

I:\HOUSING & COMM. SVCS\14.0773 Boomerang Funds Resolution\Resolution-Boomerang funds rev 6-4-14.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-1

Santa Clara All-America City 2001

Date: May 28, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Approval of an Agreement for the Performance of Services with Intertie Energy Market Solutions LLC (IEMS), for Front, Middle and Back Office System Reporting Support for the Electric Power Trading Division

EXECUTIVE SUMMARY:

The City of Santa Clara's Electric Utility, Silicon Valley Power (SVP), currently utilizes ACES as their Power Trading and Scheduling software tool. Jonathan Trimm is the original developer of this product, and has now gone into business for himself under Intertie Energy Market Solutions LLC. Mr. Trimm's sole knowledge and expertise of this platform is unique and specialized, and staff is proposing to enter into a one year Agreement for the Performance of Services with Intertie Energy Market Solutions LLC (IEMS) to manage ACES modeling, validation and reporting. This will also allow SVP to receive support for existing applications and upcoming applications required by an ever-changing market. A copy of the Agreement for the Performance of Services with Intertie Energy Market Solutions LLC, can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

SVP requires the ACES Scheduler in order to conduct its trading business. With the ever-changing Energy Market, Intertie Energy Market Solutions LLC vast knowledge and expertise of both the Market and the software are warranted for Power Trading, Scheduling and Regulatory Reporting.

ECONOMIC/FISCAL IMPACT:

The total cost of this Agreement will not exceed $220,100.00. Sufficient are have been budgeted for FY 2014/15 in the Electric Department Contractual Services/Non Classified account, 091-1358-87870-[F]92300.

RECOMMENDATION:

That Council approve, and authorize the City Manager to execute, an Agreement for the Performance of Services with Intertie Energy Market Solutions LLC, in an amount not to exceed $220,100.00, for front, middle and back office system reporting support for the Electric Power Trading Division.

John C. Roukema
Director of Electric Utility

Certified as to Budget form
Account No. 091-1358-87870 $220,100.00

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:

1) ***Agreement for the Performance of Services with Intertie Energy Market Solutions LLC***

AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND INTERTIE ENERGY MARKET SOLUTIONS, LLC

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this _____ day of _____, 2014, ("Effective Date") by and between Intertie Energy Market Solutions, LLC., a California limited liability company, with its principal place of business located at 500 Cathedral Drive #307, Aptos, CA 95001 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to satisfactorily complete the work required by City at his/her own risk and expense. Services to be provided to City are

more fully described in Exhibit A entitled "SCOPE OF SERVICES." All of the exhibits referenced in this Agreement are attached and are incorporated by this reference.

3. COMMENCEMENT AND COMPLETION OF SERVICES.

A. Contractor shall begin providing the services under the requirements of this Agreement upon receipt of written Notice to Proceed from City. Such notice shall be deemed to have occurred three (3) calendar days after it has been deposited in the regular United States mail. Contractor shall complete the Services within the time limits set forth in the Scope of Services or as mutually determined in writing by the Parties.

B. When City determines that Contractor has satisfactorily completed the Services, City shall give Contractor written Notice of Final Acceptance. Upon receipt of such notice, Contractor shall not incur any further costs under this Agreement. Contractor may request this determination of completion be made when, in its opinion, the Services have been satisfactorily completed. If so requested by the contractor, City shall make this determination within fourteen (14) days of its receipt of such request.

4. QUALIFICATIONS OF CONTRACTOR - STANDARD OF WORKMANSHIP.

Contractor represents and maintains that it has the necessary expertise in the professional calling necessary to perform services, and its duties and obligations, expressed and implied, contained herein, and City expressly relies upon Contractor's representations regarding its skills and knowledge. Contractor shall perform such services and duties in conformance to and consistent with the professional standards of a specialist in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under Exhibit A shall be of a quality acceptable to City. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well organized, that is technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by City for similar projects.

5. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate at the end of the day one (1) year from the effective date.

6. MONITORING OF SERVICES.

City may monitor the Services performed under this Agreement to determine whether Contractor's operation conforms to City policy and to the terms of this Agreement. City may also monitor the Services to be performed to determine whether financial operations are conducted in accord with applicable City, county, state, and federal requirements. If

any action of Contractor constitutes a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. WARRANTY.

Contractor expressly warrants that all materials and services covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall perform all requested services in an efficient and expeditious manner and shall work closely with and be guided by City. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

10. COMPENSATION AND PAYMENT.

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "SCHEDULE OF FEES."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

11. TERMINATION OF AGREEMENT.

Either Party may terminate this Agreement without cause by giving the other Party written notice ("Notice of Termination") which clearly expresses that Party's intent to terminate the Agreement. Notice of Termination shall become effective no less than thirty (30) calendar days after a Party receives such notice. After either Party terminates the Agreement, Contractor shall discontinue further services as of the effective date of termination, and City shall pay Contractor for all Services satisfactorily performed up to such date.

12. NO ASSIGNMENT OR SUBCONTRACTING OF AGREEMENT.

City and Contractor bind themselves, their successors and assigns to all covenants of this Agreement. This Agreement shall not be assigned or transferred without the prior written approval of City. Contractor shall not hire subcontractors without express written permission from City.

13. NO THIRD PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action under this Agreement for any cause whatsoever.

14. INDEPENDENT CONTRACTOR.

Contractor and all person(s) employed by or contracted with Contractor to furnish labor and/or materials under this Agreement are independent contractors and do not act as agent(s) or employee(s) of City. Contractor has full rights, however, to manage its employees in their performance of Services under this Agreement. Contractor is not authorized to bind City to any contracts or other obligations.

15. NO PLEDGING OF CITY'S CREDIT.

Under no circumstances shall Contractor have the authority or power to pledge the credit of City or incur any obligation in the name of City. Contractor shall save and hold harmless the City, its City Council, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of City's credit by Contractor under this Agreement.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. City shall not be limited in any way or at any time in its use of said material. However, Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

20. CORRECTION OF SERVICES.

Contractor agrees to correct any incomplete, inaccurate or defective Services at no further costs to City, when such defects are due to the negligence, errors or omissions of Contractor.

21. FAIR EMPLOYMENT.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, sexual orientation, age, disability, religion, ethnic background, or marital status, in violation of state or federal law.

22. HOLD HARMLESS/INDEMNIFICATION.

To the extent permitted by law, Contractor agrees to protect, defend, hold harmless and indemnify City, its City Council, commissions, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim arising therefrom, for which City shall become liable arising from Contractor's negligent, reckless or wrongful acts, errors, or omissions with respect to or in any way connected with the Services performed by Contractor pursuant to this Agreement.

23. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in Exhibit C, Contractor shall purchase and maintain in full force and effect, at no cost to City insurance policies with respect to employees and vehicles assigned to the Performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in Exhibit C.

24. AMENDMENTS.

This Agreement may be amended only with the written consent of both Parties.

25. INTEGRATED DOCUMENT.

This Agreement represents the entire agreement between City and Contractor. No other understanding, agreements, conversations, or otherwise, with any representative of City prior to execution of this Agreement shall affect or modify any of the terms or obligations of this Agreement. Any verbal agreement shall be considered unofficial information and is not binding upon City.

26. SEVERABILITY CLAUSE.

In case any one or more of the provisions in this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions, which shall remain in full force and effect.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

///

///

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Electric Department
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 261-2717

And to Contractor addressed as follows:
Intertie Energy Market Solutions, LLC
500 Cathedral Drive #307
Aptos, CA 95001
or by facsimile at (831) 678-0969

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

B. The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day (eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

C. The costs of mediation shall be borne by the Parties equally.

D. For any contract dispute, mediation under this section is a condition precedent to filing an action in any court. In the event of mediation which arises out of any dispute related to this Agreement, the Parties shall each pay their respective attorney's fees, expert witness costs and cost of suit through mediation only. In the event of litigation, the prevailing Party shall recover its reasonable costs of suit, expert's fees, and attorney's fees. If mediation does not resolve the dispute, the Parties agree that the matter shall be litigated in a court of law, and not subject to the arbitration provisions of the Public Contracts Code.

32. COMPLIANCE WITH ETHICAL STANDARDS.

Contractor shall:

A. Read Exhibit D, entitled "ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA"; and,

B. Execute Exhibit E, entitled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS."

33. CONFLICT OF INTERESTS.

This Agreement does not prevent either Party from entering into similar agreements with other parties. To prevent a conflict of interest, Contractor certifies that to the best of its knowledge, no City officer, employee or authorized representative has any financial interest in the business of Contractor and that no person associated with Contractor has any interest, direct or indirect, which could conflict with the faithful performance of this Agreement. Contractor is familiar with the provisions of California Government Code Section 87100 and following, and certifies that it does not know of any facts which would violate these code provisions. Contractor will advise City if a conflict arises.

(Continued on Page 9 of 9)

///

///

///

///

34. PROGRESS SCHEDULE.

The Progress Schedule will be as set forth in the attached Exhibit F, entitled "MILESTONE SCHEDULE" if applicable.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

INTERTIE ENERGY MARKET SOLUTIONS, LLC
a California limited liability company

By: Jonathan Trimm, PhD
JONATHAN TRIMM, PhD
Title: President
Address: 500 Cathedral Drive #307
Aptos, CA 95051
Telephone: (831) 345-1621
Fax: (831) 687-0969

"CONTRACTOR"

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
INTERTIE ENERGY MARKET SOLUTIONS, LLC

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are to be provided to the City's satisfaction and by the time and budget as specified by the City. All materials, costs and expenses shall be included by Contractor within budgeted amount as pre-approved by City.

The Services to be performed are more fully described in the Contractor's proposal entitled, "Proposal to Provide Power Trading and Scheduling Services, 2014-2015" dated April 16, 2014, which is attached to this Exhibit A. Vendor will not be on-site more than 1000 hours in any fiscal year.

Jonathan Trimm, PhD
Intertie Energy Market Solutions, LLC
500 Cathedral Drive #307
Aptos, CA 95001

Betty Sargent
Silicon Valley Power
1601 Civic Center Drive
Santa Clara, CA 95050

April 16, 2014

Proposal to Provide Power Trading and Scheduling Services, 2014-2015

Dear Betty--

I am pleased to have Silicon Valley Power consider Intertie Energy Market Solution's proposal to provide the following data modeling and related services to meet SVP's power scheduling, settlements, regulatory reporting, and business forecasting and optimization needs:

- Manage Upgrades of ACES Power Trading and Scheduling Software
- Update Scheduling, Back Office, and Mid-Office Reporting and Settlements Systems
- Data Modeling for Emerging Power Trading, Scheduling, and Regulatory Reporting requirements
- Business Analysis
- Project Management

1. **Manage Upgrades of ACES Power Trading and Scheduling Software to New Platform**

   - Manage Transition from Forte-based ACES 12.4.7 to Java-based Aligne PowerOps 3.0.1.0.2

2. **Update Existing Software. Scheduling, Back Office, and Middle Office Reporting and Settlements Systems**

   - Update software and data models to keep up with changing market conditions

3. **Data Modeling of Emerging Power Trading, Scheduling, and Reporting Requirements**

   Flexible Ramping, Energy Imbalance Markets, and 15-Minute Scheduling

4. **Business Analysis**

   - CRR Revenue and Credit
   - Long-Range Planning and Resource Optimization studies

5. **Recurring Tasks**
   - Data Validation and Correction

6. **Project Management & IT Coordination**

7. **Update Reports**

- Resource Adequacy Requirements and Capacity Markets
- Renewable Energy Credit Requirements and Markets
- Counterparty Status Report OASIS Live EOM Report (Ed, PG&E, Uploads)
- Graphics Packaging, Meter Data
- Carbon Offset Requirements and Markets
- CEC Reporting
- CARB Reporting

Work with SVP IT managers, business managers, and other stakeholders to coordinate rollout of new or updated software; develop emergency failover plans; coordinate with other solution vendors as required; write management reports, progress reports, briefs, etc. as requested or indicated.
1000

Qualifications

Intertie's qualifications include extensive experience in the following areas:

- ACES power scheduling software system (development and implementation)
- Zainet Risk Management software and ACES-Zainet interface
- PSO VERA Settlements, Meter Monitoring, and Schedule Transmitting software
- CA ISO and NCPA power scheduling and settlements calculations and procedures
- Power Commodity trading and settlement practices
- State and Federal regulatory and legal procedure reporting and documentation

Budget and Time Distribution

The work performed under this contract will be billed at $142 per hour with a not to exceed budget of $220,100.00. The not to exceed amount includes travel and miscellaneous expenses.

Thank you again for considering Intertie Energy Market Solutions to provide these critical services.

Sincerely,

Jonathan Trimm, PhD
President, Intertie Energy Market Solutions, LLC

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
INTERTIE ENERGY MARKET SOLUTIONS, LLC

EXHIBIT B

FEE SCHEDULE

In no event shall the amount billed to City by Contractor for services under this Agreement exceed two hundred twenty thousand one hundred dollars ($220,100.00), subject to budget appropriations.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
INTERTIE ENERGY MARKET SOLUTIONS, LLC

EXHIBIT C

INSURANCE REQUIREMENTS

INSURANCE COVERAGE REQUIREMENTS

Without limiting the Contractor's indemnification of the City, and prior to commencing any of the Services required under this Agreement, the Contractor shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverages, provisions and endorsements:

A. COMMERCIAL GENERAL LIABILITY INSURANCE

1. Commercial General Liability Insurance policy which provides coverage at least as broad as Insurance Services Office form CG 00 01. Policy limits are subject to review, but shall in no event be less than, the following:

   $1,000,000 each occurrence
   $1,000,000 general aggregate
   $1,000,000 products/completed operations aggregate
   $1,000,000 personal injury

2. Exact structure and layering of the coverage shall be left to the discretion of Contractor; however, any excess or umbrella policies used to meet the required limits shall be at least as broad as the underlying coverage and shall otherwise follow form.

3. The following provisions shall apply to the Commercial Liability policy as well as any umbrella policy maintained by the Contractor to comply with the insurance requirements of this Agreement:

   a. Coverage shall be on a "pay on behalf" basis with defense costs payable in addition to policy limits;

   b. There shall be no cross liability exclusion which precludes coverage for claims or suits by one insured against another; and

   c. Coverage shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of liability.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01, with minimum policy limits of not less than one million dollars ($1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned, non-owned and hired autos.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with the following limits: at least one million dollars ($1,000,000) policy limit Illness/Injury by disease, and one million dollars ($1,000,000) for each Accident/Bodily Injury.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents.

D. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Primary and non-contributing. Each insurance policy provided by Contractor shall contain language or be endorsed to contain wording making it primary insurance as respects to, and not requiring contribution from, any other insurance which the indemnities may possess, including any self-insurance or self-insured retention they may have. Any other insurance indemnities may possess shall be considered excess insurance only and shall not be called upon to contribute with Contractor's insurance.

3. Cancellation.

   a. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided due to non-payment of premiums shall be effective until written notice has been given

to City at least ten (10) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least ten (10) days prior to the effective date of non-renewal.

b. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided for any cause save and except non-payment of premiums shall be effective until written notice has been given to City at least thirty (30) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least thirty (30) days prior to the effective date of non-renewal.

4. Other Endorsements. Other endorsements may be required for policies other than the commercial general liability policy if specified in the description of required insurance set forth in Sections A through D of this Exhibit C, above.

E. ADDITIONAL INSURANCE RELATED PROVISIONS

Contractor and City agree as follows:

1. Contractor agrees to ensure that subcontractors, and any other party involved with the Services, who is brought onto or involved in the performance of the Services by Contractor, provide the same minimum insurance coverage required of Contractor, except as with respect to limits. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. Contractor agrees that upon request by City, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the project will be submitted to City for review.

2. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

3. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

F. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and

deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

G. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Upon City's request, Contractor shall submit to City copies of the actual insurance policies or renewals or replacements. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc. City of Santa Clara Electric Department P.O. 12010-S2 Hemet, CA 92546-8010	or	151 North Lyon Avenue Hemet, CA 92543

Telephone number:	951-766-2280
Fax number:	770-325-0409
Email address:	ctsantaclara@ebix.com

H. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an insurance company of equal financial stability that is approved by the City or its insurance compliance representatives.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
INTERTIE ENERGY MARKET SOLUTIONS, LLC

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

   a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

   b. Is convicted of a crime punishable as a felony involving dishonesty[3];

   c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

   d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

   e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

---

[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

2. If fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with the Contractor can be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor, with the Contractor's knowledge, approval or acquiescence, the Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

B. The City may also terminate this Agreement in the event any one or more of the following occurs:

1. The City determines that Contractor no longer has the financial capability[4] or business experience[5] to perform the terms of, or operate under, this Agreement; or,

2. If City determines that the Contractor fails to submit information, or submits false information, which is required to perform or be awarded a contract with City, including, but not limited to, Contractor's failure to maintain a required State issued license, failure to obtain a City business license (if applicable) or failure to purchase and maintain bonds and/or insurance policies required under this Agreement.

C. In the event a prospective Contractor (or bidder) is ruled ineligible (debarred) to participate in a contract award process or a contract is terminated pursuant to these provisions, Contractor may appeal the City's action to the City Council by filing a written request with the City Clerk within ten (10) days of the notice given by City to have the matter heard. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. The Contractor will have the burden of proof on the appeal. The Contractor shall have the opportunity to present evidence, both oral and documentary, and argument.

---

[4] Contractor becomes insolvent, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of the assets of Contractor.

[5] Loss of personnel deemed essential by the City for the successful performance of the obligations of the Contractor to the City.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
INTERTIE ENERGY MARKET SOLUTIONS, LLC

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

INTERTIE ENERGY MARKET SOLUTIONS, LLC
a California limited liability company

By: Jonathan Trimm, PhD

Name: JONATHAN TRIMM, PhD
Title: President

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

On May 6th, 2014 (Date) before me, Karina Celaya Camou Notary Public, (Here Insert Name and Title of the Officer)

personally appeared Jonathan Trimm (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

KARINA CELAYA-CAMOU
COMM. # 2056146
NOTARY PUBLIC - CALIFORNIA
SANTA CLARA COUNTY
MY COMM. EXP. JAN. 27, 2018

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karina Celaya Camou
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

©2007 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 • www.NationalNotary.org Item #5907 Reorder: Call Toll-Free 1-800-876-6827

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-2

Santa Clara All-America City 2001

Date: June 10, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Approval of a Professional Services Agreement Between Northern California Power Agency and the Cities of Alameda, Palo Alto and Santa Clara (the Bay Area Municipal Transmission (BAMx) Service Agreement) for Transmission Services

EXECUTIVE SUMMARY:

The City of Santa Clara and its Electric Department, Silicon Valley Power (SVP), participate in the California energy industry and are subject to regular changes in regulation and market requirements developed by the California Independent System Operator (CAISO), California Energy Commission (CEC) and other agencies which can have large impacts on customer rates and reliability. In order to best analyze these changes and make effective and appropriate comments, SVP has contracted with Northern California Power Agency (NCPA) to obtain the assistance of industry transmission experts. NCPA jointly contracts with the municipal utilities at the cities of Santa Clara, Palo Alto and Alameda—the Bay Area Municipal Transmission (BAMx) participants—and then contracts with the appropriate industry experts to provide the services.

For Fiscal Year 2014/2015, NCPA will be contracting with Flynn RCI to provide services including monitoring, meeting participation, coordinating with affected or other participating parties, and, as necessary, preparing formal position submittals to the CAISO, CEC and other parties on transmission and grid planning issues. A copy of the professional services agreement between NCPA and the BAMx parties can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this professional service agreement will allow for ongoing representation in these forums. Without this input, changes in regulations and markets made by the CAISO, CEC and others could have costly impacts on SVP electric customers and their rates.

ECONOMIC/FISCAL IMPACT:

The cost for services under this agreement is $521,512.50. Sufficient funds have been budgeted for FY 2014-2015 in the Electric Department Contractual Services/Not Classified account, 091-1356-87870-[F]92100.

RECOMMENDATION:

That Council approve, and authorize the City Manager to execute, the Professional Services Agreement between Northern California Power Agency and the Cities of Alameda, Palo Alto, and Santa Clara (the Bay Area Municipal Transmission (BAMx) Service Agreement), in an amount not to exceed $521,512.50, for Transmission Services.

John C. Roukema
Director of Electric Utility

Certified as to Budget Form:
Account No. 091-1356-87870 $521,512.50

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:

1) ***Professional Services Agreement between Northern California Power Agency and the Cities of Alameda, Palo Alto and Santa Clara***

PROFESSIONAL SERVICES AGREEMENT BETWEEN NORTHERN CALIFORNIA POWER AGENCY AND THE CITIES OF ALAMEDA, PALO ALTO AND SANTA CLARA (THE "BAY AREA MUNICIPAL TRANSMISSION SERVICES AGREEMENT" OR "BAMx AGREEMENT")

This Professional Services Agreement ("Agreement") is made by and between the NORTHERN CALIFORNIA POWER AGENCY ("NCPA"), a joint powers agency and the Cities of Alameda, Palo Alto and Santa Clara (such cities each being a "Contracting Member" and jointly referred to as "Contracting Members" or "BAMx Participants"). NCPA and the Contracting Members are together sometimes referred to herein individually as a "Party" and collectively as "the Parties."

This Agreement is made as of July 1, 2014 (the "Effective Date") in Roseville, California.

Section 1. RECITALS

This Agreement is entered into based on the following facts, among others:

1.1 NCPA is a public agency created by a joint powers agreement established under California law for the purpose of assisting its members in the efficient use of their common powers.

1.2 Contracting Members are engaged in, among other things, transmitting and distributing electric power within their respective corporate limits. Contracting Members are also each a member of NCPA. Contracting Members jointly desire that NCPA provide Contracting Members with the Services described in this Agreement.

1.3 Article III, section 3 of the "Amended and Restated Northern California Power Agency Joint Powers Agreement" (as amended and effective January 1, 2008) (hereinafter "JPA") entitled "Powers and Functions" provides that "none of the debts, liabilities or obligations of NCPA shall be the debts, liabilities or obligations of any of the members of NCPA unless assumed in a particular case by resolution of the governing body of the member to be charged." Notwithstanding the foregoing, Article V, section 1 of the JPA entitled "General Provisions" provides that "[t]he governing Commission of NCPA is authorized to procure public liability and other insurance as it deems advisable to protect NCPA and each of the parties hereto, charging the cost thereof to the operating costs of NCPA."

1.4 Contracting Members desire to secure NCPA's Services under this Agreement in a manner that balances their interests and the interests of other NCPA members with the ongoing financial viability and professional responsibilities of NCPA. Accordingly, Contracting Members desire to secure NCPA's Services under this Agreement by accepting a limited insurance based recourse against NCPA, with the option of procuring additional insurance at Contracting Members' sole expense. By so doing, the Parties thereby ensure that NCPA will substantially limit its risk for the provision of such Services and allocates risks back to the Contracting Members in the event NCPA is not adequately insured.

1.5 The Parties have previously entered into a professional services agreement for this same purpose dated as of July 1, 2013 ("the Prior Agreement") the term of which ends on June 30, 2014.

NOW THEREFORE, in consideration of the mutual covenants and promises set forth, NCPA and Contracting Members agree as follows:

Section 2. DEFINITIONS

Whenever used in this Agreement with initial capitalization, these terms shall have the following meanings as applicable, whether in the singular or plural:

2.1 "Good Utility Practice" shall mean any of the practices, methods and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result of the lowest reasonable cost consistent with good business practices, reliability, safety and expedition and the requirements of the Northern American Electric Reliability Corporation ("NERC") or Western Electric Coordinating Council ("WECC") Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region.

2.2 "NCPA Members" shall mean the signatories to the JPA or those agencies which have executed an Associate Member Agreement with NCPA.

2.3 "Stranded Costs" shall mean all costs incurred by NCPA in providing Services to Contracting Members under this Agreement that could not reasonably be avoided by NCPA from the date it receives a written Notice of Termination. Such costs may include, but not be limited to, salary and employment costs, rent, utilities, or contracts incurred to provide Services under this Agreement. In this regard, Contracting Members acknowledge that NCPA will be entering into professional services agreements with third persons under the terms of this Agreement, and that sums owing to such third persons may become Stranded Costs upon termination of this Agreement.

2.4 "Uncontrollable Forces" shall mean any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm, flood, earthquake, explosion, any curtailment, order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities or any other cause beyond the reasonable control which could not be avoided through the exercise of Good Utility Practice.

Section 3. SERVICES TO BE PROVIDED; AUTHORIZED REPRESENTATIVES; STANDARD OF PERFORMANCE

3.1 This Agreement is entered into by the Parties in order for NCPA to provide services to Contracting Members for the services described in Exhibit A hereto ("Services"). The Services

do not include supervision of the performance of any of the third persons with whom contracts are entered into; such supervision shall be provided by the Contracting Members.

3.2 The following are the Authorized Representatives of the parties for contract administration purposes under this Agreement:

NCPA:
David Dockham, Dave.Dockham@ncpa.com
Assistant General Manager
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678
916-781-4207
Fax 916-781-4255

PALO ALTO:
Nicolas Procos, Nicolas.Procos@cityofpaloalto.org
Senior Resource Planner
City of Palo Alto
P.O. Box 10250
Palo Alto, CA 94303650-329-2214

ALAMEDA:
Lindsay Battenberg, Battenberg@alamedamp.com
Energy Resource Analyst
Alameda Municipal Power
2000 Grand Street
P.O. Box H
Alameda, CA 94501-0263
510-814-6412
Fax 510-814-5699

SANTA CLARA:
Joyce Kinnear
Division Manager
1601 Civic Center Dr. # 201
Santa Clara, CA 95050
408-615-6656
Fax 408-261-2717

No Authorized Representative is authorized to amend any provision of this Agreement except in accordance with Section 12.16.

3.3 Standard of Performance. NCPA will perform the Services using that level of skill and attention reasonably required to complete the Services in a competent and timely manner.

3.4 Assignment of Personnel. NCPA shall assign only competent personnel to perform Services pursuant to this Agreement. In the event that Contracting Members, in their sole discretion, at any time during the term of this Agreement, jointly desire the reassignment of any such persons, NCPA shall, immediately upon receiving notice from each Contracting Member of such desire of the Contracting Members, reassign such person or persons.

3.5 Time. NCPA shall devote such time to the performance of Services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 3.3, above and to satisfy NCPA's obligations hereunder.

Section 4. TERM AND TERMINATION

4.1 Authorization to Perform Services. NCPA is not authorized to perform any Services or incur any costs whatsoever under the terms of this Agreement until its receipt of a written resolution and/or other appropriate/applicable authorization from each Contracting Member's governing body confirming each Contracting Member's authority to enter into this Agreement and confirming that each Contracting Member has allocated funds for and approved contract payments to NCPA under this Agreement.

4.2 Term. The term of this Agreement shall begin on the Effective Date and shall end on June 30, 2015.

4.3 Early Termination and Stranded Costs. This Agreement may be terminated by either NCPA or by the Contracting Members, upon 30 days written notice to all other Parties ("Notice of Termination"). Provided, however, that a Notice of Termination on behalf of the Contracting Members shall be executed by each Contracting Member to be effective.

In the event of an early termination, Contracting Members shall pay NCPA for all fees and costs required under this Agreement through the effective date of their Notice of Termination plus all Stranded Costs. Upon payment of the above amounts, no Parties shall have any further obligations under this Agreement except as otherwise set forth in Section 5.7 regarding the survival of defense and indemnity obligations.

Section 5. INDEMNITY AND INSURANCE

5.1 Limitation of NCPA's Liability.

5.1.1 Except as provided in this section 5.1, NCPA shall not at any time be liable for any injury or damage occurring to Contracting Members or any other person or property from any cause whatsoever arising out of this Agreement.

5.1.2 The provisions of section 5.1.1 shall not apply where the injury or damage occurring to Contracting Members is caused by the negligence of NCPA or of any employee, agent or contractor of NCPA; provided that any liability under this subsection is limited to the extent of the actual coverage and coverage limits of the NCPA insurance policies described in this Section 5.

5.1.3 Notwithstanding Section 5.1.2 above, the Contracting Members agree to reimburse NCPA, in a timely manner, for all deductibles and/or self-insured retentions payable for any claim, liability or damage arising out of this Agreement.

5.2 Indemnification of NCPA. Except as specified in Section 5.1.2 above, Contracting Members shall, at their sole cost and expense, indemnify and hold harmless NCPA and all associated, affiliated, allied, member and subsidiary entities of NCPA, now existing or hereinafter created, and their respective officers, boards, commissions, employees, agents, attorneys, and contractors (hereinafter referred to as "Indemnitees"), from and against any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees arising out of this Agreement.

5.3 Defense of Indemnitees. In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Contracting Members shall, upon reasonable prior written notice from any of the Indemnitees, at Contracting Members' sole cost and expense, resist and defend the same with legal counsel mutually selected by Indemnitee and the Contracting Members, unless mutual selection of counsel is expressly prohibited by an applicable insurance policy; provided however, that neither Indemnitee nor Contracting Members shall admit liability in any such matter or on behalf of the other without express written consent, which consent shall not be unreasonably withheld or delayed, nor enter into any compromise or settlement of any claim for which Indemnitees are indemnified hereunder without prior express written consent. The Contracting Members' duty to defend shall begin upon receipt of a written notice identifying with specificity the allegations that give rise to this duty to defend.

5.4 Notice. The Parties shall give each other prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section 5.

5.5 Insurance. During the term of the Agreement and prior to beginning any work under this Agreement, NCPA shall maintain, or cause to be maintained, in full force and effect, and at its sole cost and expense, the types and limits of insurance as are annually approved by the governing Commission of NCPA. The types and limits of insurance that are applicable to this Agreement are evidenced by list of insurance coverages which is attached hereto as Exhibit C. NCPA warrants and represents that the types of insurance and coverage limits shown in Exhibit C are in full force and effect and shall remain so during the term of this Agreement unless NCPA gives prior written notification (of not less than 15 days) of modification, cancellation or rescission of such coverage.

5.6 Contracting Members' Acknowledgment of Option to Secure Additional Insurance. The Contracting Members acknowledge that there are limitations on NCPA's liability to the Contracting Members under this Section 5 and that the Contracting Members may need to purchase additional insurance of their own to cover the additional risks and the potential additional liabilities they are assuming under this Agreement. Contracting Members agree that they will, with respect to any additional insurance they obtain or which is otherwise available to Contracting

Members, cause their insurers to issue an endorsement providing a waiver of subrogation rights as to Indemnitees.

5.7 Survival of Obligations. The defense and indemnity obligations of Section 5 shall survive the termination of this Agreement.

Section 6. COMPENSATION

6.1 Charges and Reserves.

6.1.1. Monthly Charges. Charges for the Services provided hereunder shall be the sum of (a) and (b) below, and shall be billed separately to each BAMx Participant in accordance with Exhibit B:

(a) Six-Hundred-Twenty-Five Dollars ($625) per month for services provided by NCPA to the BAMx Participants under this Agreement; and

(b) Sixty-Two-Thousand-Five Hundred Dollars ($62,500) per month for services provided to the BAMx Participants directly by Flynn Resource Consultants Inc., under the CONSULTING SERVICES AGREEMENT BETWEEN THE NORTHERN CALIFORNIA POWER AGENCY AND FLYNN RESOURCE CONSULTANTS INC., dated July 1, 2014.

6.1.2 Security Deposit. Contracting Members shall each maintain on deposit in its General Operating Reserve Account held at NCPA the sum of Zero Dollars ($0) as security to NCPA for liabilities NCPA could incur under this Agreement. Contracting Members hereby authorize NCPA to reserve and commit this sum in its General Operating Reserve Account for the payment of the aforementioned liabilities should same become necessary. Interest on monies held by NCPA pursuant to this section shall be credited in accordance with the then standard practices of NCPA relating to the General Operating Reserve Account.

Section 7. BILLING AND PAYMENT

7.1 Invoices. NCPA shall submit invoices to Contracting Members, not more often than once a month during the term of this Agreement, for Services performed and reimbursable costs incurred prior to the invoice date.

7.2 Monthly Payment. Contracting Members shall make monthly payments, based on invoices received, for Services performed, and for authorized reimbursable costs incurred. Contracting Members shall have thirty (30) days from the receipt of an invoice that complies with all of the requirements above to pay NCPA. Any amount due on a day other than a business day, i.e., any day except a Saturday, Sunday, or a Federal Reserve Bank holiday, may be paid on the following business day.

If all or any portion of a bill is disputed by Contracting Members, the entire amount of the bill shall be paid when due, and NCPA'S Authorized Representative shall be concurrently provided

written notice of the disputed amount and the basis for the dispute. NCPA shall reimburse any amount determined to have been incorrectly billed, within ten (10) days after such determination.

Amounts which are not paid when due shall bear interest computed on a daily basis until paid at the lesser of (i) the per annum prime rate (or reference rate) of the Bank of America NT & SA, or its successor, then in effect, plus two per cent (2%) or (ii) the maximum rate permitted by law. The provisions of this Section 7 shall survive expiration of this Agreement until satisfied.

7.3 Contracting Members shall pay for the Services pursuant to this Agreement. Contracting Members shall not pay any additional sum for any expense or cost whatsoever incurred by NCPA in rendering Services pursuant to this Agreement. Contracting Members shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall NCPA submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment in accordance with this Agreement.

7.4 Hourly Fees. Fees for work performed by NCPA on an hourly basis shall not exceed the amounts shown on the following fee schedule attached hereto as Exhibit B.

7.5 Reimbursable Expenses. Reimbursable expenses are specified in Exhibit B. Expenses not listed in Exhibit B are not chargeable to Contracting Members. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

7.6 Payment of Taxes. NCPA is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

7.7 Payment upon Termination. In the event that Contracting Members or NCPA terminates this Agreement pursuant to Section 4, Contracting Members shall compensate the NCPA for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written Notice of Termination. NCPA shall maintain adequate logs and timesheets in order to verify costs incurred to that date.

7.8 Authorization to Perform Services. NCPA is not authorized to perform any Services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from Contracting Member's Contract Authorized Representative following receipt of the required approvals under the terms of this Agreement.

7.9 The addresses of Contracting Members to which invoices shall be sent is:

Jon Abendschein
Senior Resource Planner
City of Palo Alto
P.O. Box 10250

Palo Alto, CA 94303
Fax: 650-326-1507

Alameda Municipal Power
Assistant General Manager
Energy Resource Planning
2000 Grand Street
P.O. Box H
Alameda, CA 94501-0263

Bob Kazlauskas
City of Santa Clara
Attn: Electric Department
1500 Warburton Ave
Santa Clara, CA 95050
Bkazlauskas@svpower.com
408-615-6688
Fax: 408-261-2717

Section 8. STATUS OF NCPA; FACILITIES AND EQUIPMENT

8.1 Independent Contractor. At all times during the term of this Agreement, NCPA shall be an independent contractor and shall not be an employee of Contracting Members. Contracting Members shall have the right to control NCPA only insofar as the results of NCPA'S Services rendered pursuant to this Agreement and assignment of personnel pursuant to Section 3.4; however, otherwise Contracting Members shall not have the right to control the means by which NCPA accomplishes Services rendered pursuant to this Agreement. Notwithstanding any other agency, state, local or federal policy, rule, regulation, law, or ordinance to the contrary, NCPA and any of its employees, agents, and subcontractors providing Services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by Contracting Members, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of Contracting Member and entitlement to any contribution to be paid by Contracting Members for employer contributions and/or employee contributions for PERS benefits.

8.2 Facilities and Equipment. The facilities and equipment that may be necessary to perform the Services required by this Agreement shall be provided as follows: **None.**

Section 9. UNCONTROLLABLE FORCES

9.1 Obligations of the Parties, other than those to pay money when due, shall be excused for so long as and to the extent that failure to perform such obligations is due to an Uncontrollable Force; provided, however, that if either Party is unable to perform due to an Uncontrollable Force, such Party shall exercise due diligence to remove such inability with reasonable dispatch. Nothing contained in this Agreement shall be construed as requiring a Party

to settle any strike, lockout, or labor dispute in which it may be involved, or to accept any permit, certificate, contract, or any other service agreement or authorization necessary for the performance of this Agreement which contains terms and conditions which a Party determines in its good faith judgment are unduly burdensome or otherwise unacceptable.

9.2 Each Party shall notify the other promptly, by telephone to the other Party's operating personnel and Authorized Representative identified in Section 3.2, upon becoming aware of any Uncontrollable Force which may adversely affect the performance under this Agreement. A Party shall additionally provide written notice in accordance with Section 12.8 to the other Party within 24 hours after providing. Each Party shall notify the other promptly, when an Uncontrollable Force has been remedied or no longer exists.

Section 10. LEGAL REQUIREMENTS

10.1 Governing Law. The laws of the State of California shall govern this Agreement, without regard for the choice of law doctrine.

10.2 Compliance with Applicable Laws. NCPA and any subcontractors shall comply with all laws applicable to the performance of the Services hereunder.

10.3 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, NCPA and any subcontractors shall comply with all applicable rules and regulations to which Contracting Member is bound by the terms of such fiscal assistance program.

10.4 Licenses and Permits. NCPA represents and warrants to Contracting Member that NCPA and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that is legally required to practice their respective professions. NCPA represents and warrants to Contracting Member that NCPA and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions.

10.5 Nondiscrimination and Equal Opportunity. NCPA shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by NCPA under this Agreement. NCPA shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of NCPA thereby.

NCPA shall include the provisions of this Subsection in any subcontract approved by Contracting Members' Contract Administrator or this Agreement.

Section 11. KEEPING AND STATUS OF RECORDS.

11.1 Records Created as Part of NCPA's Performance. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that NCPA prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the Contracting Members. NCPA hereby agrees to deliver those documents to the Contracting Members upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the Contracting Members and are not necessarily suitable for any future or other use. Contracting Members and NCPA agree that, until final approval by Contracting Members, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both Parties, except as may otherwise be required by applicable law.

11.2 NCPA's Books and Records. NCPA shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the Contracting Members under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the NCPA to this Agreement.

11.3 Inspection and Audit of Records. Any records or documents that Section 11.2 of this Agreement requires NCPA to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the Contracting Member. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds TEN THOUSAND DOLLARS ($10,000.00), the Agreement shall be subject to the examination and audit of the State Auditor, at the request of any Contracting Member or as part of any audit of any of the Contracting Members, for a period of three (3) years after final payment under the Agreement.

11.4 Confidential Information and Disclosure. During the term of this Agreement, any Party ("Disclosing Party") may disclose confidential, proprietary or trade secret information (the "Information"), to another Party ("Receiving Party"). All such Information made available in a tangible medium of expression (such as, without limitation, on paper or by means of magnetic tapes, magnetic disks or other computer media) shall be marked in a prominent location to indicate that it is the confidential, proprietary and trade secret information of Disclosing Party at the time of disclosure to Receiving Party. Receiving Party shall hold Disclosing Party's Information in confidence and shall take all reasonable steps to prevent any unauthorized possession, use, copying, transfer or disclosure of such Information. Receiving Party shall not attempt to reverse engineer or in any manner create any product or information which is similar in appearance to or based on the Information provided by Disclosing Party. Receiving Party shall not disclose Disclosing Party's Information to any person other than Receiving Party's employees, agents, contractors and subcontractors who have a need to know in connection with this Agreement.

Receiving Party's confidentiality obligations hereunder shall not apply to any portion of Disclosing Party's Information which:

(a) Has become a matter of public knowledge other than through an act or omission of Receiving Party;
(b) Has been made known to Receiving Party by a third party in accordance with such third party's legal rights without any restriction on disclosure;
(c) Was in the possession of Receiving Party prior to the disclosure of such Information by Disclosing Party and was not acquired directly or indirectly from the other Party or any person or entity in a relationship of trust and confidence with the other Party with respect to such Information;
(d) Receiving Party is required by law to disclose; or
(e) Has been independently developed by Receiving Party from information not defined as "Information" in this Agreement, as evidenced by Receiving Party's written records.

Receiving Party shall return or destroy Disclosing Party's Information (including all copies thereof) to Disclosing Party promptly upon the earliest of any termination of this Agreement or the Disclosing Party's written request. Notwithstanding the foregoing, Receiving Party may retain one copy of such Information solely for archival purposes, subject to the confidentiality provisions of this Agreement. The parties understand that each Party is a public entity and is subject to the laws that may compel either to disclose information about the other's business.

Section 12. MISCELLANEOUS PROVISIONS

12.1 Attorneys' Fees. If a Party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provisions of this Agreement, the prevailing Party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that Party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

12.2 Venue. In the event that either Party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Placer or in the United States District Court for the Eastern District of California.

12.3 Severability. If any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid, void or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable by federal or state statute or regulation, but the remaining portions of the Agreement can be enforced without failure of material consideration to any Party, then the remaining provisions shall continue in full force and effect. To that end, this Agreement is declared to be severable. Provided, however, that in the event any provision is declared to be invalid, void or unenforceable, any Party may terminate this Agreement upon 10 days written notice given within five (5) days of receipt of notice of final entry of judgment.

12.4 No Implied Waiver of Breach. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

12.5 Successors and Assigns. The provisions of this Agreement shall inure to the

benefit of and shall apply to and bind the successors and assigns of the Parties.

12.6 Use of Recycled Products. NCPA shall endeavor to prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

12.7 Conflict of Interest. NCPA shall not employ any Contracting Members' official or employee in the work performed pursuant to this Agreement. No officer or employee of Contracting Member shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.*

12.8 Notices. Unless this Agreement requires otherwise, any notice, demand or request provided for in this Agreement, or served, given or made shall become effective when delivered in person, or sent by registered or certified first class mail, to the persons specified below:

NCPA:
David Dockham
Assistant General Manager – Power Management
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678

With a copy to:
Michael F. Dean
General Counsel, Northern California Power Agency
c/o Meyers Nave
555 Capitol Mall, Suite 1200
Sacramento, CA 95814

PALO ALTO:
Valerie Fong, Utilities Director
City of Palo Alto
P.O. Box 10250
Palo Alto, CA 94303

With a copy to:
Jessica Mullen, Deputy City Attorney
c/o City Attorney's office
P.O. Box 10250
Palo Alto, CA 94303

ALAMEDA:
Ron Stassi, Interim General Manager
Alameda Municipal Power
2000 Grand Street
P.O. Box H
Alameda, CA 94501-0263

With a copy to:
Janet Kern
Alameda Office of the City Attorney
2263 Santa Clara Avenue, Room 280
Alameda, CA 94501

SANTA CLARA:
Joyce Kinnear, Division Manager
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA 95050

With a copy to:
Lindsay Beavers, Deputy City Attorney
City of Santa Clara
1500 Warburton Ave
Santa Clara, CA 95050

Whenever it is required, permitted, or desired in this Agreement that written notice or demand be given by any Party to any other Party, such notice or demand may be either personally served or sent by United States Mail, or facsimile. Notice shall be deemed to have been given when personally served, when deposited in the United States Mail, certified or registered with postage prepaid and properly addressed, or when transmitted by facsimile provided however, notices delivered by facsimile shall only be effective if delivered during regular business hours on a day that is considered a regular business day for NCPA by the involved Parties.

12.9 Integration; Incorporation. This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between Contracting Members and NCPA relating to the subject matter of this Agreement, and supersedes all prior negotiations, representations, or agreements, either written or oral. All exhibits attached hereto are incorporated by reference herein.

12.10 Dispute Resolution. If any dispute arises between the Parties that cannot be settled after engaging in good faith negotiations, Contracting Members and NCPA agree to resolve the dispute in accordance with the following:

12.10.1 Each Party shall designate a senior management or executive level representative to negotiate any dispute;

12.10.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

12.10.3 If the issue remains unresolved after sixty (60) days of good faith negotiations, despite having used their best efforts to do so, either Party may pursue whatever other remedies may be available to it.

12.10.4 This informal resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code § 900, *et seq*.

12.11 Other Agreements. This Agreement is not intended to modify or change any other agreement between any of the Parties, individually or collectively. Without limiting the generality of the foregoing, this Agreement does not amend or extend the Prior Agreement.

12.12 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

12.13 Obligations of Contracting Members Joint and Several; No Joint Venture. The duties, obligations and liabilities of the Contracting Members, including the obligations to make payments to NCPA, are intended to be joint and several. Provided that nothing contained in this Agreement shall be construed to create an association, trust, partnership or joint venture or to impose a trust or partnership duty, obligation or liability on or with regard to the Contracting Members.

12.14 Effect of Section Headings. Section headings and subheadings appearing in this Agreement are inserted for convenience only and shall not be construed as interpretation of text.

12.15 Authority of Signatories. The signatories hereby represent that they have been appropriately authorized to execute this Agreement on behalf of the Party for whom they sign.

12.16 Amendments. The Parties may amend this Agreement only by a writing signed by all the Parties following each Party's receipt of written resolution/authorization from their governing bodies, which resolutions/authorizations shall be condition precedents to any amendments of this Agreement and shall be attached as exhibits to this Agreement.

The Parties have executed this Agreement as of the Effective Date.

Northern California Power Agency

_____

JAMES H. POPE, General Manager

Attest:

_____

Assistant Secretary of the Commission

Approved as to Form:

_____

General Counsel

CONTRACTING MEMBERS:

CITY OF ALAMEDA

By: _____
Its: _____

Approved as to Form:

By: _____
City Attorney

CITY OF PALO ALTO

By: _____
Its: _____

Approved as to Form:

By: _____
City Attorney

CITY OF SANTA CLARA

By: _____
Its: _____

Approved as to Form

By: _____
City Attorney

EXHIBIT A
Scope of Services

NCPA shall perform the following Services on behalf Contracting Members:

NCPA will enter into a contract with Flynn Resource Consulting Inc. ("Consultant") on behalf of Contracting Members. In general Consultant will provide services including monitoring, meeting participation, coordinating with affected or other participating parties, and, as necessary, preparing and submitting formal position submittals for the following activities:

1. Grid Planning Activities
    - CAISO/PG&E annual transmission expansion planning process
    - Support or oppose specific transmission additions
    - Greater Bay Area long term studies
    - CAISO local capacity technical study process
    - Other regional and sub-regional transmission planning activities
    - CAISO Tariff and BPM Change Management Process
    - Generator Interconnection Procedure
    - Transmission cost allocation
    - Impacts due to potential generation retirements
    - Transmission for renewables
    - CTPG planning process
    - Tracy to Bay development activities
    - Integration requirements for renewables

2. CPUC and CEC transmission matters
    - Integrated Energy Policy Report
    - Resource adequacy issues
    - Renewable Portfolio Standard issues
    - Long Term Procurement issues
    - Approval of CPCNs for new transmission lines

3. California Market Design Activities
    - CAISO markets proceedings and implementation matters
    - Resource Adequacy / Local Capacity/ Flexible Capacity/ Deliverability
    - LMP congestion and losses incidence and impacts

4. Western Area Power Administration Activities
    - SMUD/Western balancing authority area footprint, performance and allocation of costs and effort
    - Western Markets Development
    - Western Transmission Development
    - Western Transmission Infrastructure Program

5. Communicate Regularly with BAMx Members
    - Client meetings, telephone conferences and written summaries of activities on key issues.

NCPA will accept invoices from Consultant and transmit them to Contracting Members for their review, and if acceptable, the Contracting Members will direct payment by NCPA. Such payment direction shall be provided by each Contracting Member as designated in Section 12.8 of this agreement, in writing, utilizing appropriate approval forms as shall be developed and/or revised by NCPA from time to time. An example of such form is included in Exhibit D of this agreement. NCPA will prepare invoices indicating the share of Consultant's costs to be paid by each Contracting Member along with the appropriate charges by NCPA for its services; however, as provided in the Agreement, each Contracting Member is jointly and severally liable for the entirety of any amounts billed under this Agreement. NCPA will then pay Consultant utilizing Contracting Members' funds.

Contracting Members will be solely responsible for payment of the Consultant's invoices, as well as determining whether or not the professional services have been satisfactorily performed. The "Services" under this Agreement by NCPA to Contracting Members are limited to the contracting for services with Consultant and billing/payment function.

EXHIBIT B
COMPENSATION SCHEDULE AND HOURLY FEES

Compensation for all tasks, including hourly fees and expenses, shall not exceed $750,000. The hourly and monthly rates and or compensation break down and an estimated amount of expenses is as follows:

B-1 Monthly Charges for Services provided by NCPA for billing and contract preparation under this Agreement shall be allocated to each BAMx Participant in proportion to each BAMx Participant's proportionate share of energy delivered in CY2013 as derived from the 2014-2015 NCPA Annual Budget, as reflected in Table 1 below. The total charge for these services shall be Six-Hundred-Twenty-Five Dollars per month.

B-2 Monthly Charges invoiced by Flynn Resource Consultants Inc to NCPA for services provided to the BAMx Participants under the CONSULTING SERVICES AGREEMENT BETWEEN THE NORTHERN CALIFORNIA POWER AGENCY AND FLYNN RESOURCE CONSULTANTS INC., dated July 1, 2014 shall be allocated to each BAMx Participant in proportion to each BAMx Participant's proportionate share of energy delivered in CY2013 as derived from the 2014-2015 NCPA Annual Budget, as reflected in Table 1 below.

Compensation to Flynn Resource Consultants Inc. for all tasks, including hourly fees and expenses, shall not exceed Seven-Hundred and Fifty Thousand Dollars ($750,000). The hourly rates and or compensation break down and an estimated amount of expenses is as follows:

Flynn Resource Consultants Inc. hourly rates for services are listed below.

Labor Category	Hourly Rate
Principal	$270-295 per hour
Managing Consultant	$250-270 per hour
Senior Consultant	$200-250 per hour
Consultant	$170-200 per hour
Associate Consultant	$140-170 per hour
Analyst	$100-140 per hour
Support Services	$60 per hour

Travel, food, and miscellaneous expenses, except automobile mileage, associated with the provision of services hereunder shall be billed at cost. Automobile mileage will be billed at the rate approved by the Internal Revenue Service.

For any month in which specialized modeling software is used to perform services under this agreement, the following charges shall apply:

Power flow modeling - $250/month
Short circuit modeling – $775/month
OASIS Data - $1,000/month
Market modeling - $3,850/month

TABLE 1 Proportionate Share of Energy Delivered

	MWH	% Share
Alameda Municipal Power	379,307	8.462%
Palo Alto	986,236	22.002%
Silicon Valley Power	3,116,845	69.535%
	4,482,387	100.000%

EXHIBIT C
Insurance Maintained by NCPA

WORKERS' COMPENSATION INSURANCE	$1,000,000
EXCESS LIABILITY INSURANCE	$35,000,000
AUTOMOBILE INSURANCE	$1,000,000
ERRORS & OMISSIONS INSURANCE	$10,000,000

EXHIBIT D

Bay Area Municipal Transmission Services Agreement (BAMX)
Participants Transmittal
Payment Voucher
For the Period: _____

To: Northern California Power Agency **VIA PDF EMAIL**
651 Commerce Drive
Roseville, California 95678
Attention: Accounts Payable (*AcctsPayable@ncpa.com)

From: Contracting Members – The Cities of Alameda, Palo Alto and Santa Clara (such Cities each being a "Contracting Member" and jointly referred to as "Contracting Members" or "BAMx Participants")

I the undersigned hereby certify that I am authorized to approve payment of the **ATTACHED** billing statement and or invoice(s) and do hereby approve payment thereof by the Billing Agent (Northern California Power Agency) as indicated below:

For City of Alameda: _____ _____
Name Date

☐ No exceptions.

☐ With the deduction of the following exceptions:

For City of Palo Alto: _____ _____
Name Date

☐ No exceptions.

☐ With the deduction of the following exceptions:

For City of Santa Clara: _____ _____
(Silicon Valley Power) Name Date

☐ No exceptions:

☐ With the deduction of the following exceptions:

Attachment(s)
1424737.1
2272834.2

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-3

Santa Clara All-America City 2001

Date: May 30, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Approval of Call No. 14-1 for Professional Services with MTH Engineers, Inc. to Provide Preliminary Engineering and Fixture Selection for the El Camino Real Street Light Improvement Project

EXECUTIVE SUMMARY:

Silicon Valley Power (SVP) is undertaking a capital improvement project to replace the existing street light poles along El Camino Real in Santa Clara between Sunnyvale and San Jose. These existing high pressure sodium and mercury vapor HID type streetlights along the approximate 4.3 mile length of El Camino Real will be replaced with decorative poles and LED lighting. Due to current work load and the amount of engineering and design work required, staff considers it necessary to use the services of an outside engineering firm to provide the following services related to this project:

- Phase 1- Preliminary Engineering and Fixture Selection
- Phase 2-Preparation of Construction Documents
- Phase 3-Services During Bidding and Construction

MTH Engineers, Inc. currently has a Call Agreement with SVP to provide engineering services and has submitted a proposal to SVP in the amount of $62,430.00 to complete Phase 1, as noted above, under Call No. 14-1 for Professional Services. A copy of Call No. 14-1 can be viewed on the City's website or is available in the City Clerk's Office to review during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Call No. 14-1 with MTH Engineers, Inc., will provide the necessary engineering needed to expedite the installation of new lighting along El Camino Real to support the El Camino beautification project, encouraging economic development and adding aesthetic value to Santa Clara.

ECONOMIC/FISCAL IMPACT:

The total cost of Call No. 14-1 shall not exceed $62,430.00. Sufficient funds have been budgeted for FY 2014-15 in the Electric Department Capital Improvement Project 2873, El Camino Real Street Lighting Improvement, account 534-1361-80300-2873-[F]92300.

RECOMMENDATION:

That Council approve, and authorize the City Manager to execute, Call No. 14-1 for Professional Services with MTH Engineers, Inc., in an amount not to exceed $62,430.00, for preliminary engineering and fixture selection for the El Camino Real Street Lighting Improvement Project.

FOR John C. Roukema, Director of Electric Utility

Certified as to Budget Form: OK-LF

Account No. 534-1361-80300-2873 $62,430.00

Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

Julio J. Fuentes, City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:

1) Call No. 14-1 for Professional Services with MTH Engineers, Inc.

CALL NO. 14-1
FOR PROFESSIONAL SERVICES
TO BE PROVIDED TO THE
CITY OF SANTA CLARA, CALIFORNIA
BY MTH ENGINEERS, INC.

The Parties to this Call No. 14-1 ("Call") agree that on this _____ day of _____, 2014, this Call is made pursuant to the terms of a Call Agreement between the Parties entitled, "Call Agreement by and between the City of Santa Clara, California and MTH Engineers, Inc.," dated January 29, 2013, the terms of which are incorporated by this reference. This Call describes the Services to be provided to the City of Santa Clara, California ("City") by MTH Engineers, Inc. ("Contractor"), which are more fully described in Contractor's proposal to City entitled "El Camino Real Street Lighting Improvements, Santa Clara, CA" dated May 1, 2014 ("Proposal"), attached to this Call as Exhibit A and incorporated by this reference. The Services to be performed under this Call shall be completed within the time period beginning on June 11, 2014 and ending on June 30, 2015. The attached Proposal contains a complete description of the Services, and performance dates for the completion of such Services, to be performed by the Contractor under this Call. In no event shall the amount paid to the Contractor for the Services provided to City by the Contractor under this Call, including all fees or pre-approved costs and/or expenses, exceed sixty-two thousand four hundred thirty dollars ($62, 430.00), subject to budgetary appropriations.

The Parties acknowledge and accept the terms and conditions of this Call as evidenced by the following signatures of their duly authorized representatives.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

CITY OF SANTA CLARA, CALIFORNIA,
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

MTH ENGINEERS, INC.
a California corporation

By: _____
JULIO HERDOCIA
Title: Principal
Address: 3350 Scott Boulevard, Building II
Santa Clara, CA 95054
Telephone: (408) 986-8558
Fax: (408) 986-9627

"CONTRACTOR"

engineers, inc.
3350 scott blvd., bldg. 11 • santa clara, california 95054 • (408) 986-8558 • fax (408) 986-9627

April 18, 2014 (Rev. 05/01/14) 7B041014.200BD

Mr. Kevin Keating
Silicon Valley Power
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: El Camino Real Street Lighting Improvements, Santa Clara, CA

Dear Mr. Keating:

MTH Engineers, Inc. is pleased to submit this proposal for assisting the City with the selection of decorative luminaires and preparation for the design of street lighting improvements along State Route 82 / El Camino Real in Santa Clara.

Based upon our recent meeting with Silicon Valley Power, we understand the City is interested in replacing the existing high pressure sodium and mercury vapor HID type street lights along an approximate 4.3 mile length of El Camino Real, between Sunnyvale (approximately 300 feet west of Halford Avenue) and San Jose (Portola Avenue) with new decorative LED light fixtures.

This project will include three distinct phases of work:

- Phase 1 – Preliminary Engineering and Fixture Selection
- Phase 2 – Preparation of Construction Documents
- Phase 3 – Services During Bidding and Construction

This proposal includes only the tasks and services to be performed under Phase 1 at this time. However, a preliminary description of the Phase 2 and Phase 3 services is also presented for discussion, as these services will require further refinement and are at least partially dependent upon the findings of the services to be performed under the Phase 1 work.

We have teamed with Biggs Cardosa Associates, who will provide structural engineering and concrete testing services.

Scope of Services

MTH Engineers, Inc. has been requested to assist the City with research, evaluation and selection of the decorative LED luminaires, in preparation for the design of the installation of the street lights and associated substructure improvements.

The Phase 1 services are proposed to include:

- Identification of alternative luminaires
- Confirmation of horizontal illumination levels achieved with proposed alternate luminaires
- Prepare and submit renderings and luminaire descriptions for City review
- Confirm adequacy of existing street light foundations for reuse

A. Identification of Alternative Luminaires (Phase 1)

This project is expected to generate much interest in the City, with input on fixture selection provided from the City Manager's office and the City Council. SVP has put together preliminary concepts for the proposed fixtures and poles, with the fixture design envisioned as either a mission bell or tear drop shape luminaire mounted on a 25 ft to 30 ft aluminum pole with a 4 ft to 6 ft arm. SVP has requested the LED fixtures to be wireless control-ready (requiring minimal effort to add wireless controls in the future), and for each fixture be provided with an individual photoelectric cell. The fixture selected for installation on this project will likely become a City standard, and be used in other areas of the City as well.

The proposed street light poles should include provisions for banner arms and a potted plant arm. SVP will confirm the banner size, but preliminary requirements are for a single 30" x 84" banner per pole. Specific locations along the El Camino may also dictate that some poles also be provided with a pedestrian level light fixture on the pole for illuminating wide walkways. An evaluation of the pole material will be performed to compare aluminum and steel with respect to the pole strength, associated pole diameter, and material cost.

SVP has requested that three to five alternative fixture models be prepared for City review and selection of the preferred fixture and pole type.

B. Confirmation of Illumination Levels (Phase 1)

Estimated horizontal Illumination (foot-candle) levels will be calculated, using Lighting Analysts' AGI32 application software. As CAD base sheets are not available along El Camino Real at this time, the calculations will be based on a typical street width and average pole locations and spacing. Target illumination levels will be based on the recommended maintained illumination levels for major roadways in commercial areas with an R2/R3 surface classification, as presented in the IESNA Lighting Handbook.

In the absence of accurate roadway geometry and street light foundation locations, calculated illumination levels and uniformity ratios will primarily be used to confirm that the alternative fixtures meet the illumination criteria for an assumed average street width and average pole spacing.

C. Preparation of Renderings and Fixture Descriptions for Review (Phase 1)

AutoCAD, AGI32, and image processing software will be used to generate renderings of the alternative street light poles and luminaires proposed for consideration. The renderings will assist the City's review of the alternative fixtures by providing a visual representation of how the fixtures will appear after installation. Renderings will be developed for one or two separate locations along the project alignment.

Upon completion of the renderings, MTH Engineers, Inc. will prepare and submit four (4) copies of a package containing the manufacturer's fixture and pole cut sheets along with the color renderings prepared for each of the three to five alternative fixtures under consideration.

D. Confirm Adequacy of Existing Street Light Foundations (Phase 1)

The existing street lighting system is comprised of poles, fixtures and foundations of varying age. In general, the lighting system in the vicinity of Santa Clara University was installed during the late 1990's, with other portions of the system being older, especially the area west of Scott Boulevard.

Foundations for the existing street lights were installed in accordance with several versions of SVP Standard UG1000, Installation of Underground Substructures by Developers. Due to the age of some of the foundations, core samples of several representative foundations, especially those of older vintage, should be taken to confirm the integrity of the concrete. Core sampling is anticipated to be a destructive process and these foundations likely will need to be replaced during construction.

With changes in the Code over the last twenty years, as well as the increased projected wind load area of the new fixtures and poles (due to the banner arms, pedestrian level lighting, and potted plant baskets), we are also including the services of a structural engineer to evaluate the condition and design of the foundations to confirm their adequacy for reuse with the new poles and lights. In the absence of site specific soils data, criteria for evaluating the suitability of the existing foundations will be based on using the Code required minimum design parameters and the worst case pole configuration. Evaluation of the existing foundations will include:

a. Review SVP Standard UG1000 street light foundation details and new fixture pole data sheets.
b. Perform structural calculations to verify the load-bearing capacities of up to three (3) different types of existing foundations.
c. Perform structural calculations to determine wind loading for up to six (6) pole configurations.
d. Perform sample collection and compression testing of concrete cores from up to two (2) foundations.

E. Prepare AutoCAD Base Sheets (Phase 2 Work, not included in proposal)

AutoCAD base sheets will be prepared for El Camino Real in Santa Clara in preparation for the development of construction drawings. Base sheets will utilize aerial photometry, which will be digitized and supplemented by available information from the City. Street light and utility location information, if available from the City, will be incorporated into the base sheets.

Surveying will be performed to set the control points and to confirm locations of street lights, foundations, pull boxes and other features.

Phase 1 work will also include a review of the City's existing record drawing, utility plans, and GIS information as well as field visits to spot check the information on the base sheets.

F. Preparation of Construction Documents (Phase 2 Work, not included in proposal)

The preparation of construction documents will include development of plans, specifications and construction cost opinion for the removal and salvaging of the existing poles and fixtures, installation of the new decorative LED luminaires, and construction of associated substructure improvements. SVP intends for the new LED street lights to be installed on a one-for-one basis, corresponding with the removal of the existing street lighting luminaires, and utilizing the existing concrete foundations.

Should the existing street light foundations be determined inadequate to support the new decorative LED fixtures and poles, the project will include the preparation of a new foundation detail.

At the outset of the construction document development phase, utility surveying may be required to accurately locate and confirm existing underground utilities and other features not identified during the Phase 1 work. The location and identification of underground utilities will be necessary in areas where SVP will require new substructure to be installed. The scope and extent of required surveying will be quantified during the Phase 1 work effort, in consultation with SVP.

Design review packages are proposed to be submitted for SVP review at the 50% and 100% completion stages. A final submittal of the plans and specifications will be made for City to use during the bidding process.

G. Services During Bidding and Construction (Phase 3 Work, not included in proposal)

Engineering services during bidding and construction are anticipated to include the following activities:

1. Assist SVP in responding to Contractors' questions during bidding.

2. Preparation of bid addenda, where necessary, to clarify the intent of the Contract Documents.
3. Assist SVP in reviewing Contractor's material submittals.
4. Review Contractor's RFIs and prepare a recommended response for SVP review.
5. Prepare documentation for up to two construction change order requests.
6. Attend up to three (3) site visits during construction as requested by SVP.

Compensation

MTH Engineers, Inc. proposes to perform the services described above for a fee of **$62,430** as summarized below and as detailed in Exhibit A:

Task Description (Phase 1 Work Only)	Fee
MTH Engineers, Inc.	
Project Management	$5,280
Meetings and Coordination	$8,270
Fixture Evaluations	$12,960
Lighting Calculations	$4,340
Prepare Renderings	$14,540
Site Visits	$11,840
MTH Subtotal:	**$57,230**
Biggs Cardosa Associates	
Structural Calculations and Foundation Evaluations	$4,000
Sample Collection and Concrete Testing	$1,200
BCA Subtotal:	**$5,200**
Grand Total - Phase 1:	**$62,430**

Assumptions

This proposal has been prepared with the following assumptions and clarifications:

1. This proposal includes only the engineering fees for work designated to be performed under Phase 1. Engineering fees for the Phase 2 and Phase 3 work will be prepared at a later date, once the scope of services can be better defined.

2. SVP has indicated a preference for using aluminum street light poles with the new decorative fixtures. MTH will research the pole design with respect to requested features, wind loading, anchor bolt patterns, and base dimensions and will evaluate the use of aluminum poles on this project. MTH will recommend an alternative pole construction if the aluminum poles are determined not to meet project requirements.

3. SVP would like to replace the existing street lights on a one-for-one basis, reusing the existing foundations if the foundations are found to be adequate to accommodate the new street lights.

4. Replacement of intersection safety lights is not included in this project.

5. Daylight renderings will consist of one rendering for East bound El Camino Real and one for West bound El Camino Real. Our plan for the daylight renderings is to create a composite graphic by superimposing an AutoCAD model of the alternative pole/fixture(s) over a photographic image. One nighttime rendering will also be prepared using AutoCAD and AGI32 alone (no photographic image used). The probable locations of renderings are:

   - East bound traffic: Hilmar St. to Portola Ave., or Washington St. to Main St.
   - West bound traffic: Lawrence Exwy. to Halford Ave.

6. Structural evaluation of existing pole foundations will be based on the 2013 California Building Code.

7. Testing of existing concrete will only be required if analyses indicate existing foundation will be capable (and / or marginally capable) of supporting the proposed new pole configurations.

8. Illumination calculations will be prepared using Lighting Analysts' AGI32 and the following roadway/fixture geometry:

a.	Curb-to-curb width:	100 feet
b.	Sidewalk width:	8 feet
c.	Spacing of electroliers:	120 feet
d.	Pole setback:	24 inches from face of curb

9. Although the illumination calculation results may confirm that the alternative fixtures meet the specified illumination criteria for the street width and average pole spacing data indicated above, yet would fail to meet the illumination criteria using actual roadway geometry and pole spacing.

10. SVP will assist MTH by defining the existing pole heights for the existing installed street light locations. SVP has preliminarily indicated the existing street light poles are 30 ft in height.

Please do not hesitate to call me should you have any questions regarding this proposal.

Sincerely,

MTH Engineers, Inc.

Curtis G. Takahashi

Curtis G. Takahashi, P.E.
Principal

EXHIBIT A
(PHASE 1 WORK)

	Proj Mgr	Supv Eng	Eng	Des	Clerical
Project Management	32				
Meetings					
Coordination with SVP Staff	10		8		
Support for Architectural & Planning Commission Submittals	6		12	16	
Council Meetings	6		4		
Decorative Fixture Evaluation					
Evaluate and Select 3 - 5 Fixture Models (Up to 2 pole types)	16		48		
Wireless Control System Review	16		16		
Lighting Calcs, AGI					
Prepare Horizontal Illumination Calculations for one representative section of El Camino Real using average road geometry and fixture spacing	4		16	16	
Color renderings (up to two different areas for daytime, 1 area at nighttime)	4		16	64	
Prepare renderings for all different fixtures types proposed for consideration	4		8	30	
Field Investigation	16		40	40	
Subtotal - Electrical, Phase 1	114	0	168	166	0

EXHIBIT A
(PHASE 1 WORK)

Fee Calaculation

		Electrical	
MTH Engineers, Inc.	**Hours**	**Rate**	**Cost**
Proj Mgr	114	$165	$18,810
Supv Eng	0	$140	$0
Eng	168	$120	$20,160
Des	166	$110	$18,260
Clerical	0	$65	$0
Subtotal	**448**		**$57,230**

		Structual	
Biggs Cardosa Associates	**Hours**	**Rate**	**Cost**
Principal	1	$250	$250
Engineering Manger	5	$150	$750
Assistant Eng	30	$100	$3,000
Core Sampling			$1,200
Subtotal	**36**		**$5,200**

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-4

Date: May 15, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Approval of the Agreement for Services with Fairway Painting, Inc. for the 2014-2017 Painting and Sealing Services at the Santa Clara Convention Center Complex (Maintenance District #183)

EXECUTIVE SUMMARY:

Cassidy Turley, the property manager retained by the City and the partners in the Convention Center Complex Maintenance District #183 (District), conducted a competitive request for proposals, for painting and sealing services at the Santa Clara Convention Center Complex (Complex). Two cost proposals were submitted. Representatives from the Hyatt Regency Hotel Santa Clara, Equity Office, and the Santa Clara Convention Center evaluated the proposals. Fairway Painting, Inc. (Fairway Painting) was determined to have provided the lowest cost and was selected to perform the painting and sealing services.

Fairway Painting has previously provided painting and sealing services in the Convention Center Complex and has successfully provided good quality and customer service, and abided by all of the District's quality standards and time restrictions. Fairway Painting currently provides cleaning services on the space frames that are maintained by the District.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this agreement would assist in protecting the Complex's infrastructure and maintaining cleanliness. The timely maintenance of City facilities prolongs their useful life and reduces the City's liability.

ECONOMIC/FISCAL IMPACT:

The amount paid to Fairway Painting, Inc. to perform painting and sealing services for the Santa Clara Convention Center Complex (Maintenance Assessment District #183) shall not exceed $150,000 in FY 14-15, $150,000 in FY 2015-16, and $150,000 in FY 2016-17, with a not-to-exceed amount of $450,000 over the three-year term of the agreement. Funds are available in the Convention Center Maintenance District account (026-2961-87870).

RECOMMENDATION:

That the Council approve and authorize the City Manager to execute an agreement with Fairway Painting, Inc. to perform painting and sealing services at the Santa Clara Convention Center Complex (Maintenance Assessment District #183) for the amount not to exceed $150,000 for FY 14-15, $150,000 in FY 2015-16, and $150,000 in FY 2016-17, with a not-to-exceed amount of $450,000 over the three-year term of the agreement.

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Certified to Budget Form:
026-2961-87870 $ 150,000.00

Gary Ameling
Director of Finance/
Assistant City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:
1) Agreement with Fairway Painting, Inc.

EBIX Insurance No. S200000256

AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND FAIRWAY PAINTING, INC. FOR THE 2014-2017 PAINTING AND SEALING SERVICES AT THE SANTA CLARA CONVENTION CENTER COMPLEX

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this _____ day of _____, 2014, ("Effective Date") by and between Fairway Painting, Inc., a California corporation, with its principal place of business located at 614 Mountain View Avenue, Belmont, CA 94002 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to satisfactorily complete the work

required by City at his/her own risk and expense. Services to be provided to City are more fully described in Exhibit A entitled "SCOPE OF SERVICES." All of the exhibits referenced in this Agreement are attached and are incorporated by this reference.

3. COMMENCEMENT AND COMPLETION OF SERVICES.

A. Contractor shall begin providing the services under the requirements of this Agreement upon receipt of written Notice to Proceed from City. Such notice shall be deemed to have occurred three (3) calendar days after it has been deposited in the regular United States mail. Contractor shall complete the Services within the time limits set forth in the Scope of Services or as mutually determined in writing by the Parties.

B. When City determines that Contractor has satisfactorily completed the Services, City shall give Contractor written Notice of Final Acceptance. Upon receipt of such notice, Contractor shall not incur any further costs under this Agreement. Contractor may request this determination of completion be made when, in its opinion, the Services have been satisfactorily completed. If so requested by the contractor, City shall make this determination within fourteen (14) days of its receipt of such request.

4. QUALIFICATIONS OF CONTRACTOR - STANDARD OF WORKMANSHIP.

Contractor represents and maintains that it has the necessary expertise in the professional calling necessary to perform services, and its duties and obligations, expressed and implied, contained herein, and City expressly relies upon Contractor's representations regarding its skills and knowledge. Contractor shall perform such services and duties in conformance to and consistent with the professional standards of a specialist in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under Exhibit A shall be of a quality acceptable to City. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well organized, that is technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by City for similar projects.

5. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate on June 30, 2017.

6. MONITORING OF SERVICES.

City may monitor the Services performed under this Agreement to determine whether Contractor's operation conforms to City policy and to the terms of this Agreement. City may also monitor the Services to be performed to determine whether financial operations are conducted in accord with applicable City, county, state, and federal requirements. If

any action of Contractor constitutes a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. WARRANTY.

Contractor expressly warrants that all materials and services covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall perform all requested services in an efficient and expeditious manner and shall work closely with and be guided by City. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

10. COMPENSATION AND PAYMENT.

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "FEE SCHEDULE."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

11. TERMINATION OF AGREEMENT.

Either Party may terminate this Agreement without cause by giving the other Party written notice ("Notice of Termination") which clearly expresses that Party's intent to terminate the Agreement. Notice of Termination shall become effective no less than thirty (30) calendar days after a Party receives such notice. After either Party terminates the Agreement, Contractor shall discontinue further services as of the effective date of termination, and City shall pay Contractor for all Services satisfactorily performed up to such date.

12. NO ASSIGNMENT OR SUBCONTRACTING OF AGREEMENT.

City and Contractor bind themselves, their successors and assigns to all covenants of this Agreement. This Agreement shall not be assigned or transferred without the prior written approval of City. Contractor shall not hire subcontractors without express written permission from City.

13. NO THIRD PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action under this Agreement for any cause whatsoever.

14. INDEPENDENT CONTRACTOR.

Contractor and all person(s) employed by or contracted with Contractor to furnish labor and/or materials under this Agreement are independent contractors and do not act as agent(s) or employee(s) of City. Contractor has full rights, however, to manage its employees in their performance of Services under this Agreement. Contractor is not authorized to bind City to any contracts or other obligations.

15. NO PLEDGING OF CITY'S CREDIT.

Under no circumstances shall Contractor have the authority or power to pledge the credit of City or incur any obligation in the name of City. Contractor shall save and hold harmless the City, its City Council, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of City's credit by Contractor under this Agreement.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. City shall not be limited in any way or at any time in its use of said material. However, Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

20. CORRECTION OF SERVICES.

Contractor agrees to correct any incomplete, inaccurate or defective Services at no further costs to City, when such defects are due to the negligence, errors or omissions of Contractor.

21. FAIR EMPLOYMENT.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, sexual orientation, age, disability, religion, ethnic background, or marital status, in violation of state or federal law.

22. HOLD HARMLESS/INDEMNIFICATION.

To the extent permitted by law, Contractor agrees to protect, defend, hold harmless and indemnify City, its City Council, commissions, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim arising therefrom, for which City shall become liable arising from Contractor's negligent, reckless or wrongful acts, errors, or omissions with respect to or in any way connected with the Services performed by Contractor pursuant to this Agreement.

23. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in Exhibit C, Contractor shall purchase and maintain in full force and effect, at no cost to City insurance policies with respect to employees and vehicles assigned to the Performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in Exhibit C.

24. AMENDMENTS.

This Agreement may be amended only with the written consent of both Parties.

25. INTEGRATED DOCUMENT.

This Agreement represents the entire agreement between City and Contractor. No other understanding, agreements, conversations, or otherwise, with any representative of City prior to execution of this Agreement shall affect or modify any of the terms or obligations of this Agreement. Any verbal agreement shall be considered unofficial information and is not binding upon City.

26. SEVERABILITY CLAUSE.

In case any one or more of the provisions in this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions, which shall remain in full force and effect.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Public Works/Street Department
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 988-0237

And to Contractor addressed as follows:
Name: Fairway Painting Inc.
Address: 614 Mountain View Avenue
Belmont, CA 94002
or by facsimile at (650) 324-3047

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

B. The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day (eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

C. The costs of mediation shall be borne by the Parties equally.

D. For any contract dispute, mediation under this section is a condition precedent to filing an action in any court. In the event of mediation which arises out of any dispute related to this Agreement, the Parties shall each pay their respective attorney's fees, expert witness costs and cost of suit through mediation only. In the event of litigation, the prevailing Party shall recover its reasonable costs of suit, expert's fees, and attorney's fees. If mediation does not resolve the dispute, the Parties agree that the matter shall be litigated in a court of law, and not subject to the arbitration provisions of the Public Contracts Code.

32. COMPLIANCE WITH ETHICAL STANDARDS.

Contractor shall:

A. Read Exhibit D, entitled "ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA"; and,

B. Execute Exhibit E, entitled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS."

33. LIQUIDATED DAMAGES. (SECTION NOT APPLICABLE)

34. CONFLICT OF INTERESTS.

This Agreement does not prevent either Party from entering into similar agreements with other parties. To prevent a conflict of interest, Contractor certifies that to the best of its knowledge, no City officer, employee or authorized representative has any financial interest in the business of Contractor and that no person associated with Contractor has any interest, direct or indirect, which could conflict with the faithful performance of this Agreement. Contractor is familiar with the provisions of California Government Code Section 87100 and following, and certifies that it does not know of any facts which would violate these code provisions. Contractor will advise City if a conflict arises.

35. PROGRESS SCHEDULE. (SECTION NOT APPLICABLE)

\\

\\

\\

\\

\\

\\

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

FAIRWAY PAINTING INC.
a California corporation

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)

Name: Harry Finkle
Title: Owner/Secretary
Local Address: 614 Mountain View Avenue
Belmont, CA 94002
Email Address: harryf@fairwaypainting.net
Telephone: (650) 322-4166
Fax: (650) 324-3047

"CONTRACTOR"

S:\Attorney\AGREEMENTS\Service\OVER $50K SERVICE AGREEMENT FORM.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
FAIRWAY PAINTING, INC.
FOR THE 2014-2017 PAINTING AND SEALING SERVICES
AT THE SANTA CLARA CONVENTION CENTER COMPLEX

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are more fully described in Cassidy Turley's document entitled "Exhibit A, Scope of Services – Painting Contract", which is attached to this Exhibit A.

EXHIBIT A

SCOPE OF SERVICES – PAINTING CONTRACT

The Contractor shall provide all personnel, labor, equipment, materials, tools, services and skills required to provide waterproofing, staining, painting and related services at the Santa Clara Convention Center Complex. Attached is a Site Map.

I. General Specifications for Exterior Painting and Surface Preparation

Paint exposed surfaces, except where the paint schedules indicate that a surface or material is not to be painted or is to remain natural. If the paint schedules do not specifically mention an item or a surface, paint the item or surface the same as similar adjacent materials or surfaces whether or not schedules indicate colors. If the schedules do not indicate color or finish, the City's Representative will select from standard colors and finishes available.

See attached WOOD, STUCCO, PLASTER, CEMENT and METAL area checklists.
Table of abbreviations used in this specification:

1. American Society for Testing and Material
   a. Shown as ASTM (i.e. ASTM D16 – Standard terminology relating to paint, varnish, lacquer, and related products)

2. Occupational Safety and Health Administration
   a. Shown as OSHA or CAL-OSHA when referring to safety regulations.

3. Master Painters Institute
   a. Shown as MPI

4. The Society for Protective Coatings
   a. SSPC: Steel Structures Painting Council

5. Air Quality Management District
   a. AQMD – relating to state and local air quality regulations

Do not paint prefinished items, concealed surfaces, finished metal surfaces, operating parts, and labels. Do not paint operating parts include moving parts of operating equipment and labels such as Underwriters Laboratories (UL), Factory Mutual (FM), or other code-required labels or equipment name, identification, performance rating, or nomenclature plates.

A. SCHEDULING OF WORK

Coordinate the commencement of work with the City's Representative to minimize inconvenience to the facility.

Post notices in conspicuous areas (garage door or front door) three to five days in advance of beginning work on specified phase, noting start date, any instructions to occupants and business phone number.

Identify items that need to be moved by occupants (i.e.: potted plants, benches, etc.).

B. QUALITY ASSURANCE

Field Samples: Prepare Field Samples for City Representative's review and to establish requirements for color and finish texture.

Correct areas, modify method of application/installation, or adjust finish texture as directed to comply with specified requirements.

Accent colors may require two or more coats to achieve color uniformity and may require additional expense to Owner.

Maintain field sample accessible to serve as a standard of quality for this Section.

Provide large mock up on provided wall surface, determined by the City's Representative for approval of color, sheen and texture.

C. DELIVERY, STORAGE, AND HANDLING OF PRODUCTS

An on-site material storage area, room, or location will be provided as needed.
Deliver products in original unopened packaging with legible manufacturer's product identification.
Storage and Protection: Comply with manufacturer's recommendations.
Remove oily rags, waste, etc., every night and take every precaution to prevent fire.
Store products in a cool, dry place out of direct sunlight.
Protect from the elements and from damage.
Store products at a temperature of not less than 40 degrees F.
Stack materials no more than three high in five-gallon containers.

II. PRODUCTS

A. MATERIALS

Paint materials: Commercial quality primers, paints, and accessory materials.

KELLY-MOORE PAINT COMPANY or approved equal

Comply with current health, safety, and environmental regulations.

Paint mixing and thinning:
If necessary, comply with manufacturer's instructions.
Mix and thin materials in specified work and storage areas only.
Return paint thinners, tools, rags and partially filled containers to storage area at the completion of each day.

III. EXECUTION

A. EXAMINATION

Closely examine surfaces. Surfaces that are in question or that will affect the execution or quality of work must be brought to the attention of the City's Representative before painting will begin.

City's Representative will inspect preparation before the application of paint finishes.

Rework surfaces not properly prepared to receive paint finishes to the satisfaction of the City's Representative.

B. PREPARATION

Prepare surfaces in compliance with manufacturer's requirements for coatings to be applied.

Surfaces to be painted:
Clean and dry, free of foreign matter and contaminants.

Use cleaning methods as appropriate or indicated; including pressure washing, scraping, sanding and wire brushing.

Utilize power scrapers and brushes carefully to minimize damage to substrate.

Pressure Washing:
Avoid areas such as vents, Soffits, and entry doors to prevent introduction of water into interior spaces.

Allow pressure washed areas to dry at least two days or until the moisture content of the surface to be painted is no more than 12%.

All surfaces to be painted shall be high-pressure water washed to remove dirt, loose or peeling paint, rust, excess chalk, efflorescence and contaminants that will affect adhesion of the prime or finish coats. The optimum pressure range is about 2000 to 4000 PSI as this performs optimum cleaning with low operator fatigue.
Pressure washing may not remove all contaminants or chalk. A close inspection of chalky surfaces should be made to determine the need of more aggressive preparation by hand tools and priming

Areas that are affected with mildew growth must be washed using a commercial-grade cleaner or chlorine solution strong enough to kill the mildew. This is normally a 20% or 25% solution.

PRECAUTION:

WHILE WORKING WITH THIS SOLUTION IT IS RECOMMENDED THAT YOU WEAR RUBBER GLOVES AND AVOID GETTING THE SOLUTION IN YOUR EYES. PEOPLE WITH A KNOWN ALLERGY TO BLEACH OR PEOPLE WITH ESPECIALLY SENSITIVE SKIN SHOULD AVOID ALL CONTACT WITH THIS SOLUTION. BE SURE TO WASH YOUR HANDS AND ARMS WELL WITH SOAP AND WATER WHEN YOU ARE THROUGH.

NEVER MIX AMMONIA WITH CHLORINE OR CHLORINATED DETERGENTS!

The Contractor must check with County or City environmental regulations as some areas may require a special permit or do not allow pressure washing.

The Contractor must plan for the proper clean up and disposal of spent coatings removed by this process.

Allow all surfaces to dry thoroughly prior to preparation and painting.

Repair damage to substrate caused by preparation work.

Ensure that hardware is removed or protected before painting, and then replaced or uncovered when painting in that area is complete.

1. SURFACE PREPARATION

STUCCO/PLASTER/CEMENT:
Mechanically high-pressure water wash to remove dirt, dust, contaminants and loose and peeling paint from surfaces.
Patch large voids and cracks with Kelly-Moore Kel-Seal Elastomeric Sealant System.
Match existing stucco texture to blend in when surface is painted.

In the areas where the concrete is failing and causing the paint to peel, perform a pH test to assure acceptable pH level of 8 to 10 prior to coating.

METAL PREPARATION:

a. SSPC-SP 1, Chemical Cleaning: This includes commercial cleaner/de-greaser solutions, steam cleaning, alkaline cleaning or volatile solvent cleaning.

b. SSPC-SP 2, Hand Tool Cleaning: Sound coatings that are very hard or glossy shall be sanded to remove gloss and slightly roughen the surface. Prior to this, remove grease, salt, chemical dust, mildew or other contaminants.

c. SSPC-SP 3, Power Tool Cleaning: Care must be taken to avoid polishing the surface or abrading too deeply.

d. SSPC –SP11, Power Tool Cleaning to Bare Metal: This requires complete removal of all visible grease, oil, dirt dust, mill scale, rust, paint, oxide, corrosion products and other foreign matter. A surface profile must be maintained or produced to a degree suitable for the specified paint system.

FERROUS METAL:

Mechanically high-pressure water wash metal where feasible to remove dirt, contaminants, rust scale or oxides and loose and peeling paint.

Remove excess rust, loose or peeling paint using SSPC methods, SP-2 Hand Tool Cleaning or SP-3 Power Tool Cleaning, to provide a surface for paint application.

Prime bare and sound rusted metal with recommended primer.

NON-FERROUS METAL:

Mechanically high-pressure water wash metal where feasible to remove dirt, contaminants and loose and peeling paint.

Remove loose or peeling paint using SSPC method, SP-2 Hand Tool Cleaning, to provide a surface for paint application.

Prime bare metal with recommended primer.

WOOD:
Mechanically high-pressure water wash to remove dirt contaminants, dust and loose or peeling paint.

Remove excess loose or peeling paint with wire brush, scraper or sanding, as necessary, to provide a smooth surface for paint application.

Reset and prime protruding nail heads with rust preventative primer before finish coat is applied.

CONCRETE AND CONCRETE BLOCK:
Mechanically high-pressure water wash to remove contaminants, dirt, dust, and loose and peeling paint.

Remove excess loose or peeling paint with wire brush, scraper or sanding, as necessary, to provide a smooth surface for paint application.

If efflorescence exists, remove and spot prime affected areas with appropriate alkaline resistant primer to inhibit condition.

In the areas where the concrete is failing and causing the paint to peel, perform a pH test to assure acceptable pH level of 8 to 10 prior to coating.

GENERAL MILDEW REMOVAL:
Remove mildew with a solution of one part household bleach to three parts water to leave an uncontaminated, clean surface for paint.

Mix cleaning solutions stronger as necessary to produce the desired level of cleanliness. Scrub where necessary with a soft bristle brush.

Spot prime bare surfaces with appropriate primer after crack repair, sealants, and other preparation has been completed and surface has dried.

2. CRACK REPAIR

Surfaces shall be firm and free of dirt, oil, grease, efflorescence, mildew and loose material. Wire brush or blast unsound masonry to obtain a firm surface. Remove dirt, loose contaminants and chalk by high pressure chemical and water cleaning.

Cracks ranging from 1/64" to 1/32", apply generously, appropriate KEL-SEAL Elastomeric Sealant (Brush Grade) over the entire area in need of renovation. If surface is chalky, apply an appropriate Kelly-Moore surface conditioner before application of sealant.

Rout out cracks exceeding 1/32" to ¼" wide by ¼" deep. When completed, flush joint out with water and check to see that the surface is sound and free of grinding dust. Once joint is sound, use a bond breaker tape to prevent three point adhesion.

3. SEALANTS

Fill wood-to-wood, wood to stucco joints, and cracks with a sealant and/or elastomeric patch to match surrounding substrate; including window trim, fascia joints, handrail joints, and trim to stucco gaps.

Fill field cracks and splits with elastomeric patch such as KM #1107 (brushable) on stucco or KM #1126 KEL-SEAL Sealant, Urethane Modified Acrylic, Smooth, Gun Grade.

Refer to Kelly-Moore Kel-Seal Elastomeric System Technical Literature for additional information.

4. APPLICATION

Prepare, paint and finish surfaces specified, scheduled, and indicated on checklists.

Apply material evenly; free from sags, runs, crawls, holidays or defects. Mix to proper consistency; brush out smooth, leaving a minimum of brush marks.

Uniformly flow out enamels and varnishes.

Apply by brush, roller or spray as appropriate for conditions.

When applying paint by spray method, back roll one coat.

The number of coats specified is the minimum number acceptable. If full coverage is not achieved with the specified number of coats, apply additional coats as necessary to produce the required finish.

DO NOT apply paint in rain, fog, mist, when surface temperature is below 50 degrees Fahrenheit or when rain is imminent.

5. CLEAN UP

Immediately clean up accidental splatters, spills and misplaced paint, and restore the affected area to its original condition.

At completion of work, remove materials, supplies, debris and rubbish, and leave workspaces and paint storage areas in a clean, acceptable condition.

IV. EXTERIOR PAINT SCHEDULE

Stucco/Concrete Master Walls

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new stucco/concrete
Coating System
Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Concrete Foundation (Above Grade)

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
Spot Prime as necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Previously Painted Concrete Retaining Walls

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer.
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Pain

Stucco/Concrete Operator Shack

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new stucco/concrete
Coating System

Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Concrete Space Frame Posts

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new stucco/concrete
Coating System

Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Previously Painted Concrete Planters

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System

Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint
2nd Coat: 1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint

Previously Painted Concrete Benches

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System

Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint
2nd Coat: 1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint

Previously Painted Blue Concrete Walls

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
Spot Prime as Necessary: 247 ACRY-SHIELD 100% Acrylic Exterior Masonry Primer
1st Coat: 1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint
2nd Coat: 1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint

Garage Floor Stenciling

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
1st Coat: 1473 Curb Marking Paint Waterborne Semi-Gloss
2nd Coat: 1473 Curb Marking Paint Waterborne Semi-Gloss

Previously Painted Concrete Curbs

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
1st Coat: 1473 Curb Marking Paint Waterborne Semi-Gloss
2nd Coat: 1473 Curb Marking Paint Waterborne Semi-Gloss

Concrete Stair Steps where Previously Painted

Pressure wash, using cleaner as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
1st Coat: Rust-Oleum 9100 System DTM Epoxy Mastic
2nd Coat: Rust-Oleum 9100 System DTM Epoxy Mastic

Garage Structure Upper Floor Previously Painted Walkway/Ramp
Clean as appropriate to remove dirt, mildew, chalking, efflorescence, etc.
Remove loose and peeling paint.
Remove deteriorated sealant and re-apply.
Fill cracks and joints as necessary to prevent water intrusion.
Prime bare or new concrete
Coating System
1st Coat: RUST-OLEUM 5600 Acrylic Urethane Floor Paint
2nd Coat: RUST-OLEUM 5600 Acrylic Urethane Floor Paint

Galvanized Metal Rails and Gates
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 5281 RUST-OLEUM DTM Acrylic Primer
1st Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint
2nd Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint

Metal Light Posts and Metal Low Black Lights
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 5281 RUST-OLEUM DTM Acrylic Primer
1st Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint
2nd Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint

Metal Bike Racks and Metal Parking Gates
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 5281 RUST-OLEUM DTM Acrylic Primer
1st Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint
2nd Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint

Anodized Metal Window Frames
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 5281 RUST-OLEUM DTM Acrylic Primer
1st Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint
2nd Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint

Upper Parking Structure Metal Areas (Including Floors, Walkway rails, Decorative Framework, Roofs)
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 5281 RUST-OLEUM DTM Acrylic Primer
1st Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint
2nd Coat: 5200 RUST-OLEUM DTM Acrylic Enamel Paint

Metal Elevator Doors, Utility Doors and Frames
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: Rust-Oleum DTM CV740 Alkyd Enamel Primer
1st Coat: Rust-Oleum DTM CV740 Alkyd Enamel
2nd Coat: Rust-Oleum DTM CV740 Alkyd Enamel

Interior Metal Stairway Railings and Stair Stringers
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: Rust-Oleum DTM CV740 Alkyd Enamel Primer
1st Coat: Rust-Oleum DTM CV740 Alkyd Enamel
2nd Coat: Rust-Oleum DTM CV740 Alkyd Enamel

Metal Drip Flashing, Electrical Boxes, Utility Box Covers and Irrigation Boxes
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 1725 ACRY-SHIELD 100% Acrylic Metal Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Metal Light Standards and Previously Painted Bollards
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 1725 ACRY-SHIELD 100% Acrylic Metal Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Metal Parking Signage, Metal Pipes Against Parking Structure and Interior Metal Electrical Conduit
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 1725 ACRY-SHIELD 100% Acrylic Metal Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Bumper Poles
Clean with appropriate cleaner-degreaser to remove contaminants from surface.
Remove loose and peeling paint.
Remove loose rust with wire brush, scraper, etc.
Prime bare and new metal
Coating System
Spot Prime as Necessary: 1725 ACRY-SHIELD 100% Acrylic Metal Primer
1st Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint
2nd Coat: 1240 ACRY-SHIELD 100% Acrylic Flat Paint

Expansion Joints
Remove old caulk and filling material.
Grind edges smooth, re-fill with caulking rod, mask and tape around joint.
Fill joint with a tackable epoxy primer.
Fill with a urethane caulking material. Allow to dry.

CONCRETE, STUCCO, PLASTER AREAS CHECKLIST

Surface	Include	Exclude	Finish Paint
Master Walls	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Concrete Foundation (Above Grade)	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Garage Floor Stenciling	X		**1473 Curb Marking Paint Waterborne Semi-Gloss**
Stucco/Concrete Operator Shack	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Previously Painted Concrete Planters	X		**1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint (Paint to match existing color)**
Previously Painted Concrete Retaining Walls	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Concrete Space Frame Posts	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Previously Painted Concrete Benches	X		**1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint**
Concrete Stair Steps were Previously Painted	X		**Rust-Oleum 9100 System DTM Epoxy Mastic(Safety Yellow)**
Previously Painted Blue Concrete Walls	X		**1245 ACRY-SHIELD 100% Acrylic Exterior Low Sheen Paint**
Previously Painted Bomanite			**Not Recommended**
Upper Floor Previously Painted Walkway/Ramp	X		**RUST-OLEUM 5600 Acrylic Urethane Floor Paint**
Previously Painted Concrete Curbs	X		**1473 Curb Marking Paint Waterborne Semi-Gloss**

METAL AREAS CHECKLIST

Surface	Include	Exclude	Finish Paint
Galvanized Metal Rails	X		5200 RUST-OLEUM DTM Acrylic Enamel Paint
Galvanized Metal Gates	X		5200 RUST-OLEUM DTM Acrylic Enamel Paint
Doors (Elevator)	X		Rust-Oleum DTM Rust-Oleum DTM CV740 Alkyd Enamel
Doors (Utility)	X		Rust-Oleum DTM Rust-Oleum DTM CV740 Alkyd Enamel
Doors (Garage)			N/A
Door Frame & Jamb	X		Rust-Oleum DTM Rust-Oleum DTM CV740 Alkyd Enamel
Interior Stairway Railings	X		Rust-Oleum DTM Rust-Oleum DTM CV740 Alkyd Enamel
Stair Stringers	X		Rust-Oleum DTM Rust-Oleum DTM CV740 Alkyd Enamel
Light Posts	X		5200 RUST-OLEUM DTM Acrylic Enamel Paint
Metal Low Black Lights (Where Needed)	X		5200 RUST-OLEUM DTM Acrylic Enamel Paint
Metal Bike Racks	X		5200 RUST-OLEUM DTM Acrylic Enamel Paint
Drip Flashing	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint
Electrical Boxes	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint
Utility Box Covers	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint
Irrigation Boxes	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint
Metal Light Standards	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint
Parking Signage	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint
Roof Vents (Jacks)			N/A
Metal Pipes against	X		1240 ACRY-SHIELD 100% Acrylic Flat Paint

Parking Structure			
Anodized Window Frames	X		**5200 RUST-OLEUM DTM Acrylic Enamel Paint**
Interior Metal Electrical Conduit	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Unpainted Benches		X	
Unpainted Planters		X	
Metal Parking Gates	X		**5200 RUST-OLEUM DTM Acrylic Enamel Paint**
Upper Parking Structure Floor Metal Areas	X		**5200 RUST-OLEUM DTM Acrylic Enamel Paint**
A. Walkway Rails	X		**5200 RUST-OLEUM DTM Acrylic Enamel Paint**
B. Decorative Framework	X		**5200 RUST-OLEUM DTM Acrylic Enamel Paint**
C. Metal Roofs	X		**5200 RUST-OLEUM DTM Acrylic Enamel Paint**
Previously Painted Bollards	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**
Bumper Poles	X		**1240 ACRY-SHIELD 100% Acrylic Flat Paint**

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
FAIRWAY PAINTING, INC.
FOR THE 2014-2017 PAINTING AND SEALING SERVICES
AT THE SANTA CLARA CONVENTION CENTER COMPLEX

EXHIBIT B

FEE SCHEDULE

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the billing amounts and costs as outlined below.

Sandblast and re-seal concrete two (2) coats	$ 3.15	per square foot
Red Curbing	$ 2.40	per linear foot
Fire Lane Stenciling	$ 3.95	each
Sandblasting of parking stalls	$ 435.00	each
Footings on exterior railing of parking structure	$ 337.25	each
Clean and paint garage structure railings	$ 13.50	per liner foot
Clean and repaint stairwell risers	$ 3,750.00	per stairwell
Clean and repaint large light poles	$ 110.00	each
Clean and repaint concrete planters	$ 45.00	each
Clean and repaint concrete trash receptacles	$ 55.00	each

Finishing of walls in parking structure & 3rd level parking structure, third level parking deck surface, expansion joint repair and other items in the scope of work not included above:

Waterproofing	$ 60.00	per hour
Painter	$ 50.00	per hour
Labor	$ 40.00	per hour
Material, lifts and equipment at cost plus	15	percent

In no event shall the amount billed to City by Contractor for services under this Agreement exceed four hundred fifty thousand dollars and zero cents ($450,000) for the three-year term, subject to budget appropriations.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
FAIRWAY PAINTING, INC.
FOR THE 2014-2017 PAINTING AND SEALING SERVICES
AT THE SANTA CLARA CONVENTION CENTER COMPLEX

EXHIBIT C

INSURANCE REQUIREMENTS

Without limiting the Contractor's indemnification of the City, and prior to commencing any of the Services required under this Agreement, the Contractor shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverages, provisions and endorsements:

A. COMMERCIAL GENERAL LIABILITY INSURANCE

1. Commercial General Liability Insurance policy which provides coverage at least as broad as Insurance Services Office form CG 00 01. Policy limits are subject to review, but shall in no event be less than, the following:

   $1,000,000 Each Occurrence
   $2,000,000 General Aggregate
   $2,000,000 Products/Completed Operations Aggregate
   $1,000,000 Personal Injury

2. Exact structure and layering of the coverage shall be left to the discretion of Contractor; however, any excess or umbrella policies used to meet the required limits shall be at least as broad as the underlying coverage and shall otherwise follow form.

3. The following provisions shall apply to the Commercial Liability policy as well as any umbrella policy maintained by the Contractor to comply with the insurance requirements of this Agreement:

   a. Coverage shall be on a "pay on behalf" basis with defense costs payable in addition to policy limits;

   b. There shall be no cross liability exclusion which precludes coverage for claims or suits by one insured against another; and

   c. Coverage shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of liability.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01 with policy limits a minimum limit of not less than one million dollars ($1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned, non-owned and hired autos.

In the event that the Work being performed under this Agreement involves transporting of hazardous or regulated substances, hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors involved in such activities shall provide coverage with a limit of two million dollars ($2,000,000) per accident covering transportation of such materials by the addition to the Business Auto Coverage Policy of Environmental Impairment Endorsement MCS90 or Insurance Services Office endorsement form CA 99 48, which amends the pollution exclusion in the standard Business Automobile Policy to cover pollutants that are in or upon, being transported or towed by, being loaded onto, or being unloaded from a covered auto.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars ($1,000,000) policy limit Bodily Injury by disease, one million dollars ($1,000,000) each accident/Bodily Injury and one million dollars ($1,000,000) each employee Bodily Injury by disease.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents.

D. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Primary and non-contributing. Each insurance policy provided by Contractor shall contain language or be endorsed to contain wording making it primary insurance as respects to, and not requiring contribution from, any other insurance which the Indemnities may possess, including any self-insurance or self-insured retention

they may have. Any other insurance Indemnities may possess shall be considered excess insurance only and shall not be called upon to contribute with Contractor's insurance.

3. Cancellation.

   a. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided due to non-payment of premiums shall be effective until written notice has been given to City at least ten (10) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least ten (10) days prior to the effective date of non-renewal.

   b. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided for any cause save and except non-payment of premiums shall be effective until written notice has been given to City at least thirty (30) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least thirty (30) days prior to the effective date of non-renewal.

4. Other Endorsements. Other endorsements may be required for policies other than the commercial general liability policy if specified in the description of required insurance set forth in Sections A through D of this Exhibit C, above.

E. ADDITIONAL INSURANCE RELATED PROVISIONS

Contractor and City agree as follows:

1. Contractor agrees to ensure that subcontractors, and any other party involved with the Services who is brought onto or involved in the performance of the Services by Contractor, provide the same minimum insurance coverage required of Contractor, except as with respect to limits. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. Contractor agrees that upon request by City, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the project will be submitted to City for review.

2. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

3. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

F. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

G. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Upon City's request, Contractor shall submit to City copies of the actual insurance policies or renewals or replacements. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc.
City of Santa Clara Public Works/Street Dept.
P.O. 12010-S2 or 151 North Lyon Avenue
Hemet, CA 92546-8010 Hemet, CA 92543

Telephone number: 951-766-2280
Fax number: 770-325-0409
Email address: ctsantaclara@ebix.com

H. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an insurance company of equal financial stability that is approved by the City or its insurance compliance representatives.

S:\Attorney\INSURANCE\CITY\EXHIBIT C-02 Contract over $50,000 limited exposure.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
FAIRWAY PAINTING, INC.
FOR THE 2014-2017 PAINTING AND SEALING SERVICES
AT THE SANTA CLARA CONVENTION CENTER COMPLEX

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

b. Is convicted of a crime punishable as a felony involving dishonesty[3];

c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

---

[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

2. If fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with the Contractor can be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor, with the Contractor's knowledge, approval or acquiescence, the Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

B. The City may also terminate this Agreement in the event any one or more of the following occurs:

1. The City determines that Contractor no longer has the financial capability[4] or business experience[5] to perform the terms of, or operate under, this Agreement; or,

2. If City determines that the Contractor fails to submit information, or submits false information, which is required to perform or be awarded a contract with City, including, but not limited to, Contractor's failure to maintain a required State issued license, failure to obtain a City business license (if applicable) or failure to purchase and maintain bonds and/or insurance policies required under this Agreement.

C. In the event a prospective Contractor (or bidder) is ruled ineligible (debarred) to participate in a contract award process or a contract is terminated pursuant to these provisions, Contractor may appeal the City's action to the City Council by filing a written request with the City Clerk within ten (10) days of the notice given by City to have the matter heard. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. The Contractor will have the burden of proof on the appeal. The Contractor shall have the opportunity to present evidence, both oral and documentary, and argument.

---

[4] Contractor becomes insolvent, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of the assets of Contractor.

[5] Loss of personnel deemed essential by the City for the successful performance of the obligations of the Contractor to the City.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
FAIRWAY PAINTING, INC.
FOR THE 2014-2017 PAINTING AND SEALING SERVICES
AT THE SANTA CLARA CONVENTION CENTER COMPLEX

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

FAIRWAY PAINTING INC.

a corporation

By: _____
Signature of Authorized Person or Representative

Name: Harry Finkle

Title: Owner/Secretary

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of SANTA CLARA

On 05/12/2014 (Date) before me, CORY CHAMBERS, NOTARY PUBLIC, (Here Insert Name and Title of the Officer)

personally appeared HARRY FINKLE (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Signature of Notary Public)

Place Notary Seal Above

NRO1 CORY CHAMBERS COMM. #1900134 Notary Public - California Santa Clara County My Comm. Expires Aug. 16, 2014 NRO1

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER: Top of thumb here	RIGHT THUMBPRINT OF SIGNER: Top of thumb here

© 2010 National Notary Association • NationalNotary.org • 1-800-US NOTARY (1-800-876-6827)

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B.5

Date: May 22, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Approval of Agreement for Youth Activity Center Gymnasium Roof Repair in the Amount of $114,392
Contractor: Waterproofing Associates, Inc.

EXECUTIVE SUMMARY:

On May 18, 1987 the City of Santa Clara entered into a Lease Agreement with Santa Clara Unified School District (SCUSD) for use of property on Cabrillo Intermediate school property for design, construction, operation and maintenance of the Youth Activity Center located at 2450 Cabrillo Avenue. As part of the agreement the City must maintain the Youth Activity Center in good condition and repair, and obtain permission from SCUSD to commence maintenance work. The City requested and has received permission from SCUSD to repair and reroof the gymnasium and recoat the adjacent roofs. According to California Department of General Services, Division of the State Architect (DSA), maintenance work such as reroofing as defined in Title 24, Part 1, Section 40314 is exempt from DSA review. Funding for this project is allocated in Parks & Recreation Department FY2013-14 Capital Improvement Project (CIP) #3004.

The Youth Activity Center's gymnasium is a "high use" facility and an integral part of Youth Activity Center. The original foam roof has exceeded its life expectancy and has resulted in previous leaks and repairs. Earlier this year, the City contracted with Skyline Engineering, Inc. to evaluate and design the roof repairs. A Request for Proposal (RFP) was sent out on January 24, 2014. A job walk was conducted on January 31, 2014. Four bids were submitted; proposals were opened on February 14, 2014. The Parks & Recreation Department, the Public Works Department Building Maintenance Division and Skyline Engineering, Inc. evaluated bids based on criteria including: quality/completeness of the proposal, safety staging, roofing replacement materials specified, approach to elements of the project such as steel walkway extension, new permanent ladder, days required to complete the project, and pricing. Table 1 below summarizes the results of the RFP evaluation process. The bid from Best was incomplete; they did not bid on all project components. The bid from State Roofing was an unrealistically low price and subject to a significant chance of change orders. The bid submitted by Pacific Coast was highest submitted. Based on all factors evaluated, staff recommends award of contract to Waterproofing Associates. Their submittal was complete, addressed the key criteria noted above, and had the most realistic project pricing and schedule. Review of past work done for the City by Waterproofing Associates, Inc. found them to be a reliable roofing contractor.

Table 1

Bidder	Total Price	Result
Waterproofing Associates	$106,993	**Award**
Pacific Coast	$138,300	Highest bid submission
State Roofing	$88,375	Unrealistic project submission
Best	Incomplete submission	Incomplete submission

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Youth Activity Center's gymnasium roof and adjacent roofs have exceeded their lifespan. Partial patches are no longer practical or cost effective. The recommended solution for the gym roof is to remove the current foam roofing material and replace with a Thermo Plastic 80 mil. thick roofing material backed by a 20 year warranty. The adjacent roofs to the gymnasium support mechanical equipment. Recoating the adjacent roofs is a cost effective solution. Youth Activity Center activities can proceed without interruptions caused by further leaks and repairs. Maintenance work such as reroofing as defined in Title 24, Part 1, Section 40314 is exempt from DSA review. SCUSD has given permission to commence work as required by the City-SCUSD facility use agreement. There are no known disadvantages.

ECONOMIC/FISCAL IMPACT:

The total cost for the proposed roof repairs is $114,392.00, which includes $10,699.00 for additional services such as replacement of roof deck sections and rotted wood. Funding for the gym roof replacement and the recoating of adjacent roofs at the Youth Activity Center are budgeted in the Parks & Recreation Department's CIP budget account (532-1143-80300-3004) Youth Activity Center Refurbishment.

RECOMMENDATION:

That Council:
1) Approve an agreement with Waterproofing Associates, Inc. for Youth Activity Center Gymnasium Roof Repair in an amount not to exceed $114,392.00; and
2) Authorize the City Manager to execute all necessary documents and to make minor, non-substantive modifications, as necessary.

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Certified as to Availability of Funds: OK. JCH.
532-1143-80300-3004 $114,392.00

Gary Ameling
Director of Finance/
Assistant City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:
1) ***Agreement for Services with Waterproofing Associates***
2) ***Letter from Santa Clara Unified School District***

I:\Parks\Agendas\Approval of Agreement\Waterproofing Associates - YAC Roof 14.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND WATERPROOFING ASSOCIATES, INC.

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this _____ day of _____, 2014, ("Effective Date") by and between Waterproofing Associates, Inc., a California corporation, with its principal place of business located at 975 Terra Bella Avenue, Mountain View, California 94043-1827 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to satisfactorily complete the work required by City at his/her own risk and expense. Services to be provided to City are

more fully described in Exhibit A entitled "SCOPE OF SERVICES." All of the exhibits referenced in this Agreement are attached and are incorporated by this reference.

3. COMMENCEMENT AND COMPLETION OF SERVICES.

A. Contractor shall begin providing the services under the requirements of this Agreement upon receipt of written Notice to Proceed from City. Such notice shall be deemed to have occurred three (3) calendar days after it has been deposited in the regular United States mail. Contractor shall complete the Services within the time limits set forth in the Scope of Services or as mutually determined in writing by the Parties.

B. When City determines that Contractor has satisfactorily completed the Services, City shall give Contractor written Notice of Final Acceptance. Upon receipt of such notice, Contractor shall not incur any further costs under this Agreement. Contractor may request this determination of completion be made when, in its opinion, the Services have been satisfactorily completed. If so requested by the contractor, City shall make this determination within fourteen (14) days of its receipt of such request.

4. QUALIFICATIONS OF CONTRACTOR - STANDARD OF WORKMANSHIP.

Contractor represents and maintains that it has the necessary expertise in the professional calling necessary to perform services, and its duties and obligations, expressed and implied, contained herein, and City expressly relies upon Contractor's representations regarding its skills and knowledge. Contractor shall perform such services and duties in conformance to and consistent with the professional standards of a specialist in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under Exhibit A shall be of a quality acceptable to City. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well organized, that is technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by City for similar projects.

5. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate on 12/31/2014.

6. MONITORING OF SERVICES.

City may monitor the Services performed under this Agreement to determine whether Contractor's operation conforms to City policy and to the terms of this Agreement. City may also monitor the Services to be performed to determine whether financial operations are conducted in accord with applicable City, county, state, and federal requirements. If

any action of Contractor constitutes a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. WARRANTY.

Contractor expressly warrants that all materials and services covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall perform all requested services in an efficient and expeditious manner and shall work closely with and be guided by City. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

10. COMPENSATION AND PAYMENT.

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "SCHEDULE OF FEES."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

11. TERMINATION OF AGREEMENT.

Either Party may terminate this Agreement without cause by giving the other Party written notice ("Notice of Termination") which clearly expresses that Party's intent to terminate the Agreement. Notice of Termination shall become effective no less than thirty (30) calendar days after a Party receives such notice. After either Party terminates the Agreement, Contractor shall discontinue further services as of the effective date of termination, and City shall pay Contractor for all Services satisfactorily performed up to such date.

12. NO ASSIGNMENT OR SUBCONTRACTING OF AGREEMENT.

City and Contractor bind themselves, their successors and assigns to all covenants of this Agreement. This Agreement shall not be assigned or transferred without the prior written approval of City. Contractor shall not hire subcontractors without express written permission from City.

13. NO THIRD PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action under this Agreement for any cause whatsoever.

14. INDEPENDENT CONTRACTOR.

Contractor and all person(s) employed by or contracted with Contractor to furnish labor and/or materials under this Agreement are independent contractors and do not act as agent(s) or employee(s) of City. Contractor has full rights, however, to manage its employees in their performance of Services under this Agreement. Contractor is not authorized to bind City to any contracts or other obligations.

15. NO PLEDGING OF CITY'S CREDIT.

Under no circumstances shall Contractor have the authority or power to pledge the credit of City or incur any obligation in the name of City. Contractor shall save and hold harmless the City, its City Council, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of City's credit by Contractor under this Agreement.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. City shall not be limited in any way or at any time in its use of said material. However, Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

20. CORRECTION OF SERVICES.

Contractor agrees to correct any incomplete, inaccurate or defective Services at no further costs to City, when such defects are due to the negligence, errors or omissions of Contractor.

21. FAIR EMPLOYMENT.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, sexual orientation, age, disability, religion, ethnic background, or marital status, in violation of state or federal law.

22. HOLD HARMLESS/INDEMNIFICATION.

To the extent permitted by law, Contractor agrees to protect, defend, hold harmless and indemnify City, its City Council, commissions, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim arising therefrom, for which City shall become liable arising from Contractor's negligent, reckless or wrongful acts, errors, or omissions with respect to or in any way connected with the Services performed by Contractor pursuant to this Agreement.

23. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in Exhibit C, Contractor shall purchase and maintain in full force and effect, at no cost to City insurance policies with respect to employees and vehicles assigned to the Performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in Exhibit C.

24. AMENDMENTS.

This Agreement may be amended only with the written consent of both Parties.

25. INTEGRATED DOCUMENT.

This Agreement represents the entire agreement between City and Contractor. No other understanding, agreements, conversations, or otherwise, with any representative of City prior to execution of this Agreement shall affect or modify any of the terms or obligations of this Agreement. Any verbal agreement shall be considered unofficial information and is not binding upon City.

26. SEVERABILITY CLAUSE.

In case any one or more of the provisions in this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions, which shall remain in full force and effect.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Parks & Recreation Department
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 260-9719

And to Contractor addressed as follows:
Name: Waterproofing Associates, Inc.
Address: 975 Terra Bella Avenue
Mountain View, CA 94043-1827
or by facsimile at (650) 965-9005

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

B. The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day

(eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

C. The costs of mediation shall be borne by the Parties equally.

D. For any contract dispute, mediation under this section is a condition precedent to filing an action in any court. In the event of mediation which arises out of any dispute related to this Agreement, the Parties shall each pay their respective attorney's fees, expert witness costs and cost of suit through mediation only. In the event of litigation, the prevailing Party shall recover its reasonable costs of suit, expert's fees, and attorney's fees. If mediation does not resolve the dispute, the Parties agree that the matter shall be litigated in a court of law, and not subject to the arbitration provisions of the Public Contracts Code.

32. COMPLIANCE WITH ETHICAL STANDARDS.

Contractor shall:

A. Read Exhibit D, entitled "ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA"; and,

B. Execute Exhibit E, entitled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS."

33. LIQUIDATED DAMAGES.

It is mutually agreed by Contractor and City that, in the event completion of the Services to be provided by the Contractor under this Agreement is delayed beyond 12/31/14, City will suffer damages and will incur other costs and expenses of a nature and amount which is difficult or impractical to determine. The Parties agree that by way of ascertaining and fixing the amount of damages, costs and expenses, and not by way of penalty, Contractor shall pay to City the sum of five thousand dollars ($5,000) per day in liquidated damages for each and every calendar day such delay in completion of said Services continues beyond 12/31/14. In the event that said liquidated damages are not paid, Contractor agrees that City may deduct the amount of said unpaid damages from any money due or that may become due to Contractor under this Agreement.

34. CONFLICT OF INTERESTS.

This Agreement does not prevent either Party from entering into similar agreements with other parties. To prevent a conflict of interest, Contractor certifies that to the best of its knowledge, no City officer, employee or authorized representative has any financial interest in the business of Contractor and that no person associated with Contractor has any interest, direct or indirect, which could conflict with the faithful performance of this Agreement. Contractor is familiar with the provisions of California Government Code Section 87100 and following, and certifies that it does not know of any facts which would violate these code provisions. Contractor will advise City if a conflict arises.

35. PROGRESS SCHEDULE.

The Progress Schedule will be as set forth in the attached Exhibit F, entitled "MILESTONE SCHEDULE" if applicable.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

WATERPROOFING ASSOCIATES, INC.
A CALIFORNIA CORPORATION

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)

Name: Dennis Ryan

Title: President

Local Address: 975 Terra Bella Avenue
Mountain View, CA 94043-1827

Email Address: dennis@roofwa.com

Telephone: (650) 937-1299

Fax: (650) 965-9005

"CONTRACTOR"

I:\Parks\Agreements\Parks Agreements\Waterproofing Associates Inc. YAC Roof 2014.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WATERPROOFING ASSOCIATES, INC.

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are more fully described in the Contractor's proposal entitled, "Roof Replacement, Re-Coating and Accessories at the YAC" dated February 14th, 2014, which is attached to this Exhibit A.

Part A, Proposal and Clarifications:

BASE BID BREAKDOWN – CONTRACTORS SHALL BE RESPONSIBLE FOR ESTIMATING ALL QUANTITIES THAT ARE NOT LISTED.

Item	*Quantity*	*Cost per Item*
Safety, staging, setup.	1 -	$ 1,470.00
Administrative, permits, misc.	1 -	$ 1,500.00
Roof replacement of roof area "A" and all accessories per the plans and specs at YAC Bldg.	1 -	$ 77,730.00
Roof recoating and repairs of roof area "B" and "C" and all accessories per the plans and specs at YAC Bldg.	1 -	$ 14,293.00
Project Contingency		$3,000.00
Total Base Bid Price		$ 97,993.00

Dollars Ninety seven thousand, nine hundred ninety three dollars
(In words)

List Roofing System Proposed: GAF

Notes: The cost for safety and material staging is to be included within the amount of each individual Roof Area listed. No quantities for any unit price items are to be included in the individual Roof Area breakout cost listed above.

UNIT PRICES NOT INCLUDED IN BASE BID

Item	*Cost per unit*
Bad/damaged wood nailer replacement.	$ 5.75 /LF
Bad/damaged plywood deck replacement.	$ 4.25 /SF

BID FORM - 2

Bid Form of Proposal

City of Santa Clara
1500 Warburton Ave.
Santa Clara, CA 95050

Roof Replacement, Re-Coating and Accessories at the YAC Building

BIDS DUE: Feb 14, 2014 3:00 pm.
City of Santa Clara
1500 Warburton Ave.
Santa Clara, CA 95050

Contractor: Waterproofing Associates, Inc.

Address: 975 Terra Bella Avenue, Mountain View, CA 94043-1827

Telephone: (650)-937-1299 Fax: (650)-965-9005

Contractor License Number: #649862 / C-39

To: Mr. Ken Winland
Building Maintenance Manager
1500 Warburton Ave
Santa Clara, CA 95050
408-247-0594

Gentlemen:

The undersigned Bidder having carefully examined all documents enumerated under Bidding Requirements, Contract Forms, Conditions of the Contract, Drawings, Specifications and all subsequent Addenda for the roof replacement project at the before referenced Facility, as prepared by Skyline Engineering, having visited the site and being familiar with all conditions and requirements of the work, hereby proposes and agrees to furnish all labor, materials, equipment and services necessary to complete the Work according to Contract Documents, Drawings and Specifications.

TOTAL BASE BID:
(The Total Base Bid price entered here is to equal to the Total Project Cost indicated on the base bid breakdown table on page two, and include the cost for the individual tasks as listed, administrative, misc., and the project contingency.)

Ninety seven thousand, nine hundred ninety three Dollars ($ 97,993.00)
(In words)

Construction Schedule:

The undersigned Contractor, if determined to be the successful Bidder, will be able to start the project on or before March 30, 2014, and will require 20 working days to complete the specified work.

Construction Time:

The undersigned Contractor, if determine to be the successful Bidder, further agrees to commence physical work under this Contract at the date listed above, and to fully complete all work within the construction time specified above. If the Contractor has not completed the work within the specified time period and no time extension is granted the Contractor shall pay the owner the sum of $500.00 per day for each day in excess of the aforementioned schedule. It is to be understood that the Owner is in urgent need for these roof areas to be replaced. The successful contractor will need to be able to start the project within two weeks from the time of the bid due date. The Owner has agreed to modify the standard submittal process in order to get the project started as soon as possible.

Project Contingency Amount:

The Contractor shall include a project contingency in the amount of ***Three Thousand Dollars and zero cents ($3,000.00)*** in the base bid for the project. These funds are only available with the knowledge and approval of the Owner. The purpose of this fund is for covering the cost of any unforeseen issues, which may arise. Once the project has been substantially completed, any unused portions of these contingency funds will revert back to the Owner. The Contractor is to include this contingency amount in the total base bid price for the project itemized on page 2 of this Form of Proposal. The amount of the contingency has already been listed in the Bid Table on page 2.

Statement of Non-Compliance:

The Contractor is hereby instructed to complete the proposals as indicated. If for any reason the Contractor alters the Form of Proposal, fails to include specified roof system, or fails to follow the proper procedure, the bid will be rejected by the Owner, and will not be considered.

Certification of Non-Suspension

The undersigned Contractor hereby certifies that under the provisions of the Building Authority of the State of California, and the County of Santa Clara, under license number 649862, is not suspended from bidding by the Building Authority, and is not an affiliate or subsidiary of a company suspended by the Authority.

By: _____
(Signature)

By: Dennis Ryan
(Printed)

Title: President
(Owner, Partner, or Corporate President or Vice President Only)

Statement of Non-Collusion Affidavit

The undersigned Contractor, hereby certifies, that under the provisions of the Building Authority, certifies to the following statements. The undersigned Contractor attest to the fact, that He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid. Having carefully examined all documents enumerated under Bidding Requirements, Contract Forms, Conditions of the Contract, Drawings, Specifications and all subsequent Addenda for the project at the before referenced Facility, having visited the site and being familiar with all conditions and requirements of the work. The proposal herein is a genuine proposal and is not a collusive Bid. Neither the undersign Contractor nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive of sham bid in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost element of the bid price, or the Bid price of any other bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against any person interested in the proposed Contract. The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

By: _____
(Signature)

By: Dennis Ryan
(Printed)

Title: President
(Owner, Partner, or Corporate President or Vice President Only)

BID FORM - 4

City of Santa Clara
YAC Bldg Roof Replacement, Re-Coating and Accessories
2460 Cabrillo Ave.
Santa Clara, CA 95050

Bid Form

The undersigned Bidder having carefully examined all documents enumerated under Bidding Requirements, Contract Forms, Conditions of the Contract, Drawings, Specifications and all subsequent Addenda for the roof replacement at the before referenced Facility, as prepared by Skyline Engineering having visited the site and being familiar with all conditions and requirements of the work, hereby proposes and agrees to furnish all labor, materials, equipment and services necessary to complete the Work according to Contract Documents, Drawings and Specifications.

Respectfully submitted this 13th day of February 2014

Firm: Waterproofing Associates, Inc.
(Name of Firm or Corporation making bid)

By: [signature]

Title: Dennis Ryan, President
(Owner, Partner, or Corporate President or Vice- President. Only)

Address: 975 Terra Bella Avenue, Mountain View, CA 94043-1827

State License Number: #649862

Witness: [signature] Eileen Wagner

Proprietorship or Partnership: N/A

ATTEST: [signature]

BY: Steve Nash

TITLE: Secretary / Vice President
(Corp. Sec., or Asst. Sec. Only)

(CORPORATE SEAL)

Addenda Received and used in computing Bids (Initial as appropriate)

Addendum No. 1 02/05/2014

Addendum No. 2 ----------

Addendum No. 3 ----------

BID FORM - 5

CITY OF SANTA CLARA—Roof Replacement at the YAC building

ADDENDUM No. 1

ADDENDUM NO: One (1) DATE: Feb 5, 2014

PROJECT: Roof Replacement at the YAC Building

ENGINEER: Skyline Engineering Inc.
8100 Wild Horse Road
Salinas, CA 93907
(408)-842-0500

NOTICE TO ALL CONTRACTOR SUBMITTING BIDS FOR THIS WORK AND TO ALL PLAN HOLDERS:

You are hereby notified of the following changes, clarifications or modifications to the original Contract Documents, Project Manuel, Drawings, Specifications and subsequent Addenda. This Addendum shall supersede the original Contract Documents, and previous Addenda wherein it contradicts the same and shall take precedence over any thing to the contrary therein.

CONFORMANCE WITH CONTRACT DOCUMENTS, PROJECT MANUAL DRAWINGS AND SPECIFICATIONS

All addenda work shall be in strict conformance with the Contract Documents, Project Manual, Drawings and Specifications as they pertain to work of a similar nature.

Skyline Engineering Inc.

By: Justin Schalesky/Skyline Engineering Inc.

CITY OF SANTA CLARA—Roof Replacement at the YAC building

ADDENDUM NO. 1

Items:

1. The contractor shall provide a separate cost to fab and install a steel metal walkway/platform over 2 ducts coming out of the wall. Also extend existing steel walkway below to wall. Install walkpads below to protect the roof. Secure walkway (ie to wall, etc) so it is solid/secure. Additional cost for this shall be: $ 7,500.00
2. Contractor shall provide a separate cost to provide and install a "ladder up by Bilco" at the access hatch. Additional cost shall be: $ 1,500.00
3. Contractor to be sure to use low VOC products.
4. Contractor to include in bid installing 1500 linear feet of fencing in their base bid. Contractor shall put this fencing at location of owner's desire during the project, then remove it at the end of the project.

END OF ADDENDUM NO. 1

Product Data Sheet
EverGuard® TPO
80 mil Membrane

Title 24 * Compliant

Description

GAF EverGuard® TPO 80 mil thermoplastic polyolefin single-ply membrane systems have been engineered to provide superior long-term performance and enhanced durability. Strong, flexible EverGuard® TPO 80 mil membrane is suitable for use in all types of single-ply systems: Mechanically Attached, Fully Adhered, and Ballast Applied.

Compared to other heavy-duty single-ply EPDM, PVC, and TPO membranes, GAF EverGuard® TPO 80 mil roofing membrane provides the benefits of all three materials in a single membrane: low installed cost, heat-welded seams, no liquid plasticizing, and high tear/puncture resistance.

Applicable Standards

UL Listed, FM Approved, Miami-Dade County Approved, Florida Building Code Approved, CRRC Listed, Title 24 Compliant*, ENERGY STAR® Qualified*, ASTM D6878.

Physical Properties	ASTM Test Method	ASTM D6878 Minimum	EverGuard® System Test Data
1. Certain data is provided in MD (machine direction) x CMD (cross machine direction) format. 2. Data is based upon typical product performance, and is subject to normal manufacturing tolerance and variance.			
Nominal Thickness	ASTM D751	0.039" (min.)	0.080"
Breaking Strength	ASTM D751 Grab Method	220 lbf/in.	420 lbf x 390 lbf
Factory Seam Strength	ASTM D751	66 lbf	160 lbf (membrane failure)
Elongation at Break	ASTM D751	15%	30%
Heat Aging	ASTM D573	90% Retention of Breaking Strength and Elongation at Break	100%
Tear Strength	ASTM D751 8" x 8" Sample	55 lbf	65 lbf x 160 lbf
Puncture Resistance	FTM 101C Method 2031	Not Established	>380 lbs.
Cold Brittleness	ASTM D2137	-40 C	-40 C
Permeance	ASTM E96	Not Established	0.08 Perms
Dimensional Change	ASTM D1204 @158 F, 6 hrs.	+/- 1%	0.4%
Water Absorption	ASTM D471 @158 F, 1 week	+/- 3%	0.7%
Hydrostatic Resistance	ASTM D751 Method D	Not Established	430 psi
Ozone Resistance	ASTM D1149	No visible deterioration @ 7 x magnification	No visible deterioration @ 7 x magnification
Reflectivity (white)	ASTM C1549	N/A	0.76
Emissivity (white)	ASTM C1371	N/A	0.90
Weather Resistance	ASTM G155/D6878	10,080 KJ/(m² · nm) at 340 nm	>16,000 KJ/(m² · nm) at 340 nm

Product Data

Roll Size	Note: Product sizes, dimensions, and widths are nominal values and are subject to normal manufacturing/packaging tolerance and variation.				
	Colors	Full Roll Size	Full Roll Weight	Half Roll Size	Half Roll Weight
	White, Tan, Gray	10' x 100' (1,000 sq. ft.)	420 lbs.	5' x 100' (500 sq. ft.)	210 lbs.
	Note: Membrane rolls shipped horizontally on pallets, stacked pyramid-style and banded.				
Storage	Store rolls on their sides on pallets or shelving in a dry area.				
Safety Warning	Membrane rolls are heavy. Position and install by at least two people.				

*White Membrane Only

ENERGY STAR® only valid in the USA

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WATERPROOFING ASSOCIATES, INC.

EXHIBIT B

FEE SCHEDULE

See Exhibit A, Scope of Services, which includes the fee schedule.

In no event shall the amount billed to City by Contractor for services under this Agreement exceed One Hundred Fourteen Thousand Three Hundred and Ninety Two Dollars ($114,392.00), subject to budget appropriations.

Proposal	
Safety, staging, setup	$ 1,470.00
Administrative, permits, misc.	$ 1,500.00
Roof replacement of roof area "A" and all Accessories per the plans and specs at YAC Bldg.	$ 77,730.00
Roof recoating and repairs of roof area "B" and "C" and all accessories per the plans and specs at YAC Bldg.	$ 14,293.00
Addendum No. 1	
The contractor shall provide a separate cost to fab and install a steel metal walkway/platform over 2 ducts coming out of the wall. Also extend existing steel walkway below to wall. Install walkpads below to protect the roof. Secure walkway (ie to wall, etc) so it is solid/secure. Additional cost for this shall be:	$ 7,500.00
Contractor shall provide a separate cost to provide and Install a "ladder up by Bilco" at the access hatch. Additional cost shall be:	$ 1,500.00
Project Contingency 10% (includes $3,000 contingency in proposal)	$ 10,399.00
Total	$114,392.00

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WATERPROOFING ASSOCIATES, INC.

EXHIBIT C

INSURANCE COVERAGE REQUIREMENTS

Without limiting the Contractor's indemnification of the City, and prior to commencing any of the Services required under this Agreement, the Contractor shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverages, provisions and endorsements:

A. COMMERCIAL GENERAL LIABILITY INSURANCE

1. Commercial General Liability Insurance policy which provides coverage at least as broad as Insurance Services Office form CG 00 01. Policy limits are subject to review, but shall in no event be less than, the following:

   $1,000,000 Each Occurrence
   $2,000,000 General Aggregate
   $2,000,000 Products/Completed Operations Aggregate
   $1,000,000 Personal Injury

2. Exact structure and layering of the coverage shall be left to the discretion of Contractor; however, any excess or umbrella policies used to meet the required limits shall be at least as broad as the underlying coverage and shall otherwise follow form.

3. The following provisions shall apply to the Commercial Liability policy as well as any umbrella policy maintained by the Contractor to comply with the insurance requirements of this Agreement:

   a. Coverage shall be on a "pay on behalf" basis with defense costs payable in addition to policy limits;

   b. There shall be no cross liability exclusion which precludes coverage for claims or suits by one insured against another; and

   c. Coverage shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of liability.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01 with policy limits a minimum limit of not less than one million dollars ($1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned, non-owned and hired autos.

In the event that the Work being performed under this Agreement involves transporting of hazardous or regulated substances, hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors involved in such activities shall provide coverage with a limit of two million dollars ($2,000,000) per accident covering transportation of such materials by the addition to the Business Auto Coverage Policy of Environmental Impairment Endorsement MCS90 or Insurance Services Office endorsement form CA 99 48, which amends the pollution exclusion in the standard Business Automobile Policy to cover pollutants that are in or upon, being transported or towed by, being loaded onto, or being unloaded from a covered auto.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars ($1,000,000) policy limit Bodily Injury by disease, one million dollars ($1,000,000) each accident/Bodily Injury and one million dollars ($1,000,000) each employee Bodily Injury by disease.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents.

D. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Primary and non-contributing. Each insurance policy provided by Contractor shall contain language or be endorsed to contain wording making it primary insurance as respects to, and not requiring contribution from, any other insurance which the

Indemnities may possess, including any self-insurance or self-insured retention they may have. Any other insurance Indemnities may possess shall be considered excess insurance only and shall not be called upon to contribute with Contractor's insurance.

3. Cancellation.

   a. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided due to non-payment of premiums shall be effective until written notice has been given to City at least ten (10) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least ten (10) days prior to the effective date of non-renewal.

   b. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided for any cause save and except non-payment of premiums shall be effective until written notice has been given to City at least thirty (30) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least thirty (30) days prior to the effective date of non-renewal.

4. Other Endorsements. Other endorsements may be required for policies other than the commercial general liability policy if specified in the description of required insurance set forth in Sections A through D of this Exhibit C, above.

E. ADDITIONAL INSURANCE RELATED PROVISIONS

Contractor and City agree as follows:

1. Contractor agrees to ensure that subcontractors, and any other party involved with the Services who is brought onto or involved in the performance of the Services by Contractor, provide the same minimum insurance coverage required of Contractor, except as with respect to limits. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. Contractor agrees that upon request by City, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the project will be submitted to City for review.

2. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

3. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

F. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

G. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Upon City's request, Contractor shall submit to City copies of the actual insurance policies or renewals or replacements. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc. City of Santa Clara Parks & Recreation P.O. 12010-S2 Hemet, CA 92546-8010	or	151 North Lyon Avenue Hemet, CA 92543

Telephone number:	951-766-2280
Fax number:	770-325-0409
Email address:	ctsantaclara@ebix.com

H. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an insurance company of equal financial stability that is approved by the City or its insurance compliance representatives.

I:\Parks\Agreements\Parks Agreements\Waterproofing Associates Inc. YAC Roof 2014.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WATERPROOFING ASSOCIATES, INC.

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

   a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

   b. Is convicted of a crime punishable as a felony involving dishonesty[3];

   c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

   d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

   e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

---

[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

2. If fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with the Contractor can be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor, with the Contractor's knowledge, approval or acquiescence, the Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

B. The City may also terminate this Agreement in the event any one or more of the following occurs:

1. The City determines that Contractor no longer has the financial capability[4] or business experience[5] to perform the terms of, or operate under, this Agreement; or,

2. If City determines that the Contractor fails to submit information, or submits false information, which is required to perform or be awarded a contract with City, including, but not limited to, Contractor's failure to maintain a required State issued license, failure to obtain a City business license (if applicable) or failure to purchase and maintain bonds and/or insurance policies required under this Agreement.

C. In the event a prospective Contractor (or bidder) is ruled ineligible (debarred) to participate in a contract award process or a contract is terminated pursuant to these provisions, Contractor may appeal the City's action to the City Council by filing a written request with the City Clerk within ten (10) days of the notice given by City to have the matter heard. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. The Contractor will have the burden of proof on the appeal. The Contractor shall have the opportunity to present evidence, both oral and documentary, and argument.

---

[4] Contractor becomes insolvent, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of the assets of Contractor.

[5] Loss of personnel deemed essential by the City for the successful performance of the obligations of the Contractor to the City.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WATERPROOFING ASSOCIATES, INC.

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

WATERPROOFING ASSOCIATES, INC.

A CALIFORNIA CORPORATION

By: _____
Signature of Authorized Person or Representative

Name: Dennis Ryan

Title: President

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

ACKNOWLEDGMENT

State of California
County of Santa Clara)

On May 9, 2014 before me, Eileen M. Wagner, Notary Public
(insert name and title of the officer)

personally appeared Dennis Ryan,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Eileen M. Wagner (Seal)

NRO1 EILEEN M. WAGNER COMM. #1905439 Notary Public - California Santa Clara County My Comm. Expires Sep. 25, 2014 NRO1

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
WATERPROOFING ASSOCIATES, INC.

EXHIBIT F

MILESTONE SCHEDULE

(If Applicable)

SANTA CLARA UNIFIED SCHOOL DISTRICT

1889 Lawrence Road
Santa Clara, CA
95051
408-423-2000

Stanley Rose III, Ed.D.
Superintendent

May 2, 2014

RECEIVED

James Teixeira
Director of Parks and Recreation
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Youth Activities Center Roof Repair Project
Cabrillo Middle School

James:

This letter is in response to your letter dated April 21, 2014, requesting written approval of the proposed roofing repair project under terms of the YAC lease agreement (05-13-1987).

Please consider this as approval of the project with the following conditions:

1. If the scope of the project exceeds either the limitations defined by Division of State Architect (DSA)Interpretation of Regulations Document, IR A-22 "Small Projects Exempt from State DSA Review" or the definition of maintenance work stated in Title 24, Part 1, Section 40314, then the project must be submitted to DSA for review.
2. If structural damage is discovered during the course of the project, proposed repair work must be submitted to the DSA Structural Safety Section for review and approval.
3. At project completion, please provide the District with a copy of a certificate of occupancy or acceptance by the City Building Department or the Division of the State Architect if DSA involvement is necessary.

I we can be of any assistance for this project, please let me know. Larry Adams can provide assistance with the Division of the State Architect should that become necessary. He can be reached at (408)-423-2001.

Sincerely,

Stanley Rose, Ed.D.

Stanley Rose III, Ed.D.
Superintendent

Cc: Mark Allgire — Assistant Superintendent Business Services
Larry Adams — Director School Bond Projects

Board
of Education
...
Ina K. Bendis M.D.
Jim Canova
Albert Gonzalez
Christine Koltermann Ph.D.
Andrew Ratermann
Michele Ryan Ph.D.
Chris Stampolis

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MB-6

Santa Clara All-America City 2001

Date: May 28, 2014

To: City Manager for Council Action

From: Director of Electric Utility

Subject: Approval of an Agreement for the Performance of Services with UniFirst Corporation to Provide Flash Resistant Clothing Rental Services for Electric Department Employees

EXECUTIVE SUMMARY:

Cal/OSHA and the National Fire Protection Association (NFPA) require workers who have the potential for being exposed to electric arc or flame to be outfitted in fire-resistant clothing. Since 2009, the Electric Department has offered approximately 103 employees this clothing, consisting of shirts, pants, and coveralls, with an expenditure of $50,141.00 per year through this Agreement to furnish these garments with Cintas Corporation. Due to changing technologies in the garment industry for fire-resistant materials, the Electric Department requested proposals from various vendors and requests approval to enter into an Agreement for the Performance of Services with UniFirst Corporation for supply and laundering of fire-resistant clothing. A copy of the Agreement for the Performance of Services can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours

ADVANTAGES AND DISADVANTAGES OF ISSUE:

This agreement will maintain compliance with Cal OSHA regulations by ensuring each employee that is exposed to the hazards of flames or electric arcs is properly protected.

ECONOMIC/FISCAL IMPACT:

The total amount of this Agreement will not exceed $150,000.00 over a three year period. Sufficient funds have been budgeted for FY 2014/15 in the Electric Department Contractual Services/Not Classified account 091-1378-87870-(F)92100.

RECOMMENDATION:

That Council approve, and authorize the City Manager to execute, an Agreement for the Performance of Services with UniFirst Corporation, in an amount not to exceed $150,000.00, to provide flash resistant clothing rental services for the Electric Department employees.

John C Roukema

John C. Roukema
Director of Electric Utility

Certified as to Budget Form: AK
091-1378-87870 $150,000.00

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:

1) Agreement for the Performance of Services with UniFirst Corporation

AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND UNIFIRST CORPORATION

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this _____ day of _____ 2014, ("Effective Date") by and between UniFirst Corporation, a Massachusetts corporation, with its principal place of business located at 95 Phelan Ave, Suite 5, San Jose, CA 95112 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to satisfactorily complete the work required by City at his/her own risk and expense. Services to be provided to City are

more fully described in Exhibit A entitled "SCOPE OF SERVICES." All of the exhibits referenced in this Agreement are attached and are incorporated by this reference.

3. COMMENCEMENT AND COMPLETION OF SERVICES.

A. Contractor shall begin providing the services under the requirements of this Agreement upon receipt of written Notice to Proceed from City. Such notice shall be deemed to have occurred three (3) calendar days after it has been deposited in the regular United States mail. Contractor shall complete the Services within the time limits set forth in the Scope of Services or as mutually determined in writing by the Parties.

B. When City determines that Contractor has satisfactorily completed the Services, City shall give Contractor written Notice of Final Acceptance. Upon receipt of such notice, Contractor shall not incur any further costs under this Agreement. Contractor may request this determination of completion be made when, in its opinion, the Services have been satisfactorily completed. If so requested by the contractor, City shall make this determination within fourteen (14) days of its receipt of such request.

4. QUALIFICATIONS OF CONTRACTOR - STANDARD OF WORKMANSHIP.

Contractor represents and maintains that it has the necessary expertise in the professional calling necessary to perform services, and its duties and obligations, expressed and implied, contained herein, and City expressly relies upon Contractor's representations regarding its skills and knowledge. Contractor shall perform such services and duties in conformance to and consistent with the professional standards of a specialist in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under Exhibit A shall be of a quality acceptable to City. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well organized, that is technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by City for similar projects.

5. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate at the end of the day three (3) years from the Effective Date..

6. MONITORING OF SERVICES.

City may monitor the Services performed under this Agreement to determine whether Contractor's operation conforms to City policy and to the terms of this Agreement. City may also monitor the Services to be performed to determine whether financial operations are conducted in accord with applicable City, county, state, and federal requirements. If

any action of Contractor constitutes a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. WARRANTY.

Contractor expressly warrants that all materials and services covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall perform all requested services in an efficient and expeditious manner and shall work closely with and be guided by City. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

10. COMPENSATION AND PAYMENT.

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "SCHEDULE OF FEES."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

11. TERMINATION OF AGREEMENT.

Either Party may terminate this Agreement without cause by giving the other Party written notice ("Notice of Termination") which clearly expresses that Party's intent to terminate the Agreement. Notice of Termination shall become effective no less than thirty (30) calendar days after a Party receives such notice. After either Party terminates the Agreement, Contractor shall discontinue further services as of the effective date of termination, and City shall pay Contractor for all Services satisfactorily performed up to such date.

12. NO ASSIGNMENT OR SUBCONTRACTING OF AGREEMENT.

City and Contractor bind themselves, their successors and assigns to all covenants of this Agreement. This Agreement shall not be assigned or transferred without the prior written approval of City. Contractor shall not hire subcontractors without express written permission from City.

13. NO THIRD PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action under this Agreement for any cause whatsoever.

14. INDEPENDENT CONTRACTOR.

Contractor and all person(s) employed by or contracted with Contractor to furnish labor and/or materials under this Agreement are independent contractors and do not act as agent(s) or employee(s) of City. Contractor has full rights, however, to manage its employees in their performance of Services under this Agreement. Contractor is not authorized to bind City to any contracts or other obligations.

15. NO PLEDGING OF CITY'S CREDIT.

Under no circumstances shall Contractor have the authority or power to pledge the credit of City or incur any obligation in the name of City. Contractor shall save and hold harmless the City, its City Council, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of City's credit by Contractor under this Agreement.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. City shall not be limited in any way or at any time in its use of said material. However, Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

20. CORRECTION OF SERVICES.

Contractor agrees to correct any incomplete, inaccurate or defective Services at no further costs to City, when such defects are due to the negligence, errors or omissions of Contractor.

21. FAIR EMPLOYMENT.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, sexual orientation, age, disability, religion, ethnic background, or marital status, in violation of state or federal law.

22. HOLD HARMLESS/INDEMNIFICATION.

To the extent permitted by law, Contractor agrees to protect, defend, hold harmless and indemnify City, its City Council, commissions, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim arising therefrom, for which City shall become liable arising from Contractor's negligent, reckless or wrongful acts, errors, or omissions with respect to or in any way connected with the Services performed by Contractor pursuant to this Agreement.

23. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in Exhibit C, Contractor shall purchase and maintain in full force and effect, at no cost to City insurance policies with respect to employees and vehicles assigned to the Performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in Exhibit C.

24. AMENDMENTS.

This Agreement may be amended only with the written consent of both Parties.

25. INTEGRATED DOCUMENT.

This Agreement represents the entire agreement between City and Contractor. No other understanding, agreements, conversations, or otherwise, with any representative of City prior to execution of this Agreement shall affect or modify any of the terms or obligations of this Agreement. Any verbal agreement shall be considered unofficial information and is not binding upon City.

26. SEVERABILITY CLAUSE.

In case any one or more of the provisions in this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions, which shall remain in full force and effect.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Electric Department
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 261-2717

And to Contractor addressed as follows:
UniFirst Corporation
95 Phelan Ave, Suite 5
San Jose, CA 95112
or by facsimile at (408) 297-8386

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

B. The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day

(eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

C. The costs of mediation shall be borne by the Parties equally.

D. For any contract dispute, mediation under this section is a condition precedent to filing an action in any court. In the event of mediation which arises out of any dispute related to this Agreement, the Parties shall each pay their respective attorney's fees, expert witness costs and cost of suit through mediation only. In the event of litigation, the prevailing Party shall recover its reasonable costs of suit, expert's fees, and attorney's fees. If mediation does not resolve the dispute, the Parties agree that the matter shall be litigated in a court of law, and not subject to the arbitration provisions of the Public Contracts Code.

32. COMPLIANCE WITH ETHICAL STANDARDS.

Contractor shall:

A. Read Exhibit D, entitled "ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA"; and,

B. Execute Exhibit E, entitled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS."

33. CONFLICT OF INTERESTS.

This Agreement does not prevent either Party from entering into similar agreements with other parties. To prevent a conflict of interest, Contractor certifies that to the best of its knowledge, no City officer, employee or authorized representative has any financial interest in the business of Contractor and that no person associated with Contractor has any interest, direct or indirect, which could conflict with the faithful performance of this Agreement. Contractor is familiar with the provisions of California Government Code Section 87100 and following, and certifies that it does not know of any facts which would violate these code provisions. Contractor will advise City if a conflict arises.

(continued on Page 9 of 9)

///

///

///

34. PROGRESS SCHEDULE.

The Progress Schedule will be as set forth in the attached Exhibit F, entitled "MILESTONE SCHEDULE" if applicable.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

UNIFIRST CORPORATION
a Massachusetts corporation

By: _____
ANTHONY BOBECK
Title: Location Manager
Address: 95 Phelan Ave., Suite 5
San Jose, CA 95112
Telephone: (408) 297-8101
Fax: (408) 297-8386

"CONTRACTOR"

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
UNIFIRST CORPORATION

EXHIBIT A

SCOPE OF SERVICES

Contractor shall provide garment rental services for selected employees (11 sets of clothing per employee for 2-week period). Employees may add or substitute uniforms consisting of shirts, Wrangler FR demin jeans, and/or coveralls. At a minimum, all garments must meet NFPA 70E Hard Class Rating 2. Employees will have the options of ordering any combination of pants (jeans) with shirt (light blue, dark blue, tan) or coveralls (dark blue).

Services will include:

Sizing with sample garments to assure a comfortable and accurate fit.

Garments will be inspected weekly for items in need of repair or replacement.

Garments are repaired at no additional charge.

Worn garments replaced at no replacement charge.

Guaranteed 24-hour response to all customer service inquiries and will provide quarterly customer satisfaction audits.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
UNIFIRST CORPORATION

EXHIBIT B

FEE SCHEDULE

In no event shall the amount billed to City by Contractor for services under this Agreement exceed one hundred fifty thousand dollars ($150,000.00), subject to budget appropriations.

Employees may choose from the following:

Shirts:	Price per garment per week:
Amorex FR Tecasafe (HRC 2)	$0.307
Amorex Cotton/Nylon Blend (HRC 2)	$0.353
Amorex Tecasafe Plus w/ Snap front	$0.313
Workrite FR Polo Long Sleeve (HRC 2)	$1.030

Pants:	Price per garment per week:
Wrangler FR-Denim Jeans	$0.700
Indura Denim Jeans	$0.700
Amorex Cotton/Nylon Blend	$0.398
UltraSoft Pants	$0.466
Tecasafe Plus Pants	$0.378

Coveralls:	Price per garment per week:
Amorex Cotton/Nylon Blend	$0.709
UltraSoft	$0.793
Tecasafe Plus	$0.662

Other Charges:
Lockers
Service Charge
Delivery/Environmental/Fuel/Energy

Products and styles may be added or removed from the list with Compliance Manager's approval.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
UNIFIRST CORPORATION

EXHIBIT C

INSURANCE REQUIREMENTS

Without limiting the Contractor's indemnification of the City, and prior to commencing any of the Services required under this Agreement, the Contractor shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverages, provisions and endorsements:

A. COMMERCIAL GENERAL LIABILITY INSURANCE

1. Commercial General Liability Insurance policy which provides coverage at least as broad as Insurance Services Office form CG 00 01. Policy limits are subject to review, but shall in no event be less than, the following:

   $1,000,000 Each Occurrence
   $2,000,000 General Aggregate
   $2,000,000 Products/Completed Operations Aggregate
   $1,000,000 Personal Injury

2. Exact structure and layering of the coverage shall be left to the discretion of Contractor; however, any excess or umbrella policies used to meet the required limits shall be at least as broad as the underlying coverage and shall otherwise follow form.

3. The following provisions shall apply to the Commercial Liability policy as well as any umbrella policy maintained by the Contractor to comply with the insurance requirements of this Agreement:

   a. Coverage shall be on a "pay on behalf" basis with defense costs payable in addition to policy limits;

   b. There shall be no cross liability exclusion which precludes coverage for claims or suits by one insured against another; and

   c. Coverage shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of liability.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01 with policy limits a minimum limit of not less than one million dollars ($1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned, non-owned and hired autos.

In the event that the Work being performed under this Agreement involves transporting of hazardous or regulated substances, hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors involved in such activities shall provide coverage with a limit of two million dollars ($2,000,000) per accident covering transportation of such materials by the addition to the Business Auto Coverage Policy of Environmental Impairment Endorsement MCS90 or Insurance Services Office endorsement form CA 99 48, which amends the pollution exclusion in the standard Business Automobile Policy to cover pollutants that are in or upon, being transported or towed by, being loaded onto, or being unloaded from a covered auto.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars ($1,000,000) policy limit Bodily Injury by disease, one million dollars ($1,000,000) each accident/Bodily Injury and one million dollars ($1,000,000) each employee Bodily Injury by disease.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents.

D. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Primary and non-contributing. Each insurance policy provided by Contractor shall contain language or be endorsed to contain wording making it primary insurance as respects to, and not requiring contribution from, any other insurance which the

Indemnities may possess, including any self-insurance or self-insured retention they may have. Any other insurance Indemnities may possess shall be considered excess insurance only and shall not be called upon to contribute with Contractor's insurance.

3. Cancellation.

   a. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided due to non-payment of premiums shall be effective until written notice has been given to City at least ten (10) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least ten (10) days prior to the effective date of non-renewal.

   b. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided for any cause save and except non-payment of premiums shall be effective until written notice has been given to City at least thirty (30) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least thirty (30) days prior to the effective date of non-renewal.

4. Other Endorsements. Other endorsements may be required for policies other than the commercial general liability policy if specified in the description of required insurance set forth in Sections A through D of this Exhibit C, above.

E. ADDITIONAL INSURANCE RELATED PROVISIONS

Contractor and City agree as follows:

1. Contractor agrees to ensure that subcontractors, and any other party involved with the Services who is brought onto or involved in the performance of the Services by Contractor, provide the same minimum insurance coverage required of Contractor, except as with respect to limits. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. Contractor agrees that upon request by City, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the project will be submitted to City for review.

2. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

3. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

F. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

G. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Upon City's request, Contractor shall submit to City copies of the actual insurance policies or renewals or replacements. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc.
City of Santa Clara Electric Department
P.O. 12010-S2 or 151 North Lyon Avenue
Hemet, CA 92546-8010 Hemet, CA 92543

Telephone number: 951-766-2280
Fax number: 770-325-0409
Email address: ctsantaclara@ebix.com

H. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an insurance company of equal financial stability that is approved by the City or its insurance compliance representatives.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
UNIFIRST CORPORATION

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

   a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

   b. Is convicted of a crime punishable as a felony involving dishonesty[3];

   c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

   d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

   e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

---

[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

2. If fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with the Contractor can be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor, with the Contractor's knowledge, approval or acquiescence, the Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

B. The City may also terminate this Agreement in the event any one or more of the following occurs:

1. The City determines that Contractor no longer has the financial capability[4] or business experience[5] to perform the terms of, or operate under, this Agreement; or,

2. If City determines that the Contractor fails to submit information, or submits false information, which is required to perform or be awarded a contract with City, including, but not limited to, Contractor's failure to maintain a required State issued license, failure to obtain a City business license (if applicable) or failure to purchase and maintain bonds and/or insurance policies required under this Agreement.

C. In the event a prospective Contractor (or bidder) is ruled ineligible (debarred) to participate in a contract award process or a contract is terminated pursuant to these provisions, Contractor may appeal the City's action to the City Council by filing a written request with the City Clerk within ten (10) days of the notice given by City to have the matter heard. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. The Contractor will have the burden of proof on the appeal. The Contractor shall have the opportunity to present evidence, both oral and documentary, and argument.

---

[4] Contractor becomes insolvent, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of the assets of Contractor.

[5] Loss of personnel deemed essential by the City for the successful performance of the obligations of the Contractor to the City.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
UNIFIRST CORPORATION

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

UNIFIRST CORPORATION
a Massachusetts corporation

By: 2/20/14
Name: ANTHONY BOBECK
Title: Location Manager

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

—see attached
CA Notary Ack.—

JAYANTI M. PATEL
Comm. # 1913989 NOTARY PUBLIC
CALIFORNIA
Santa Clara County
My Comm. Exp. Dec 18, 2014

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

On Feb. 20, 2014 (Date) before me, Jayanti M. Patel - Notary Public, (Here Insert Name and Title of the Officer)

personally appeared ANTHONY BOBECK (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(s) acted, executed the instrument.

JAYANTI M. PATEL
Commission # 1913989
Notary Public - California
Santa Clara County
My Comm. Expires Dec 18, 2014

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Affidavit of Compliance With Ethical Standards

Document Date: Feb. 20, 2014 Number of Pages: 1

Signer(s) Other Than Named Above: —

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

© 2007 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 • www.NationalNotary.org Item #5907 Reorder: Call Toll-Free 1-800-876-6827

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
UNIFIRST CORPORATION

EXHIBIT F

MILESTONE SCHEDULE

(Not Applicable)

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-7

Date: May 19, 2014

To: City Manager for Council Action

From: Director of Information Technology

Subject: Approval of Amendment No. 1 with Stewart Training Services for Technology Training and Consulting Services

EXECUTIVE SUMMARY:

Stewart Training Services provides a range of technology training and support services for the City of Santa Clara including desktop applications, project management, courseware development and business customization. In addition, Stewart Training provides process improvement, documentation and consulting services to meet city-wide needs. The term of the current agreement with Stewart Training Services began June 12, 2012 and ends June 30, 2014 with a not to exceed amount of $175,000. This amendment is a continuation of contract scope and renewal of services. The term of this amendment extends the contract end date to June 30, 2016 with a not to exceed amount of $175,000 for a total contract not to exceed amount of $350,000.

A copy of the current agreement with Stewart Training Services can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Stewart Training Services provides a range of services to meet the challenge of mastering new technologies in the work environment. Technology changes are frequent and the variety of jobs in the City requires diverse technology skills. People adapt and learn those skills at varying rates. Hands-on training provides an effective environment to experience and practice skills. Also, customized classes are developed for specific applications or processes as required by departments in support of their business processes.

In addition to teaching people to use technology, Stewart Training helps prepare them in advance of major changes. This is done through reference materials and communication with users regarding when, why and how the change will affect them - outlining the major functions and how to prepare for the changes. Stewart Training provides documentation for new and existing end user applications. Documentation may include how to use application features and functions, answers to frequently asked questions, or tips and bulletins.

Consulting services offered by Stewart Training encompass technical support and assistance in developing strategies for technology roll-outs, plan development, procedure and process mapping, staff training and communication. Recent department projects that STS has been associated with include SharePoint Redesign, Windows 7 and Office 2010 upgrades, and streamlining report structures through the use of new technologies. Continuing with this training service will emphasize the effective use of technology in support of City needs.

ECONOMIC/FISCAL IMPACT:

The cost of the Amendment No.1 to the current Agreement with Stewart Training Services will not exceed $175,000 over the extended term of the contract. The not to exceed amount for the current agreement was $175,000 so the total not to exceed amount for the amended agreement is $350,000. The cost planned for FY 2014/15 is $75,000. Appropriations are available in the IT Department Contractual Services Not Classified Account (001-1921-87870).

RECOMMENDATION:

That the Council approve and authorize the City Manager to execute Amendment No. 1 to the Agreement with Stewart Training Services in an amount not to exceed $175,000.00 over the extended term of the contract.

Gaurav Garg
Director of Information Technology

Certified to the Budget Form:
001-1921-87870 $ 75,000.00

Gary Ameling
Director of Finance/
Assistant City Manager
MAJORITY VOTE OF COUNCIL

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Amendment No. 1 to Agreement with Stewart Training Services***
2) ***Agreement Between the City of Santa Clara, California and Stewart Training Services***

AMENDMENT NO. 1
TO THE AGREEMENT BETWEEN
THE CITY OF SANTA CLARA, CALIFORNIA
AND

STEWART TRAINING SERVICES

PREAMBLE

This agreement ("Amendment No. 1") is made and entered into on this ____ day of ____, 2014, ("Effective Date") by and between and between Stewart Training Services, a sole proprietorship, with its principal place of business located at 1346 Ridley Way, San Jose, California 95125 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Amendment No. 1."

RECITALS

A. The Parties previously entered into an agreement entitled "Agreement For Professional Services By And Between The City Of Santa Clara, California And Stewart Training Services", dated June 12, 2012 (the "Original Agreement"); and

B. The Parties entered into the Original Agreement for the purpose of having Contractor provide training and consulting services for the staff of the City of Santa Clara, and the Parties now wish to amend the Original Agreement to renew provision of training services for an additional two years.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. AMENDMENT PROVISIONS

That paragraph number one of Section two entitled "Term of Agreement" is hereby amended to read as follows:

> Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate on June 30, 2016.

2. AMENDMENT PROVISIONS

That Exhibit B entitled "Schedule of Fees" of the Original Agreement, is hereby amended by deleting the existing Exhibit B in its entirety and replacing it with the restated Exhibit B "Schedule of Fees" for services as attached to this Amendment No. 1.

3. TERMS

All other terms of the Original Agreement which are not in conflict with the provisions of this Amendment No. 1 shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

4. COUNTERPART/FACSIMILE SIGNATURE

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Amendment No. 1 shall become operative on the Effective Date first set forth above.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

STEWART TRAINING SERVICES
a sole proprietorship

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)

Name: Laurel Stewart

Title: Owner / Sole Proprietor

Local Address: 1346 Ridley Way
San Jose, California 95125

Telephone (408) 921-2848

Fax: none

"CONTRACTOR"

AGREEMENT FOR PROFESSIONAL SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA
AND
STEWART TRAINING SERVICES

EXHIBIT B

FEE SCHEDULE

Contractor shall provide a schedule of rates and fees which includes all billing amounts and costs as follows (if applicable), such as:

In no event shall the amount billed to City by Contractor for services under this Agreement exceed Three Hundred and Fifty Thousand dollars ($350,000.00), subject to budget appropriations.

Contractor shall provide a schedule of rates and fees which includes all billing amounts and costs as follows (if applicable), such as:

[1] Classroom Training

Window & Office Basics, Word, Outlook, Publisher and other technology classes:
$600.00 per day for 4 students, $60.00 per each additional student up to 9 students; These rates will be pro-rated for half or quarter day training sessions. Full day classes are 6 hours. Half-day classes are 3 hours, quarter day classes are 1.5 hours.

Excel & PowerPoint classes:
$770.00 per day for up to 9 students; $550.00 for ½ day training sessions. Full day classes are 6 hours. Half-day classes are 3 hours.

MS Project & MS Access:
$880.00 per day for up to 9 students; $550.00 for ½ day training sessions. Full day classes are 6 hours. Half-day classes are 3 hours.

Class Size:
To be cost effective, class size should be 4 or more students. If pre-registration does not meet minimum 1 week prior to class, the class may be cancelled and City will not be billed. If the class is held by special request with less than minimal registration, the City will be billed at the 1-on-1 training rate of $85.00 per hour. If pre-registration meets minimum but students do not attend class, City will be billed per actual number of students attending with a minimum of 4 as base rate.

[2] Large Group Training – Laurie Stewart:
$125.00 per hour for non-hands-on training of 10 or more students.

[3] **Small Group or 1-on-1 training – Laurie Stewart**
Support/Course Development
Documentation/ Consulting
Training Administration:
$85.00 per hour.

Excel, PowerPoint, MS Project & MS Access – additional facilitator/consultant
150.00 per hour.

[4] **Training Manuals:**
$18 per manual, or cost of manual plus tax & shipping

[5] **Other miscellaneous Fees/Expenses:**
Travel outside of Santa Clara County is not expected as part of this Agreement. Should travel ever be required for special projects, City will reimburse STS for all reasonable out-of-pocket expenses incurred (e.g., air travel, accommodation, per-diem etc.). Per-diem will be $50 per day, which covers food and out-of-pocket expenses. All expenses shall be billed without any markup. City will require approval in advance of STS's travel. All travel by STS personnel will be consistent with City's travel policies and receipts are required for all items.

Where miscellaneous items include consumable or expendable materials such as workbooks, binders, etc., Contractor shall charge the City the actual cost of items purchased with reasonable lowest price procurement methods and receipts are required for all items.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7B-8

Santa Clara All-America City 2001

Date: May 29, 2014

To: City Manager for Council Action

From: City Librarian

Subject: Approval of Agreement with Thermal Mechanical for Replacement of the Central Park Library Air Handler Units 2, 3 & 4

EXECUTIVE SUMMARY:

Central Park Library is an 80,000 square foot building with extensive areas for the public that provide access to all library materials, classes, and youth programs as well as internet access. The Library has five rooftop air handling units which circulate air to provide heating, ventilating and air-conditioning throughout the building. Two of the five air handling units failed in November 2011 and June 2012 due to the failure of each of their water cooled evaporators and two of their four compressors. In January 2012, the City's Public Works - Building Maintenance Division issued a request for proposals for replacement of the initial failed air handler. Five (5) proposals were submitted. After review of the proposals, the contract was awarded to Thermal Mechanical. In August 2012, Thermal Mechanical removed the first failed air handler and installed a Trane air handling unit. After the successful replacement of the first unit, Thermal Mechanical was subsequently contracted for the replacement of the second unit which was completed in September 2012.

Library facility staff and Public Works – Building Maintenance Division have been monitoring the three remaining original five air handling units. Two of the three original units' air compressors and evaporators are failing and during recent high temperature days in April and May, the second floor of the Library reached over 85 degrees Fahrenheit. Staff believes it is only a matter of time that the last original air handlers will fail and has determined it is more cost effective to replace all three roof mounted units at the same time. Until these units are replaced, the Library will be unable to provide adequate cooling to the first and second floor public areas of the Library and has been removed from the City's list of Cooling Centers for the community.

In May 2014 the Support Services Division Manager at the Central Library issued a request for proposals for replacement of the remaining failing air handlers to five vendors. Three (3) proposals were submitted. The vendors were rated on a points system by the Supervisor in Public Works - Building Maintenance Division, the City Librarian and the Support Services Division Manager at the Central Library. The criteria used to rate the vendor was based on expertise/experience, attendance of the job walk and pricing with Thermal Mechanical receiving the highest total rating overall.

Accordingly staff is proposing Thermal Mechanical be awarded the contract to replace the remaining three units based on the competitive bidding process mentioned above. Thermal Mechanical successfully replaced the previous failed air handling units and possesses the experience and expertise necessary to install the remaining Trane air handling units at Central Library efficiently and with minimum disruption to staff and patrons.

"A copy of the agreement can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours."

ADVANTAGES AND DISADVANTAGES OF ISSUE:

City staff have standardized on the Trane air handling units for the Central Library. Thermal Mechanical has the experience and site specific knowledge for the control logic integration programming of the Trane air handling units with the City's third-party HVAC controls systems. Moving forward with this agreement will expedite the replacement of the air handling units such that the Central Park Library can be reinstated as a primary Cooling Center for the community during an emergency.

ECONOMIC/FISCAL IMPACT:

The proposed Agreement is for an amount not to exceed $445,000.00. This amount includes $436,629.00 for the Trane air handling units, the software interface and warranty. Funding for this Project is available in the 2013-14 Library CIP Budget, Central Park Library Refurbishment (537-1221-80500-5043); these funds were previously budgeted for use in Library refurbishment.

RECOMMENDATION:

That the Council:

1) Approve the agreement with Thermal Mechanical for the replacement of the Central Park Library Air Handler Units 2, 3 & 4 in an amount not to exceed $445,000.00 from the Central Park Library Refurbishment Project (537-1221-80500-5043);
2) Authorize the City Manager to execute and make minor non-substantive modifications, if needed.

Hilary G. Keith
City Librarian

Certified as to Availability of Funds:
537-1221-80500-5043 $445,000.00

Gary Ameling
Director of Finance

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:
1) Agreement with Thermal Mechanical for Replacement of the Central Park Library Air Handler Units #2, #3, #4.

CITY CLERK FILE COPY

EBIX Insurance No. S200002413

RECEIVED
APR 21 2014

AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND THERMAL MECHANICAL

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this ____ day of _____, 2014, ("Effective Date") by and between Thermal Mechanical, a California corporation, with its principal place of business located at 425 Aldo Avenue, Santa Clara, CA 95054 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to satisfactorily complete the work required by City at his/her own risk and expense. Services to be provided to City are

more fully described in Exhibit A entitled "SCOPE OF SERVICES." All of the exhibits referenced in this Agreement are attached and are incorporated by this reference.

3. COMMENCEMENT AND COMPLETION OF SERVICES.

A. Contractor shall begin providing the services under the requirements of this Agreement upon receipt of written Notice to Proceed from City. Such notice shall be deemed to have occurred three (3) calendar days after it has been deposited in the regular United States mail. Contractor shall complete the Services within the time limits set forth in the Scope of Services or as mutually determined in writing by the Parties.

B. When City determines that Contractor has satisfactorily completed the Services, City shall give Contractor written Notice of Final Acceptance. Upon receipt of such notice, Contractor shall not incur any further costs under this Agreement. Contractor may request this determination of completion be made when, in its opinion, the Services have been satisfactorily completed. If so requested by the contractor, City shall make this determination within fourteen (14) days of its receipt of such request.

4. QUALIFICATIONS OF CONTRACTOR - STANDARD OF WORKMANSHIP.

Contractor represents and maintains that it has the necessary expertise in the professional calling necessary to perform services, and its duties and obligations, expressed and implied, contained herein, and City expressly relies upon Contractor's representations regarding its skills and knowledge. Contractor shall perform such services and duties in conformance to and consistent with the professional standards of a specialist in the same discipline in the State of California.

The plans, designs, specifications, estimates, calculations, reports and other documents furnished under Exhibit A shall be of a quality acceptable to City. The criteria for acceptance of the work provided under this Agreement shall be a product of neat appearance, well organized, that is technically and grammatically correct, checked and having the maker and checker identified. The minimum standard of appearance, organization and content of the drawings shall be that used by City for similar projects.

5. TERM OF AGREEMENT.

Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate on October 31, 2014.

6. MONITORING OF SERVICES.

City may monitor the Services performed under this Agreement to determine whether Contractor's operation conforms to City policy and to the terms of this Agreement. City may also monitor the Services to be performed to determine whether financial operations are conducted in accord with applicable City, county, state, and federal requirements. If

any action of Contractor constitutes a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. WARRANTY.

Contractor expressly warrants that all materials and services covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall perform all requested services in an efficient and expeditious manner and shall work closely with and be guided by City. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

10. COMPENSATION AND PAYMENT.

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "SCHEDULE OF FEES."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

11. TERMINATION OF AGREEMENT.

Either Party may terminate this Agreement without cause by giving the other Party written notice ("Notice of Termination") which clearly expresses that Party's intent to terminate the Agreement. Notice of Termination shall become effective no less than thirty (30) calendar days after a Party receives such notice. After either Party terminates the Agreement, Contractor shall discontinue further services as of the effective date of termination, and City shall pay Contractor for all Services satisfactorily performed up to such date.

12. NO ASSIGNMENT OR SUBCONTRACTING OF AGREEMENT.

City and Contractor bind themselves, their successors and assigns to all covenants of this Agreement. This Agreement shall not be assigned or transferred without the prior written approval of City. Contractor shall not hire subcontractors without express written permission from City.

13. NO THIRD PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third party or parties and no third party or parties shall have any claim or right of action under this Agreement for any cause whatsoever.

14. INDEPENDENT CONTRACTOR.

Contractor and all person(s) employed by or contracted with Contractor to furnish labor and/or materials under this Agreement are independent contractors and do not act as agent(s) or employee(s) of City. Contractor has full rights, however, to manage its employees in their performance of Services under this Agreement. Contractor is not authorized to bind City to any contracts or other obligations.

15. NO PLEDGING OF CITY'S CREDIT.

Under no circumstances shall Contractor have the authority or power to pledge the credit of City or incur any obligation in the name of City. Contractor shall save and hold harmless the City, its City Council, its officers, employees, boards and commissions for expenses arising out of any unauthorized pledges of City's credit by Contractor under this Agreement.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. City shall not be limited in any way or at any time in its use of said material. However, Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

20. CORRECTION OF SERVICES.

Contractor agrees to correct any incomplete, inaccurate or defective Services at no further costs to City, when such defects are due to the negligence, errors or omissions of Contractor.

21. FAIR EMPLOYMENT.

Contractor shall not discriminate against any employee or applicant for employment because of race, color, creed, national origin, gender, sexual orientation, age, disability, religion, ethnic background, or marital status, in violation of state or federal law.

22. HOLD HARMLESS/INDEMNIFICATION.

To the extent permitted by law, Contractor agrees to protect, defend, hold harmless and indemnify City, its City Council, commissions, officers, employees, volunteers and agents from and against any claim, injury, liability, loss, cost, and/or expense or damage, including all costs and reasonable attorney's fees in providing a defense to any claim arising therefrom, for which City shall become liable arising from Contractor's negligent, reckless or wrongful acts, errors, or omissions with respect to or in any way connected with the Services performed by Contractor pursuant to this Agreement.

23. INSURANCE REQUIREMENTS.

During the term of this Agreement, and for any time period set forth in Exhibit C, Contractor shall purchase and maintain in full force and effect, at no cost to City insurance policies with respect to employees and vehicles assigned to the Performance of Services under this Agreement with coverage amounts, required endorsements, certificates of insurance, and coverage verifications as defined in Exhibit C.

24. AMENDMENTS.

This Agreement may be amended only with the written consent of both Parties.

25. INTEGRATED DOCUMENT.

This Agreement represents the entire agreement between City and Contractor. No other understanding, agreements, conversations, or otherwise, with any representative of City prior to execution of this Agreement shall affect or modify any of the terms or obligations of this Agreement. Any verbal agreement shall be considered unofficial information and is not binding upon City.

26. SEVERABILITY CLAUSE.

In case any one or more of the provisions in this Agreement shall, for any reason, be held invalid, illegal or unenforceable in any respect, it shall not affect the validity of the other provisions, which shall remain in full force and effect.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Library – Lee Hagan
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 296-5688

And to Contractor addressed as follows:
Name: David Rood
Address: 425 Aldo Avenue
Santa Clara, CA 95054
or by facsimile at (408) 988-0233

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to mediation within thirty (30) days of the written request of one Party after the service of that request on the other Party.

B. The Parties may agree on one mediator. If they cannot agree on one mediator, the Party demanding mediation shall request the Superior Court of Santa Clara County to appoint a mediator. The mediation meeting shall not exceed one day

(eight (8) hours). The Parties may agree to extend the time allowed for mediation under this Agreement.

C. The costs of mediation shall be borne by the Parties equally.

D. For any contract dispute, mediation under this section is a condition precedent to filing an action in any court. In the event of mediation which arises out of any dispute related to this Agreement, the Parties shall each pay their respective attorney's fees, expert witness costs and cost of suit through mediation only. In the event of litigation, the prevailing Party shall recover its reasonable costs of suit, expert's fees, and attorney's fees. If mediation does not resolve the dispute, the Parties agree that the matter shall be litigated in a court of law, and not subject to the arbitration provisions of the Public Contracts Code.

32. COMPLIANCE WITH ETHICAL STANDARDS.

Contractor shall:

A. Read Exhibit D, entitled "ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA"; and,

B. Execute Exhibit E, entitled "AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS."

33. LIQUIDATED DAMAGES.

It is mutually agreed by Contractor and City that, in the event completion of the Services to be provided by the Contractor under this Agreement is delayed beyond November 15, 2014, City will suffer damages and will incur other costs and expenses of a nature and amount which is difficult or impractical to determine. The Parties agree that by way of ascertaining and fixing the amount of damages, costs and expenses, and not by way of penalty, Contractor shall pay to City the sum of five thousand($5,000.00) per day in liquidated damages for each and every calendar day such delay in completion of said Services continues beyond November 15, 2014. In the event that said liquidated damages are not paid, Contractor agrees that City may deduct the amount of said unpaid damages from any money due or that may become due to Contractor under this Agreement.

34. CONFLICT OF INTERESTS.

This Agreement does not prevent either Party from entering into similar agreements with other parties. To prevent a conflict of interest, Contractor certifies that to the best of its knowledge, no City officer, employee or authorized representative has any financial interest in the business of Contractor and that no person associated with Contractor has any interest, direct or indirect, which could conflict with the faithful performance of this Agreement. Contractor is familiar with the provisions of California Government Code Section 87100 and following, and certifies that it does not know of any facts which would violate these code provisions. Contractor will advise City if a conflict arises.

35. PROGRESS SCHEDULE.

The Progress Schedule will be as set forth in the attached Exhibit F, entitled "MILESTONE SCHEDULE" if applicable.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

THERMAL MECHANICAL
a California corporation

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)

Name: David Rood

Title: President

Local Address: 425 Aldo Avenue
Santa Clara, CA 95054

Email Address: drood@thermalmech.com

Telephone: (408) 988-8744

Fax: (408) 988-0233

"CONTRACTOR"

S:\Attorney\AGREEMENTS\Service\OVER $50K SERVICE AGREEMENT FORM.doc

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THERMAL MECHANICAL

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are more fully described in the Contractor's proposal entitled, "Central Library A/C Unit Replacement 2, 3 & 4" dated January 15, 2014, which is attached to this Exhibit A.

THERMAL MECHANICAL, INC.
MECHANICAL CONTRACTOR – License #256057
Specializing in H.V.A.C, Process Piping, Sheet Metal, Plumbing,
D.D.C. Controls, and Service of all related systems.
425 ALDO AVENUE, SANTA CLARA, CA 95054-2322
TELEPHONE (408) 988-8744 FAX (408) 988-0233

1-15-14
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Att: Ken Winland

Subject: Central Library A/C Unit Replacement 2, 3, & 4

Dear Mr. Winland,

Thank you for the opportunity to present this proposal as listed in the scope below for your review.

Scope

- Install (3) new Trane rooftop package units to replace the units mentioned above.
- Alternates accepted in 2012 and 2013 (1) 5 Year parts warranty on compressor (2) High efficiency high capacity evaporator coil (3) One year refrigerant warranty.
- Factory supplied transducer to read under floor pressure.
- Air monitoring station for fan proving refrigerant circuit safety.
- Adapter curb to existing steel.
- All rigging required for removal and new installation.
- Includes an allowance for structural review. Any structural rework to be performed would be quoted and reviewed by owner.
- Disconnect all facilities, ducting, electrical, condensate, and water.
- A new disconnect at the unit will be provided.
- Syserco to provide engineering submittals, start up & integration to existing Alerton system.
- Reconnect all facilities to the new equipment as required. Water to be saved off at the roof.
- Start up and test.

Total of $435,000.00 of which $270,968.00 is equipment including curb and alternates

Assumptions: This price is based on receiving approval and release to order equipment by mid May.

Not included in this proposal: Overtime, Cutting, Patching, Framing, Roofing, Electrical Upgrades, Structural Work, Balancing, Site Screens, Temporary Air, and Permits.

If you have any questions please call.

Sincerely,

Jim Susick

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THERMAL MECHANICAL

EXHIBIT B

FEE SCHEDULE

See Exhibit A, Scope of Services, which includes fee details.

In no event shall the amount billed to City by Contractor for services under this Agreement exceed four hundred forty-five thousand dollars ($445,000.00), subject to budget appropriations.

The agreement includes $10,000.00 for additional services which will be utilized upon written authorization of the City, for a total of $445,000.00.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THERMAL MECHANICAL

EXHIBIT C

INSURANCE REQUIREMENTS

INSURANCE COVERAGE REQUIREMENTS

Without limiting the Contractor's indemnification of the City, and prior to commencing any of the Services required under this Agreement, the Contractor shall purchase and maintain in full force and effect, at its sole cost and expense, the following insurance policies with at least the indicated coverages, provisions and endorsements:

A. COMMERCIAL GENERAL LIABILITY INSURANCE

1. Commercial General Liability Insurance policy which provides coverage at least as broad as Insurance Services Office form CG 00 01. Policy limits are subject to review, but shall in no event be less than, the following:

   $1,000,000 Each Occurrence
   $2,000,000 General Aggregate
   $2,000,000 Products/Completed Operations Aggregate
   $1,000,000 Personal Injury

2. Exact structure and layering of the coverage shall be left to the discretion of Contractor; however, any excess or umbrella policies used to meet the required limits shall be at least as broad as the underlying coverage and shall otherwise follow form.

3. The following provisions shall apply to the Commercial Liability policy as well as any umbrella policy maintained by the Contractor to comply with the insurance requirements of this Agreement:

   a. Coverage shall be on a "pay on behalf" basis with defense costs payable in addition to policy limits;

   b. There shall be no cross liability exclusion which precludes coverage for claims or suits by one insured against another; and

   c. Coverage shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of liability.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01 with policy limits a minimum limit of not less than one million dollars ($1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned, non-owned and hired autos.

In the event that the Work being performed under this Agreement involves transporting of hazardous or regulated substances, hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors involved in such activities shall provide coverage with a limit of two million dollars ($2,000,000) per accident covering transportation of such materials by the addition to the Business Auto Coverage Policy of Environmental Impairment Endorsement MCS90 or Insurance Services Office endorsement form CA 99 48, which amends the pollution exclusion in the standard Business Automobile Policy to cover pollutants that are in or upon, being transported or towed by, being loaded onto, or being unloaded from a covered auto.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars ($1,000,000) policy limit Bodily Injury by disease, one million dollars ($1,000,000) each accident/Bodily Injury and one million dollars ($1,000,000) each employee Bodily Injury by disease.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents.

D. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Primary and non-contributing. Each insurance policy provided by Contractor shall contain language or be endorsed to contain wording making it primary insurance as respects to, and not requiring contribution from, any other insurance which the

Indemnities may possess, including any self-insurance or self-insured retention they may have. Any other insurance Indemnities may possess shall be considered excess insurance only and shall not be called upon to contribute with Contractor's insurance.

3. Cancellation.

   a. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided due to non-payment of premiums shall be effective until written notice has been given to City at least ten (10) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least ten (10) days prior to the effective date of non-renewal.

   b. Each insurance policy shall contain language or be endorsed to reflect that no cancellation or modification of the coverage provided for any cause save and except non-payment of premiums shall be effective until written notice has been given to City at least thirty (30) days prior to the effective date of such modification or cancellation. In the event of non-renewal, written notice shall be given at least thirty (30) days prior to the effective date of non-renewal.

4. Other Endorsements. Other endorsements may be required for policies other than the commercial general liability policy if specified in the description of required insurance set forth in Sections A through D of this Exhibit C, above.

E. ADDITIONAL INSURANCE RELATED PROVISIONS

Contractor and City agree as follows:

1. Contractor agrees to ensure that subcontractors, and any other party involved with the Services who is brought onto or involved in the performance of the Services by Contractor, provide the same minimum insurance coverage required of Contractor, except as with respect to limits. Contractor agrees to monitor and review all such coverage and assumes all responsibility for ensuring that such coverage is provided in conformity with the requirements of this Agreement. Contractor agrees that upon request by City, all agreements with, and insurance compliance documents provided by, such subcontractors and others engaged in the project will be submitted to City for review.

2. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

3. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

F. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

G. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Upon City's request, Contractor shall submit to City copies of the actual insurance policies or renewals or replacements. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc. City of Santa Clara – Central Library P.O. 12010-S2 Hemet, CA 92546-8010	or	151 North Lyon Avenue Hemet, CA 92543

Telephone number:	951-766-2280
Fax number:	770-325-0409
Email address:	ctsantaclara@ebix.com

H. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an insurance company of equal financial stability that is approved by the City or its insurance compliance representatives.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THERMAL MECHANICAL

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

   a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

   b. Is convicted of a crime punishable as a felony involving dishonesty[3];

   c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

   d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

   e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

---

[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

2. If fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with the Contractor can be imputed to the Contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the Contractor, with the Contractor's knowledge, approval or acquiescence, the Contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval or acquiescence.

B. The City may also terminate this Agreement in the event any one or more of the following occurs:

1. The City determines that Contractor no longer has the financial capability[4] or business experience[5] to perform the terms of, or operate under, this Agreement; or,

2. If City determines that the Contractor fails to submit information, or submits false information, which is required to perform or be awarded a contract with City, including, but not limited to, Contractor's failure to maintain a required State issued license, failure to obtain a City business license (if applicable) or failure to purchase and maintain bonds and/or insurance policies required under this Agreement.

C. In the event a prospective Contractor (or bidder) is ruled ineligible (debarred) to participate in a contract award process or a contract is terminated pursuant to these provisions, Contractor may appeal the City's action to the City Council by filing a written request with the City Clerk within ten (10) days of the notice given by City to have the matter heard. The matter will be heard within thirty (30) days of the filing of the appeal request with the City Clerk. The Contractor will have the burden of proof on the appeal. The Contractor shall have the opportunity to present evidence, both oral and documentary, and argument.

---

[4] Contractor becomes insolvent, transfers assets in fraud of creditors, makes an assignment for the benefit of creditors, files a petition under any section or chapter of the federal Bankruptcy Code (11 U.S.C.), as amended, or under any similar law or statute of the United States or any state thereof, is adjudged bankrupt or insolvent in proceedings under such laws, or a receiver or trustee is appointed for all or substantially all of the assets of Contractor.

[5] Loss of personnel deemed essential by the City for the successful performance of the obligations of the Contractor to the City.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THERMAL MECHANICAL.

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

THERMAL MECHANICAL

a California corporation

By: _____
Signature of Authorized Person or Representative

Name: David Rood

Title: President

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara }

On 4/30/14 before me, J. H. Mosher, Notary Public
Date (insert name and title of the officer)

personally appeared David Rood
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PRJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

J. H. MOSHER
Commission # 1986268
Notary Public - California
Santa Clara County
My Comm. Expires Aug 23, 2016

Signature J. H. Mosher (Seal)
Signature of Notary Public

OPTIONAL

Though the information below is not requires by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for the Performance of Services City of Santa Clara, CA

Document Date 04/30/14 Number of Pages: 1

Signers(s) Other Than Named Above: N/A

Capacity~~(ies)~~ Claimed by Signer~~(s)~~

Signer's Name: David Rood

- o Individual
- o Corporate Officer – Title(s): President
- o Attorney in Fact
- o Trustee
- o Guardian or Conservator
- o Other: _____

Signer Is Representing: Thermal Mechanical

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
THERMAL MECHANICAL

EXHIBIT F

MILESTONE SCHEDULE

THERMAL MECHANICAL, INC.
MECHANICAL CONTRACTOR – License #256057
Specializing in H.V.A.C, Process Piping, Sheet Metal, Plumbing,
D.D.C. Controls, and Service of all related systems.
425 ALDO AVENUE, SANTA CLARA, CA 95054-2322
TELEPHONE (408) 988-8744 FAX (408) 988-0233

4-16-14
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
Att: Lee Hagan

Subject: Central Library A/C Unit Replacement 2, 3, & 4

Dear Ms. Hagan,
Please see attached Milestones as requested

Milestones
May 16th-Receive contract
May 30th-Verify submittals release units. Unit lead times are 12 weeks plus shipping
Sept 6th-Receive equipment
Sept 15th- start unit #3
Sept 26th- Complete unit #3
Sept 29th- Start units #2&4
Oct 10th- Complete #2&4
Oct 24th- Complete commissioning

If you have any questions please call.

Sincerely,

Jim Susick

Meeting Date: 6/10/14

AGENDA REPORT
City of Santa Clara, California

Agenda Item # 7B-9

Date: May 19, 2014

To: City Manager for Council Action

From: Director of Information Technology

Subject: Approval of Amendment No. 1 with Arini Geographics, LLC for Enterprise GIS Consulting Services

EXECUTIVE SUMMARY:

The Information Technology Department has made significant progress over the last four years in consolidating departmental technology initiatives into an Enterprise Geographic Information System (GIS) program. All Departments benefit from this citywide capability. An Enterprise GIS program improves decision making and service delivery by enabling staff to visualize, analyze, interpret, and understand data in order to reveal relationships, patterns, and trends. The need for continued investment in GIS is more important than ever to support municipal needs such as land use, infrastructure management, public safety, crime mapping, regional and community planning, traffic management and economic development.

Arini Geographics, LLC (Arini) currently provides Enterprise GIS services for various citywide business applications including asset management, permitting, computerized dispatch, infrastructure modeling and document management. The term of the current agreement with Arini began July 2, 2013 and ends June 30, 2014 with a not to exceed amount of $381,600. Some specific completed outcomes for this contract include:

- Establish GIS standards and methodologies
- Design the Enterprise GIS architecture
- Develop basemap data and manage the enterprise geospatial repository
- Design/deploy GIS applications
- Assist departments with Enterprise GIS integration
- Provide Enterprise GIS support and knowledge transfer

Staff recommends expanding the current contract with Arini for continued Enterprise GIS services in an amount not to exceed $600,000.00 and to extend the term of the agreement to June 30, 2015. The funding source for the Project is solely from enterprise funds; there is no impact to the General Fund. The proposed contract amendment for continued services with Arini would seek to continue to build on the base work done to date and includes the following specific deliverables:

- GIS web viewers operations and enhancements
- Enterprise basemap extension and enhancements
- Water and Sewer GIS and asset management system integration
- Electric pole data assessment and remediation
- Establish storm drain GIS - convert from AutoCAD
- Support Public Safety response, analysis and reporting

Arini has the unique expertise, proven experience and key personnel to work with department stakeholders to deliver the planned outcomes to the City. Arini has the domain knowledge which has been instrumental in

the City's Enterprise GIS successes to date. With increased integration between departmental layers and data sharing, greater efficiencies will result in better decision making and cost savings. The specialized nature of these projects requires specific skillsets. Arini has extensive familiarity with our unique systems and demonstrated success with the City. Having GIS subject matter experts to implement the Citywide departmental needs is critical. Also important is to build and maintain these types of specialized skills to ensure consistency of resources and expertise. A change in providers would be disruptive with other firms unable to deliver these outcomes as needed given the start-up stage of the program and extensive learning curve, process and applications at the City.

A copy of the current agreement with Arini Geographics, LLC can be viewed on the City's website or is available in the City Clerk's Office for review during normal business hours.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Three strategic benefits are the focus of our efforts. First, a citywide base map serves as the City's authoritative system of record for all areas of City business and a platform for engagement with citizens and other agencies. Second, GIS based asset management for the City's infrastructure leads to measurable improvements in efficiency and environmental compliance. Finally, location-driven crime prevention and emergency response is key to protecting lives, managing traffic and public safety for day-to-day operations or large scale stadium events such as game days or the Superbowl.

The disadvantage of not continuing with GIS investment would be the continued dependence on fragmented and outdated systems, not having a common operating platform in support of city services and resulting duplication and inefficiencies.

ECONOMIC/FISCAL IMPACT:

The cost of the Amendment No.1 to the current Agreement with Arini Geographics will not exceed $600,000 dollars over the extended term of the contract. The not to exceed amount for the current agreement is $381,600, so the total not to exceed amount is $981,600. Since the funding source for the Project is solely from enterprise funds, there is no impact to the General Fund. Sufficient funds are available in the FY 14/15 GIS Enterprise Systems capital projects budget account 539-1921-80100-6534.

RECOMMENDATION:

That the Council approves and authorizes the City Manager to execute Amendment No. 1 to the Agreement with Arini Geographics, LLC for Enterprise GIS Consulting Services for a total additional contract approval not to exceed $600,000.00, and any documents necessary to agreement execution.

for Gaurav Garg
Director of Information Technology

Certified to the Budget Form:
539-1921-80100-6534 $ 600,000.00

for Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents Related to this Report:
1) Amendment No. 1 to Agreement with Arini Geographics, LLC for Enterprise GIS Consulting Services.

AMENDMENT NO. 1
TO THE AGREEMENT BETWEEN
THE CITY OF SANTA CLARA, CALIFORNIA
AND

ARINI GEOGRAPHICS, LLC

PREAMBLE

This agreement ("Amendment No. 1") is made and entered into on this ____ day of _____, 2014, ("Effective Date") by and between Arini Geographics, LLC, a California Limited Liability Company, with its principal place of business located at 77 Magnolia Drive, Atherton, California 94027 ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Amendment No. 1."

RECITALS

A. The Parties previously entered into an agreement entitled "Agreement for the Performance of Services by and between the City of Santa Clara, California and Arini Geographics, LLC", dated July 2, 2013 (the "Original Agreement"); and

B. The Parties entered into the Original Agreement for the purpose of having Contractor provide GIS consulting, subject matter expertise and project management services, and the Parties now wish to amend the Original Agreement to renew provision of professional services for an additional year.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. AMENDMENT PROVISIONS

That paragraph number one of Section two entitled "Term of Agreement" is hereby amended to read as follows:

> Unless otherwise set forth in this Agreement or unless this paragraph is subsequently modified by a written amendment to this Agreement, the term of this Agreement shall begin on the Effective Date of this Agreement and terminate on June 30, 2015.

2. AMENDMENT PROVISIONS

That Exhibit A entitled "Scope of Services" of the Original Agreement, is hereby amended by deleting the existing Exhibit A in its entirety and replacing it with the restated Exhibit A "Scope of Services" as attached to this Amendment No. 1.

3. AMENDMENT PROVISIONS

That Exhibit B entitled "Schedule of Fees" of the Original Agreement, is hereby amended by deleting the existing Exhibit B in its entirety and replacing it with the restated Exhibit B "Schedule of Fees" for services as attached to this Amendment No. 1.

4. TERMS

All other terms of the Original Agreement which are not in conflict with the provisions of this Amendment No. 1 shall remain unchanged in full force and effect. In case of a conflict in the terms of the Original Agreement and this Amendment No. 1, the provisions of this Amendment No. 1 shall control.

5. COUNTERPART/FACSIMILE SIGNATURE

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but both of which shall constitute one and the same instrument; and, the Parties agree that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Amendment No. 1 as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Amendment No. 1 shall become operative on the Effective Date first set forth above.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

ARINI GEOGRAPHICS, LLC
A California Limited Liability Company

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)

Name: Gabriel Paun

Title: Principal GIS Consultant

Local Address: 77 Magnolia Drive,
Atherton, CA 94027

Email Address: gabriel@arinigeo.com

Telephone: (510) 858-8040

Fax: (650) 326-7680

"CONTRACTOR"

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA
AND
ARINI GEOGRAPHICS, LLC

EXHIBIT A

SCOPE OF SERVICES

The Services to be performed for the City by the Contractor under this Agreement are more fully described in the Contractor's proposal entitled, "Arini Geographics Enterprise GIS Services Proposal" dated June 14, 2013 for services provided in FY 2013-14, and "Arini Geographics Enterprise GIS Services Proposal" dated April 15, 2014 for services provided in FY 2014-15, which is attached to this Exhibit A.

ARINI GEOGRAPHICS
SCOPE OF WORK
CITY OF SANTA CLARA
04/15/2014

1. SUMMARY

Building on 30 years of technical expertise in geospatial technology Arini Geographics is providing best-in-class professional Geographic Information Systems (GIS) services to the City of Santa Clara.

Arini Geographics services are available in connection to the City's Enterprise GIS Program, and include:

- Business process analysis and streamlining recommendations;
- Development and implementation of geo-data standards and geospatial information handling procedures;
- GIS data layers (e.g. asset classes, addresses, buildings, etc.) development, acquisition, quality assurance and maintenance;
- GIS technology selection, deployment, and vendor relationship management;
- Enterprise GIS architecture and integration with multiple citywide line-of-business applications (e.g. work order management, permitting, computerized dispatch, infrastructure modeling, document management);
- GIS-based web/mobile-based applications development and maintenance;
- Enterprise geospatial repository design, tune-up, and maintenance;
- On-demand geospatial analysis and cartography;
- Staff training and enterprise GIS technical support; and
- Other GIS specific services to meet citywide needs.

Arini Geographics is committed to helping the City of Santa Clara realize the full benefits of its GIS investment, and manage geographically.

2. VISION

Since the beginning of civilization, humans have used images as a means to tell stories. Similar to our ancient ancestors, we use images today to convey meaning, understand complex relationships, and communicate. The use of mapping and geospatial technology is at the heart of storytelling and improved communications. As the challenges of the public sector continue to grow in complexity, efficient and effective communication tools are essential. Today, at all levels of government, agencies are looking for solutions to find value and improve public sector decision-making through high quality data.

Geographic Information Systems (GIS) are one tool that City of Santa Clara is developing to work towards improved communications and decision-making. GIS presents the ability to show information visually and to help the public or key decision-makers spot new trends, patterns and relationships. By leveraging GIS technology, the City is preparing for the future style of

governance, which will rely on real-time insights, data-driven decisions, and using maps as a means of improved communications and information sharing with constituents.

GIS integrate hardware, software, data, and geographic knowledge for capturing, managing, analyzing, and displaying all forms of geographically referenced information. GIS allow us to view, understand, question, interpret, and visualize data in many ways that reveal relationships, patterns, and trends in the form of maps, operational dashboards, reports, and charts. With GIS, anything can be mapped, analyzed in its geospatial context, and presented through easy to understand and visually compelling maps. GIS helps attracting development, businesses, and citizens by conveying a stable environment where work, education, and recreation opportunities abound and balance.

Continuing to developing and growing a citywide GIS provides a platform to critical functions of the City such as: planning and analysis, asset management, operational awareness, field workforce, communications and public engagement.

Arini Geographic's understands that ideally GIS becomes the single fully integrated system of record for everything location. Successful enterprise GIS commands a holistic approach to implementation, development, exploitation, and maintenance, with a focus on solving real world needs and improving the effectiveness of specific business processes.

We view 'enterprise GIS' as the sum of GIS resources (infrastructure, software, standards, and specialized human capital) of departmental support entities and a central entity for supplementary and consolidated services. The relationship between the enterprise and departmental GIS support entities is characterized as collaborative, complementary, and respectful of the strengths of each. This vision combines the advantages of departmental autonomy with the benefits of an enterprise, realizing the benefits of scale while reducing the overhead through improved communications and collaboration towards a common good. Integrated enterprise GIS bridges the gap between tactical service and strategic planning.

Arini Geographics' vision builds on the state of the art geospatial technologies, and the most current best practice models widely accepted by the GIS industry.

3. ENTERPRISE GIS – COST PER VALUE

Arini Geographics is providing a broad array of professional GIS services and products related to the central entity of the City of Santa Clara's Enterprise GIS Program. Our services and products are designed to satisfy City's internal needs and help the City fulfill external requests from other agencies, business community, and citizens.

Enterprise GIS management provides operational efficiency and cost sharing benefits. Maturing GIS operations often consolidate core enterprise GIS services in a central entity. However, enterprise GIS operations are expected to obtain funding from the departments they serve. Naturally, end-users may question the value of GIS services or the fairness of the cost allocation model.

To properly address such concerns, each of the individual services and products Arini Geographics offers are built around the concept of providing value to our clients by using GIS

more effectively and economically to deliver essential services with limited resources. Our services and products are structured in two distinct but complimentary categories:

- Enterprise GIS implementation and operations – core services addressing the citywide GIS governance, architecture, infrastructure, technology selection and deployment, data development and warehousing, enterprise GIS integration, geospatial information access and reporting, and helpdesk;
- Departmental on-demand GIS services – shorter term highly specialized project-centric GIS services focusing on fulfilling a line-of-business need.

This proposal covers the integrated enterprise GIS implementation and operations, including extensive support services provided to individual City departments. Should any of the individual departmental requests for specialized GIS services and products (e.g. establishing specific utility GIS, technical support for specific existing but currently unsupported GIS operations, etc.) exceed normal enterprise GIS implementation and operations, Arini Geographics will enter into discussions with the City, and/or that particular City department, to quantify the effort, assign specialized resources, and fulfill each individual request, at a preferred mutually agreed price.

4. SERVICE DELIVERY MODEL

Arini Geographics is delivering outstanding and fully accountable GIS services following an established and verified delivery model through which we assign a Senior GIS Coordinator to work fulltime onsite at the City, reporting directly to, and supported by, the company's executive team.

The GIS Coordinator serves as the interface between Arini Geographics and the City, represents the GIS interests of the City internally and externally, actively manages the City's Enterprise GIS Program, and contributes to its success by continually assessing the current state of the enterprise GIS against the Programs roadmap and objectives.

The GIS Coordinator collects request for services, products, and technical support and assures timely and economical delivery and/or fulfillment, properly assigning the necessary resources from Arini Geographics pool of technical and business expertise.

5. SCOPE OF WORK

5.1. <u>Enterprise GIS Program Governance and Coordination</u>

5.1.1. GIS Oversight Committee comprised of senior management representatives from each City department currently contributing to the City's Enterprise GIS budget. A member of Arini Geographics executive team would meet regularly (once a month, for at least 60 minutes) with each of the City's Enterprise GIS Oversight Committee members.

5.1.2. Enterprise GIS Technical Core Team comprised of technical staff from each City department, usually a designated departmental GIS liaison, tasked with focusing on aligning the technical and operational details of City's Enterprise GIS Program with the business level needs of users within their departments and/or divisions. The onsite GIS Coordinator would organize and lead regular (twice a month, not to exceed 90 minutes each) GIS Technical Core Team working meetings.

5.1.3. Drafting enterprise GIS geo-data standards, and operational methodology, based on specific City of Santa Clara objectives and goals and in line with current industry-recognized best practices.

5.1.4. Supporting annual Enterprise GIS Program budget development.

5.2. Enterprise GIS Architecture and Infrastructure Management

5.2.1. Designing and assisting with the deployment of the appropriate enterprise geospatial computing and communications infrastructure.

5.2.2. Continuously adjusting the GIS infrastructure to accommodate usage growth and stay abreast with the latest technologies to meet efficiency goals.

5.3. Enterprise (Basemap) Data Development and Geospatial Repository Management

5.3.1. Business geo-data requirements elicitation and analysis.

5.3.2. Geospatial data development, acquisition, translation and quality assurance.

5.3.3. Data models design and deployment.

5.3.4. Data integration assistance (with other enterprise systems).

5.3.5. Geodatabase design, tune-up, and maintenance.

5.3.6. Digitizing, data translation, data acquisition

5.3.7. Metadata development and maintenance

5.4. Enterprise GIS Applications Development, Deployment and Maintenance

5.4.1. Design and deploy an intranet web-based enterprise GIS Viewer based on existing ArcGIS investment and off-the-shelf front-end technology.

5.4.2. Manage and support existing ArcGIS platform back-end (ArcGIS for Server) and front-end (ArcGIS for Desktop).

5.4.3. Assist with integration of enterprise GIS with the following enterprise information systems: permitting, asset management, document management, and computerized dispatch.

5.4.4. Manage and support GIS-related utilities such us ETL tools (e.g. FME Desktop), and applications (e.g. AutoCAD).

5.4.5. Develop and maintain application specific and site-specific documentation.

5.5. Geospatial Technology Evaluation, Acquisition, and License Management

5.5.1. Assist with evaluation and acquisition of geospatial technologies and/or data sets.

5.5.2. Manage licensing agreements concerning GIS technology and data.

5.6. Regional GIS Coordination and Representation

5.6.1. Establish permanent geospatial data and GIS expertise sharing with the County of Santa Clara.

5.6.2. Coordinate with neighboring cities (Sunnyvale, Cupertino, and San Jose).

5.6.3. Represent the City of Santa Clara at regional GIS Manager's meetings, and conferences.

5.6.4. Collaborate with other regional agencies on activities that involve sharing and/or acquiring GIS data and knowledge.

5.7. Enterprise GIS Training and Outreach

5.7.1. Establish brownbag GIS Training using City's computer training facilities.

5.7.2. Recommend and manage web-based self-paced training provided by Esri.

5.7.3. Organize GIS Day (every other year) and periodic GIS marketing events.
5.7.4. Publish articles of general GIS interest, and how-to guides, on the City's GIS SharePoint site.
5.7.5. Participate and support participation to various user meetings.

5.8. Helpdesk and Technical Support
5.8.1. Provide enterprise GIS helpdesk, and Tier 1 technical support during regular business hours.
5.8.2. Facilitate Tier 2 technical support with City's GIS vendors.
5.8.3. Publish self-help GIS guides on the on the City's GIS SharePoint site.

5.9. On-request Departmental GIS and Project Management Services
5.9.1. Provide on-request business analysis, GIS data, and applications services.
5.9.2. Provide on-request GIS related project management services.

Over the past year, significant progress was made in creating an Enterprise Geospatial Repository, updating and standardizing critical Basemap datasets used by all City departments, all of it is now accessible to City staff through infoMap – the Web-based Enterprise GIS Viewer that was just launched, a milestone application serving all departments. We also produced specialized line-of-business geospatial datasets for emergency dispatch (911-CAD), automated vehicle location (AVL), fire response, sewer utility, and parks.

Over the next year we will continue producing or improving more line-of-business datasets, and also shift specialized resources towards leveraging and integrating functionality and data offered by other citywide applications:

- Extend and enhance the Basemap for internal needs and external interconnectivity;
- Enhance public access to GIS information and functionality;
- Migrate Storm Drain utility network from CAD to GIS;
- Link Tract Maps and Right-of-Way Maps to GIS;
- GIS-based water distribution modeling and work order management;
- Provide GIS-driven operational dashboards to executive City management;
- Publishing utility for map books for Fire, Engineering and Utilities;
- Feasibility study for creating unique HAZ-MAT repository for Fire;
- Interactive emergency response time maps;
- Power pole pre-audit data quality assessment and assurance;
- Feasibility studies for integrating GIS with utility billing an document management;
- Ongoing Enterprise GIS strategic planning and project management.

Also, we are partnering with the public safety departments to ensure not only security but also an unforgettable positive experience to our citizens and visitors in and around the Levi's Stadium.

We are looking forward to continue working together for the common good of the citizens of the City of Santa Clara.

ARINI GEOGRAPHICS
ENTERPRISE GIS SERVICES PROPOSAL
CITY OF SANTA CLARA
June 14, 2013

1. SUMMARY
Building on over 20 years of technical expertise in geospatial technology Arini Geographics will provide the very best professional Geographic Information Systems (GIS) services for the City of Santa Clara.

As the System of Record for everything location, Enterprise GIS stands at the core of the local government's business. It plays a critical role in supporting City's strategic goals such as: economic and housing development, enhanced fiscal responsibility, better asset utilization, more efficient services to citizens and businesses, safer and more engaging community, and overall higher quality of life.

Enterprise GIS ensures continuous availability and intuitive access to high-quality authoritative geospatial data and analytical functionality to City's operations. It provides a Common Operational Picture to support critical decision-making citywide and at the departmental level. Enterprise GIS encourages and facilitates collaboration between various City divisions, and with outside organizations, especially when they must act at different stages of certain business processes or, more importantly, responding to emergencies.

The benefits of professionally integrated and managed Enterprise GIS greatly exceed the costs well beyond the economic realm, usually translating in better constituent service levels and higher public approval and trust. Arini Geographics is committed to help the City of Santa Clara realize the full benefits of its GIS investment, and manage geographically. Our services are available in connection to the City's Enterprise GIS Program, and include:

- Business process analysis and streamlining recommendations;
- Development and implementation of data standards and handling procedures;
- Geospatial data acquisition, development, and quality assurance;
- GIS technology selection, deployment, and vendor relationship management;
- Enterprise GIS architecture and integration with various citywide line-of business applications (e.g. asset management, permitting, computerized dispatch, infrastructure modeling, document management);
- GIS-based web and mobile applications development and deployment;
- Enterprise geospatial repository design, deployment, and tune-up;
- Knowledge transfer and Enterprise GIS technical support; and
- Other GIS-specific services to meet citywide needs.

2. VISION
Location underlies everything we do. Geography is the common denominator of all human activities. Every decision government makes has an immediate effect somewhere and changes that place. GIS is the platform that helps government understand the geography it manages and visualize the effects of decisions before they are made.

Arini Geographics understands that ideally GIS becomes the fully integrated Single System of Record for everything location. Successful enterprise implementation commands a holistic approach to implementation, development, and exploitation of GIS, with a focus on solving real world needs and improving the effectiveness of specific business processes that require spatial information. We view 'Enterprise GIS' as the sum of GIS resources (infrastructure, software, standards, and specialized human capital) of departmental support entities and a central entity for supplementary and consolidated services. The relationship between the enterprise and departmental GIS support entities is characterized as collaborative, complementary, and respectful of the strengths of each. This vision combines the advantages of departmental autonomy with the benefits of an enterprise, realizing the economies of scale while reducing the overhead through improved communications and collaboration towards a common good. Integrated enterprise GIS bridges the gap between tactical service and strategic planning. Arini Geographics' vision builds on the state of the art geospatial technology and the most current best practices and models widely accepted by the GIS industry.

3. ENTERPRISE GIS – COST PER VALUE

Arini Geographics provides a broad array of professional GIS services related to the central entity of the City of Santa Clara's Enterprise GIS Program. Our services are designed to satisfy City's internal needs and help the City fulfill external requests from other agencies, business community, and the citizens.

Enterprise GIS management provides operational efficiency and cost sharing benefits. Maturing GIS operations often consolidate core Enterprise GIS services in a central entity. However, Enterprise GIS operations are expected to obtain funding from the departments they serve. Naturally, end-users may question the value of GIS services or the fairness of the cost allocation model.

To properly address such concerns, each of the individual services Arini Geographics offers are built on the concept of providing value to our clients by using GIS more effectively and economically to deliver essential services with limited resources. Our services and products are structured in two distinct but complimentary categories:

- Enterprise GIS implementation and operations – core services addressing the citywide GIS governance, architecture, infrastructure, technology selection and deployment, data development and warehousing, GIS integration, geospatial information access and reporting, and helpdesk;
- Departmental on-demand GIS services – shorter term highly specialized project-centric GIS services focusing on fulfilling a line-of-business need.

This proposal covers the Enterprise GIS implementation, and extensive services provided to individual City departments in connection to the City's Enterprise GIS Program. Should any of the individual departmental requests for specialized GIS services and products (e.g. establishing specific utility GIS, technical support for specific existing but currently unsupported GIS operations, etc.) exceed normal Enterprise GIS implementation and operations, Arini Geographics will enter into discussions with the City, and/or that particular City department, to quantify the effort, assign specialized resources, and fulfill each individual request, at a preferred mutually agreed price.

4. SERVICE DELIVERY MODEL

Arini Geographics delivers outstanding and fully accountable GIS services and products following an established and verified delivery model through which we assign at least one senior-level professional, usually functioning as an Enterprise GIS Architect, to work fulltime onsite at the City, reporting directly to, and supported by, the company's executive team.

The Enterprise GIS Architect serves as the interface between Arini Geographics and the City, represents the GIS interests of the City internally and externally, actively manages the City's Enterprise GIS Program, and contributes to its success by continually assessing the current state of the Enterprise GIS against the Programs roadmap and objectives.

The Enterprise GIS Architect collects request for services, products, and technical support and assures timely and economical delivery and/or fulfillment, properly assigning the necessary resources from Arini Geographics pool of technical and business expertise.

5. SCOPE OF SERVICES

In close collaboration with the City of Santa Clara's Information Technology Department and the other Enterprise GIS stakeholders, Arini Geographics will:

5.1. Establish the Enterprise GIS Standards and Methodologies
- 5.1.1. Actively participate in the meetings (expected once a month) of the Enterprise GIS Technical Core Team, comprised of technical staff from each City department, usually a designated departmental GIS Liaison, tasked with focusing on aligning the technical and operational details of City's Enterprise GIS Program with the business level needs of users within their departments and/or divisions;
- 5.1.2. Draft Enterprise GIS geo-data standards, and operational methodology, based on specific City of Santa Clara objectives and goals and in line with current industry-recognized best practices.

5.2. Design the Enterprise GIS Architecture
- 5.2.1. Design and assist with the deployment of the appropriate enterprise geospatial computing and communications infrastructure;
- 5.2.2. Recommend adjustments to the GIS infrastructure to accommodate usage growth and stay atop of the latest technologies to meet efficiency goals.

5.3. Develop Basemap Data and Manage the Enterprise Geospatial Repository
- 5.3.1. Collect and analyze business geo-data requirements;
- 5.3.2. Develop and assure the quality of geospatial data, including metadata;
- 5.3.3. Design and implement required geospatial data;
- 5.3.4. Design and manage geodatabases.

5.4. Deploy Enterprise GIS Applications
- 5.4.1. Intranet Enterprise GIS Viewer;
- 5.4.2. Internet (public-facing) general purpose GIS Viewer;
- 5.4.3. ArcGIS for Server, ArcGIS for Desktop, ArcGIS Extensions;
- 5.4.4. GIS-related ETL tools (e.g. FME Desktop).

5.5. Assist with Integration of Enterprise GIS with the following information systems
- 5.5.1. Permitting;
- 5.5.2. Asset Management;
- 5.5.3. Computerized Dispatch;

5.5.4. Document management.

5.6. Evaluate and Advice on Geospatial Technology Acquisition

5.6.1. Evaluate and assist with acquisition of geospatial technologies and data;

5.6.2. Advice on licensing agreements concerning GIS technology and data.

5.7. Transfer Enterprise GIS Knowledge

5.7.1. Provide GIS Training using City's computer training facility;

5.7.2. Recommend web-based self-paced training provided by GIS vendors;

5.7.3. Organize GIS Day (expected once every two years);

5.7.4. Publish GIS-related articles and how-to guides, on City's Intranet.

5.8. Provide Enterprise GIS Helpdesk and Outreach

5.8.1. Provide Tier 1 technical support during City regular business hours;

5.8.2. Facilitate Tier 2 technical support with City's GIS vendors;

5.8.3. Share GIS data and knowledge with third-party entities at City's request;

5.8.4. Participate and support City's participation to various regional GIS events.

5.9. Assist City Departments with GIS-related Tasks and Enterprise GIS Integration*

5.9.1. Development of data models and integrated operations methodologies for pipeline networks (sewer and potable water) – Water & Sewer Department;

5.9.2. Update of the Computer Assisted Dispatch (CAD) data set – Police Department;

5.9.3. Conversion of the Master Address Table into a point feature class integrated with the City's Basemap – Planning & Inspection Department;

5.9.4. Update of the Zoning and General Plan data sets – Planning & Inspection Department;

5.9.5. Design of a street map to cover the entire State of California (based on data provided by Esri) – Fire Department;

5.9.6. Development of a mobile mapping application to access City's Basemap on Mobile Data Computers – Fire Department;

5.9.7. Author and publish map services for the electric network – Silicon Valley Power;

5.9.8. Development of data model and integrated operations methodology for City's green assets – Parks & Recreation Department.

* The parties agree that each department's commitment is necessary in order to complete these tasks. City departments are expected to provide line of business subject matter expertise to support the design and implementation of their GIS. Departments are responsible for the acquisition, quality control, and maintenance of the GIS data sets that serve their respective operations.

6. CUSTOMER REQUIREMENTS

The City should provide on-site workspace, equipment, off-the-shelf-software, materials, and access for Arini Geographics as necessary:

6.1. Administrative-level remote (VPN) and on-site access to GIS assets;

6.2. Connectivity to City's intranet, and to the Internet;

6.3. On-site workspace, equipment, and other materials;

6.4. Office and GIS (and related) software (within the limits of licensing agreements).

7. SOFTWARE DISCLOSURE

To the extent Arini Geographics develops or enhances any software products, as is customary with software products, Arini Geographics does not warranty that the software will be error-free or uninterrupted.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA
AND
ARINI GEOGRAPHICS, LLC

EXHIBIT B

SCHEDULE OF FEES

In no event shall the amount billed to City by Contractor for services under this Agreement exceed Nine Hundred and Eighty One Thousand, Six Hundred Dollars ($981,600.00), subject to budget appropriations.

For Services provided in FY 2014-15

Schedule
Project to commence on or about July 1, 2014

Comments or special instructions:
This is a Not-To-Exceed proposal. Actual work will be billed. Invoices for work performed will be billed biweekly (every two weeks).

	Project Activities (Summary)	Hours Estimate	Cost Estimate
1	Enterprise Basemap Extension and Enhancements	990	114,000
2	GIS Web Viewers Operations and Enhancements	360	38,000
3	Water and Sewer GIS and AMS Integration	880	90,000
4	Electric Pole Data Assessment and Remediation	350	40,000
5	Establish Storm Drain GIS (conversion from AutoCAD)	390	46,000
6	GIS-based Map Publishing (hard copy)	440	50,000
7	Support Public Safety Response, Analysis, and Reporting	630	74,000
8	Location-based search of City's Documents	420	48,000
9	Ongoing Enterprise GIS Program Development	940	100,000
	Total	**5,400**	**600,000**

In order to successfully complete the aforementioned projects, Arini Geographics is in the process of hiring one more experienced GIS professional to work full time onsite at the City. Arini Geographics may also hire additional subject matter experts to address specific project needs on an as-needed basis.

The onsite team will include the following positions:

Title	Rate (USD/hour)
Enterprise GIS Program Manager	$ 118.00
Enterprise GIS Integration Analyst	$ 98.00
Enterprise GIS Data Curator	$ 94.00

For Services provided in FY 2013-14

Schedule
Project to commence on or about July 1, 2013

Comments or special instructions:
This is a Not-To-Exceed proposal. Actual work will be billed. Invoices for work performed will be billed biweekly (every two weeks).

	Project Activities	Hours Estimate	Cost Estimate
5.1	Establish the Enterprise GIS Standards and Methodologies	260	27000
5.2	Design the Enterprise GIS Architecture	200	21000
5.3	Develop Basemap Data and Manage the Enterprise Geospatial Repository	760	80000
5.4	Deploy Enterprise GIS Applications	560	60000
5.5	Assist with Integration of Enterprise GIS with the following information systems	400	43000
5.6	Evaluate and Advice on Geospatial Technology Acquisition	100	10600
5.7	Transfer Enterprise GIS Knowledge	200	21000
5.8	Provide Enterprise GIS Helpdesk and Outreach	200	22000
5.9	Assist City Departments with GIS-related Tasks and Enterprise GIS Integration	920	97000
	Labor for Arini Geographics' Enterprise GIS Architect and GIS Analyst for Enterprise GIS support, subject matter expertise, and spearheading initiatives. Total	3600	$381,600

Title	**Rate (USD/hour)**
Enterprise GIS Architect	$118.00
GIS Analyst	$ 94.00

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # MC-1

Date: June 2, 2014

To: City Manager for Council Information

From: Director of Planning and Inspection

Subject: Update of Status of 166 Saratoga Project - Bayto Townhomes

At the meeting of May 20, 2014, staff provided a report on the status to the Bayto townhome project at 166 Saratoga Avenue. The Council requested additional information for the meeting of June 10.

On November 12, 2013, the Home Company submitted an application for development of 33 attached townhomes on the Bayto Family property at 166 Saratoga Avenue. The application includes a proposal to change the General Plan land use designation from Community Mixed Use (commercial /residential, with density from 19-36 dwellings per acre) to Medium Density Residential (density from 19-36 units per acre), change the zoning from Single Family Residential (R1-6L) to Planned Development (PD) and obtain a Vesting Tentative Map to allow subdividing the site for individual home ownership. A Mitigated Negative Declaration (MND) was prepared and circulated in March 2014.

This project is scheduled for public hearings through three City review bodies, including meetings before the Historical & Landmarks Commission (HLC) and the Planning Commission for recommendations to the City Council for final action. Notice is provided for each of these hearings. The project was reviewed by the HLC at two of their regular meeting in April and May 2014, returning to the May meeting with additional information on the historic aspects of the property. In a 5-1-1 vote, the HLC supported the project, but recommended that the developer look for some way to preserve as much open space as possible in the plan. In the intervening time, some neighbors have addressed the Council with information and their concerns about the site as the remaining remnant of properties that once covered the broader area with orchards.

The developer has been asked by staff to continue to work with neighbors before the next round of review by the Planning Commission. At this time, no Planning Commission hearing date has yet been set. Following Planning Commission review, the recommendations of the two commissions will come before the Council. Insofar as a typical hearing process is currently in progress, extended or in-depth discussion of the project by the Council should be deferred until the hearing is set for Council consideration of the commissions' recommendations.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report: None

I:\PLANNING\2014\CC-CM 2014\06.10.2014\166 Saratoga Project Status Rpt CC 06-10-14.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7D-1

Santa Clara All-America City 2001

Date: May 13, 2014

To: City Manager for Council Information

From: Director of Planning and Inspection

Subject: Note and File: Planning Commission Minutes of March 12, 2014

On April 30, 2014, the Planning Commission approved its Minutes of March 12, 2014. These Minutes are now being brought forward to the City Council to be noted and filed. Any items on these Minutes marked for City Council Action were either brought forward already or will be brought forward under separate cover accompanied by a separate Agenda Report.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) Planning Commission Minutes of March 12, 2014

I:\PLANNING\Templates and Exhibits\Agendas and Minutes\Minutes Agenda Report.doc

City of Santa Clara

PLANNING COMMISSION
MEETING MINUTES
Wednesday, March 12, 2014 – 7:00 P.M.

CITY COUNCIL CHAMBERS
1500 Warburton Avenue
Santa Clara, CA 95050

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.
An audio recording of this meeting is available in the Planning Office for review or purchase the Friday following the meeting.

ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items:

- **8.C. File No.(s):** City of Santa Clara Park Impact Fee Nexus Study and Ordinance Enactment

1. PLEDGE OF ALLEGIANCE and STATEMENT OF VALUES
Chair Champeny initiated the Pledge of Allegiance, and the Statement of Values was read.

2. ROLL CALL
The following Commissioners responded to roll call: Chair Ian Champeny, Raj Chahal, Yuki Ikezi, Keith Stattenfield, Steve Kelly and Joe Sweeney. Commissioner Costa was excused.

Staff present were City Planner Steve Lynch, Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, and Acting Office Specialist IV, Veronica Keller.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS
Copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES
Chair Champeny reviewed the Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES
A. Withdrawals - None
B. Continuances without a hearing –
Item 7.E. PLN2012-09935; Location: 1460 Halford Avenue Request: Six-month Review of approved Use Permit allowing service of beer and wine.
C. Exceptions (requests for agenda items to be taken out of order) - None

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

None.

7. CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

7.A. Planning Commission Minutes of February 12, 2014

Motion/Action: The Commission motioned to approve the Minutes of February 12, 2014, (5-0-1-1, Costa absent, Kelly abstained)

7.B.	File No.(s):	**PLN2012-09533**
	Location:	3275 Stevens Creek Boulevard, a 0.61 acre parcel on the north side of Stevens Creek Boulevard approximately 75 feet east of Henry Avenue, APN: 303-18-022; property is zoned Thoroughfare Commercial (CT)
	Applicant/Owner:	Abe Novin
	Request:	**One-year Review** of Use Permit Approval of phase two allowing a total of 24 outdoor vehicle display spaces, and subject to adopted conditions of approval
	CEQA Determination:	Review is not a project under CEQA
	Project Planner:	Yen Chen, Associate Planner
	Staff Recommendation:	**Note and File report**

Motion/Action: The Commission motioned to note and file the review of the Use Permit for the property located at 3275 Stevens Creek Blvd. (6-0-1-0, Costa absent)

7.C.	File:	**PLN2013-10183**
	Location:	4300 Great America Parkway, 1.59 acre site, located at the northwest corner of Great America Parkway and Mission College Boulevard. The Property is zoned Thoroughfare Commercial (APN: 104-16-092).
	Applicant:	Iguanas Restaurant
	Owner:	Landmark Equities LP
	Subject:	**Use Permit to allow restaurant beer and wine service** (Type 41 ABC License) in an existing restaurant
	CEQA Determination:	Categorically Exempt per CEQA Guidelines 15301 (Class 1–Existing Facilities)
	Project Planner:	Jeff Schwilk, AICP, Associate Planner
	Staff Recommendation:	Approve, subject to conditions

Motion/Action: The Commission motioned to approve the Use Permit to allow beer and wine service at 4300 Great America Parkway (6-0-1-0, Costa absent)

7.D.	File:	**PLN2013-10191**
	Location:	1705 El Camino Real, a 1.31 acre site, located at the north side of El Camino Real , approximately 285 feet west of Lincoln Avenue . The Property is zoned Thoroughfare Commercial (APN: 104-16-092).
	Applicant:	Samuel Chow, MBH Architects
	Owner:	Wells Fargo Bank
	Subject:	**Use Permit** to allow the conversion of a drive-thru bank teller window to a drive-up automated teller machine (ATM)
	CEQA Determination:	Categorically Exempt per CEQA Guidelines 15301 (Class 1–Existing Facilities)
	Project Planner:	Debby Fernandez, Associate Planner
	Staff Recommendation:	Approve, subject to conditions

Motion/Action: The Commission motioned to approve the Use Permit to allow the conversion of a drive-thru bank teller window at 1705 El Camino Real. (6-0-1-0, Costa absent)

7.E.	File No.(s):	**PLN2012-09935**
	Location	1460 Halford Avenue, a 2,667 square foot tenant space in an existing shopping center located on 1.18 acre parcel located at the intersection of Burnley Way and Halford Avenue; the project site is zoned as CC-Community Commercial
	Applicant/Owner:	Tye-Tazy Lin/Nicholas G Kadjevich Jr.
	Request:	Six-month Review of approved Use Permit allowing service of beer and wine (ABC License Type 41) in conjunction with a new full service restaurant
	CEQA Determination:	Review is not a project under CEQA
	Project Planner:	Payal Bhagat, Assistant Planner II
	Staff Recommendation:	Continue to August 15, 2014 (item will be re-noticed)

Motion/Action: The Commission motioned to continue the Use Permit allowing service of beer and wine at 1460 Halford Avenue to August 15, 2014. (5-0-1-1, Costa absent, Stattenfield abstained)

**********END OF CONSENT CALENDAR**********

8. PUBLIC HEARING ITEMS

8.A.	**File No.(s):**	**Lawrence Expressway Grade Separation Project**
	Location:	Lawrence Expressway/Santa Clara
	Applicant / Owner:	Santa Clara County Roads and Airports
	Request:	**Review and comment** on proposed Lawrence Expressway Grade Separation project
	CEQA Determination:	Not Applicable
	Project Planner:	Dawn Cameron, County Transportation Planner
	Staff Recommendation:	Review and comment

Discussion: Dawn Cameron, County Transportation Planner of SC County Roads and Airports gave a presentation on the project.

Commissioner Champeny disclosed the fact that while he works for the County of Santa Clara, he does not work for the Roads and Airports Division and this is not in the City's jurisdiction nor are they or City Council voting on the item. For these reasons, he explained he was not required to recuse himself.

Dawn Cameron introduced members of her consultant team; Adam Dankberg of Kimley-Horn and Associates and Eileen Goodwin of Apex Strategies. Project goals, concept development process and overall review of public outreach were covered. The project area of discussion is Arques, Kifer, Reed/Monroe and the encompassing corridors. Heavy traffic flow and difficulties for pedestrians and cyclists using Lawrence Expressway were problematic according to their research. One major benefit of the project is improved vehicle flow and improved bicycle and pedestrian safety. One major challenge is the cost for this project which is estimated at 400-440 million dollars and funding sources are unknown at this time. Construction was also indicated as a challenge by taking Lawrence Expwy down. Dawn explained the past 3 public meetings about this project were well attended (50-70 people in attendance at ea. meeting) and there was overall support from the attendees.

Commissioner Champeny had questions regarding funding and asked if County Roads or other cities already had some money set aside for this project. Dawn Cameron explained funding has not been identified. Commissioner Champeny also had questions about the other parcels and questioned whether they were other local municipality parcels or if there was a possibility of any question of eminent domain. The applicant explained it was too early to answer how the right of way would be acquired. Commissioner Stattenfield asked about construction within a 2-5 year timeframe and its effects on the projects along Lawrence Expressway. The applicant explained there are not any construction staging techniques at this point in time and recognized it will be a challenge to construct and manage traffic flow through the area. Commissioner Chahal had a question regarding the proposed concept and asked if the applicant's study was compared with another existing scenario close by. The applicant explained that they have not done a comparative study and there was nothing nearby they could compare it to. They explained they have done traffic modeling and a simulation video using projected traffic volumes in 2040 which would be posted to their website. Commissioner Sweeney asked the applicant if they considered an express lane bridge over all the intersections. The applicant replied yes, that concept would be most similar to 'Alternative 2' of the presentation which showed Lawrence being elevated but there were some disadvantages to that option.

The Public Hearing was opened.

Sarah Ismail, member of the public, stated she was happy that there was an organization that was looking to increase the health of the community. She explained there were no safe places to bike or walk and that it is hard to exercise in Santa Clara and she was happy this option is being considered.

The Public Hearing was closed.

City Planner, Steve Lynch, indicated this item was going to be heard at Council but there is no set date as of yet. Commissioner Stattenfield mentioned he lives near Lawrence and it is a problem which is worsening. He is substantially supportive of the project. Commissioner Chahal asked what the cost was for the study and the final report. Dawn Cameron replied the cost for the study and report was $375k. Steve Lynch mentioned once they receive the preferred alternative, the project will move into the EIR phase.

Motion/Action: The Commission clarified this was a presentation and no action was required as this item was for review and comment only.

8.B.	**File No.(s):**	**PLN2013-09691**
	Location:	1593 Lexington Street, a 11,325 square foot parcel located at the northeast corner of Lexington Street and Lincoln Street; APN: 269-26-012; property is zoned Medium-Density, Multiple-Family Residential (R3-36D)
	Applicant / Owner:	Fawzy Ismail
	Request:	Appeal of Zoning Administrator decision denying a Design Review application for a full basement conversion
	CEQA Determination:	Categorically Exempt per CEQA Guidelines 15301 (Class1–Existing Facilities)
	Project Planner:	Shaun Lacey, AICP, Assistant Planner II
	Staff Recommendation:	**Deny Appeal and Uphold Zoning Administrator action**

Discussion: Gloria Sciara gave a brief presentation of the project.

Gloria Sciara, Development Review Officer, gave some background information on this project. The applicant, Fawzi Ismael, proposed to convert the basement of his 1,655 sq. foot residence to habitable space. A notice of violation was issued because work was being done without building permits. The applicant requested to pursue the project and continue. Ms. Sciara indicated the project is at a standstill because a number of changes would need to be made in order to make the basement space habitable such as openings and egress windows. The project was then referred to the Historical Landmarks Commission and presented at the February 6, 2014 meeting. An additional review last year required that the applicant obtain a historic resource evaluation and the structure was found to be a qualified historic resource. When that is the finding, the project must follow the guidelines of the Secretary of the Interior Standards which is a standard policy also included in our General Plan. At the HLC meeting on February 6, 2014, the Commission found that the project was inconsistent with the Secretary of the Interior Standards and that it was an intensification which affected the neighborhood. Following this, the Zoning Administrator denied the applicant's request. In summary, the project consists of converting the basement which would require also raising the building 16 inches to accommodate the head height clearance needed for habitable space. In addition, the applicant is also proposing an additional living unit and a 2 car garage. Per Ms. Sciara, based on the current plans for the additional unit, it does conform to Planning's requirements and said Planning has no ability to deny that although this was included in the HLC's commentary and evaluation. Ms. Sciara further added this was a ministerial action. After presenting slides of the site plan, Ms. Sciara stated the reason this project was denied was because the proposal does not comply with the General Plan policy for historical preservation which is to minimize impact and to use Secretary of the Interior Standards. The exterior changes in addition to replacing existing material or adding new material, the number of openings, vertical elevation, window replacements and other work that was done without permits now served to remove some of the historical fabric elements that are important to conveying the historical importance and value of the structure. All these factors contribute to the potential to making it ineligible as a historic structure and that is also the reason for the denial.

Ms. Sciara presented some alternatives which were suggested such as maintain the existing height, limit the exterior openings which would limit the amount of habitable space in the basement. This would alleviate having to use replacement materials and it would minimize the damage to the integrity of the structure and still allow the basement to be partially converted.

Commissioner Champeny confirmed that while this is not a historical structure, it is eligible to be deemed as a historical structure. He asked staff if there was an obligation for the applicant to apply for the DPR form before they can perform any rehabilitation on the structure. Ms. Sciara replied that if there is a discretionary project, in order to exercise that discretion, compliance with the Secretary of Interior Standard's must be ensured which is the only way to exempt the

structure from CEQA. In this case, there was a Zoning Administrator action which is a discretionary action. She explained that a DPR form was requested to make sure the architectural review was consistent with the past practices and that an adverse impact was not being created to a historic resource.

Commissioner Chahal asked for background on violations for 1593 Lexington. Ms. Sciara explained that the interior was being gutted and some of the windows were being removed. The basement was dug down to a habitable height and partitions were evident as well as some openings which do not appear to be original. A stop work order was issued for safety reasons and also so the project could be reviewed against the Secretary of Interior Design's standards. It was also noted that the basement was partial or a 'crawl space' and it was not approved according to older records. But as of today, it is completely 'dug out'. Commissioner asked if the accessory unit and the basement are considered as one project or are they to be treated separately. Staff replied that the accessory unit should be treated independently and can be approved at staff level as it meets the lot size requirements. Ms. Sciara also stated that the accessory unit could be supported but the basement portion of the project would be subject to limitations.

Commissioner Kelly asked about the factors which make this house historically significant. Staff replied that it is the architecture, number of original features, location and that it was a home to Austin Warburton. Ms. Sciara further explained that the habitable space is what is driving the exterior changes.

Fawzi Ismael, property owner and resident at 1593 Lexington, stated that the house is exempt from CEQA and he made numerous improvements to the structure with permits. He explained that a full basement existed, was used by the previous owner and was one of the many reasons he purchased the property. He explained that Staff supported his project at three prior meetings but that at the February 6, 2014, it was not supported. Mr. Ismael also explained that he has a large family and that is the reason for creating living space in the basement. He noted that all the construction is original and that he never added any openings.

The Commission asked questions about digging deeper, removing a door, and asked to see the DPR form which was not available at the meeting. Commissioner Stattenfield clarified that the granny unit was not a counter item for the meeting and that they could not approve or deny that portion of the project. It was also clarified this house is not listed as Historic.

Commissioner Ikezi asked about the previous owner and wanted to know if the basement was a habitable space. Mr. Ismael's daughter, also present with him at the podium, replied to this question. She explained they knew the previous owner, Naomi Watts, and she had been in the house previous times. She gave a brief description of the house and mentioned the basement existed, as well as doors and windows, during the previous ownership.

The Public Hearing was opened.

Various members of the public spoke and stated their concerns and recommendations for denial of the project. Many believe the house to be historically significant and claimed that the owner performed illegal work and did not obtain permits when it was required. Public speakers expressed their support for the HLC's decision to vote against the project and asked the Planning Commissioners to do the same. Concerns about this house being 'overbuilt' and building too many bedrooms in the basement were expressed. Many expressed going through Planning's approval process to make changes to their homes and stated it was unfair that Mr. Ismael's project be approved when he performed illegal work and received violations. Other members of the public questioned the floor plans and drawings which they felt were unclear and expressed their desire to have uniformity in the Old Quad Association and wish to maintain the integrity of the area. Members of the public also had concerns that the basement would be used as a rental unit due to the multiple bedrooms and number of entries. Mr. Ismael's

daughter spoke during the public hearing portion. She explained the need for community amongst the neighbors and felt her family was not being included in the neighborhood. Mr. Ismael's other daughter also spoke during this time. She stated that her family is large and hopes that they are not being discriminated against due to the size of family members. She explained they are living in cramped quarters and also addressed that there are 5 adult children in the house who all have cars. She questioned the validity of some of the claims from other speakers such as an inner stairwell and concrete being poured which she states are not 'facts'.

The Public Hearing was closed.

The Commission explained there were several missing pieces of information, like the DPR and HLC meeting minutes, which made it too difficult to base a decision on. Commissioner Champeny questioned whether or not to continue the item. Commissioner Kelly recommended that the applicant work with Staff to come up with a solution that would satisfy both the neighbors and Commissioners. Commissioner Chahal stated that there was too much conflicting information and not enough information to make a decision. City Planner, Steve Lynch, expressed the project should go back to HLC for further review.

Motion/Action: Commissioner Stattenfield made a motion to uphold staff decision and therefore deny the appeal of the design review application. (6-0-1-0, Costa absent).

8.C.	**File No.(s):**	**City of Santa Clara Park Impact Fee Nexus Study and Ordinance Enactment**
	Address/APN:	City-wide
	Applicant/Owner:	City of Santa Clara/ Parks and and Recreation Department
	Request:	Presentation of Impact Fee Nexus Study and concept to adopt impact fees city-wide.
	Project Planner:	James Teixeira, Director of Parks and Recreation
	CEQA Determination:	Not applicable
	Staff Recommendation:	**Review and Comment**

Discussion: James Teixeira, Director of City of Santa Clara's Parks and Recreation, gave a presentation of the project.

Mr. Teixeira's presentation provided an overview of Council's goals to develop a Housing Development Impact Fee and ordinance. He reviewed the Nexus study and what it allows the City to do as well as benchmark information from other cities and occupant density information.

He stated that there are new higher density residences which will impact local existing parks. He spoke about fees that are based on density factors and provided data and examples to illustrate the percentages and fee calculations. He addressed when and where fees would be collected and stated that once an application is deemed complete, that is when the calculation of the amount of units and the fee amount to be charged will be determined. He noted that entitlement dates and dates for when building permits are issued are also important.

The Commissioners had questions regarding the cemeteries and acreage. James Teixeira explained that cemeteries were included in the list because of its utility as a recreational use. He also covered the 'usefulness' of park like amenities and defined the differences between cemeteries, community parks and neighborhood parks.

Commissioner Champeny emphasized his discouragement of exemptions for developments such as Below Market Rate units because he did not see a nexus between recreation and Below Market Rate units. He stated that Below Market Rate need recreational areas, as well. For example, LEED certification was not an appropriate exemption.

More questions from the Commission involved availability of open space, credits for park land, and how pricing and reimbursements are calculated and obtained.

The Public Hearing was opened and closed with no public comments received.

Motion/Action: The Commission clarified this was a presentation and no action was required as this item was for review and comment only.

9. OTHER BUSINESS

9.A. Commission Procedures and Staff Communications

i. Announcements/Other Items

- Cancellation of March 26, 2014 Regular Planning Commission meeting (no item scheduled)
- Approval of request to hold Special Planning Commission meeting on April 16, 2014

ii. Report of the Director of Planning and Inspection

- City Council Actions

iii. Commission/Board Liaison and Committee Reports

- Architectural Committee: Commissioners Stattenfield and Chahal
- Station Area Plan: Commissioner Champeny
- General Plan sub-Committee: Commissioners Champeny and Ikezi
- Historic Preservation Ordinance Committee: Commissioner Chahal, Ikezi

iv. Commission Activities

- Commissioner Travel and Training Reports; Requests to Attend Training

v. Upcoming agenda items

10. ADJOURNMENT

The meeting adjourned at 11:26 p.m. The next regular Planning Commission meeting will be held on Wednesday, April 16, 2014, at 7:00 p.m.

Prepared by: Megan Zimmershead
Office Specialist IV

Approved: Kevin L. Riley
Director of Planning & Inspection

I:\PLANNING\2014\PC 2014\03.12.2014\PC Minutes 03 12 14.doc

6/10/14

MD-2

CITY OF SANTA CLARA
YOUTH COMMISSION MINUTES
March 11, 2014

The City of Santa Clara Youth Commission met for their regularly scheduled meeting on Tuesday, March 11 at 6:00 pm, at the Santa Clara Teen Center, 2446 Cabrillo Avenue, Santa Clara, California.

Present: Commissioners: Samia Abbasi, Ajaipal Chahal, Karla Cisneros, Devleena Das, Jeff Hara, Vyvy Nguyen, Emily Packer, Sheryl Ratnam, Andrew Rauschhuber, Rafal Saeed, Hannah Villalpando, Michelle Vo, Shana Vu, Ryan Winter, and Ashley Wong

Absent: None

Guests: Vaheeshta Mehr – Wilcox
Los Gatos Youth Commission

Staff Present: Jennifer Herb – Recreation Supervisor
Nan Choi – Teen Librarian

Matters for City Council Action – None

I. CALL TO ORDER - The meeting was called to order by Chair, Jeff Hara at 6:16 pm.

II. INTRODUCTION OF GUESTS -
- A. Vaheeshta Mehr – Wilcox
- B. Los Gatos Youth Commission

III. APPROVAL OF JANUARY 6 MINUTES -
- A. Hannah Villalpando made a motion to amend the minutes with the following changes: VII. Committee Reports D – the sentence should read, "The Committee met to develop the opening act." Andrew Rauschhuber seconded the motion. Devleena Das made a motion to approve the amended minutes, seconded by Ajaipal Chahal.

IV. CORRESPONDENCE/COMMUNICATIONS–
- A. Library –
  1. April 4 – Practice ACT/SAT Combination Test
  2. April 13 – Follow up with Practice ACT/SAT
- B. Santa Clara High School
  1. March 12 – Spring Instrumental Concert
  2. March 13 – Mission College Placement
  3. March 14 – Spring Choir Concert & CCOC Tour
  4. March 15 – Renaissance Rally

5. March 18 – SJSU Next Steps
6. March 19 – CAHSEE Testing & Winter Sports Awards Night
7. March 20 – Ohlone College Field Trip
8. March 21 – Student vs. Staff Basketball & Crab Feed
9. March 24 – 28, Battle of the Classes Week
10. March 26 – Junior EAP Test
11. March 28 – Battle of the Classes competition
12. April 2 – Spring Open House & Day of Arts
13. April 4, 5 & 11, 12 – Spring Musical, "Spamalot"
14. April 7 – 11, Diversity Week

C. Wilcox High School
1. March 10 – 14, Teen Read Week
2. March 12 – Spring Music Concert & Nor Cal Basketball Finals
3. March 14 – Improv Night
4. March 18 & 19 – CAHSEE Testing
5. March 21 – Spring Spirit Rally
6. March 26 – Winter Sports Awards Night
7. March 28 – Multi-Cultural Day and Night Assembly
8. April 1 – 7, ASB Election Week
9. April 3 & 4 – Class Plays
10. April 7 – Student Senate Meeting
11. April 8 – ASB Election Assembly

D. Presentation High School
1. March 12 – Mission Drive Prayer
2. March 13 & 14 – Senior Retreat
3. March 15 – Play, "Midsummer Night's Dream"
4. March 19 – Spring Sports Rally
5. March 22 – San Jose Immersion
6. March 26 – 7th Grade Day
7. March 28 – Fashion Show
8. April 2 – Blood Drive
9. April 8 – Nicaragua Solidarity Dinner

E. Archbishop Mitty High School
1. March 15 – Alumni Basketball Game
2. March 19 – Junior Division Liturgy
3. March 21 – Career Symposium
4. March 21, 22 & 27-29 – Spring Musical, "Spamalot"
5. April 4 – ASB Elections
6. April 5 – Junior Prom

F. St. Francis High School
1. March 11 – Blood Drive
2. March 12 – ASB Elections
3. March 15 – SF Track Invitational
4. March 19 & 20 – Class of 2018 Registration Night
5. March 22 – Royal Lancer Auction
6. March 29 – Junior Prom
7. April 1 & 3 – 7th Grade Day
8. April 3 & 4 – 13th Annual International Showcase

9. April 5 – Class of 2018 Qualifying Placement Exams
10. April 8 – Class Office Elections

G. Bellarmine College Preparatory
1. March 15 – African-American Cultural Event
2. March 17 – Father/Son Golf Tournament
3. March 18 – Band Solo & Ensemble Concert
4. March19 – Admissions Registration Evening
5. March 21 – Junior/Senior Mixer
6. March 22 – Freshmen/Sophomore Mixer
7. March 24 – Percussion Ensemble Concert
8. March 29 – Golden Bell Auction
9. April 4 – Battle of the Bands
10. April 6 – Grandparents' Day

H. Buchser Middle School
1. April 3 – Open House

V. SUMMARY OF CITY COUNCIL ACTIONS – None

VI. OLD BUSINESS

A. Leadership Santa Clara – Ashley Wong and Ajaipal Chahal informed the Youth Commission that the next meeting will be held on March 13.

B. Love Lock Down Dance - Teen Center, February 14 – The event which changed from a dance to a movie took place at the Teen Center. There were about 50 people in attendance.

C. Teen Center Workshop, February 26 – Youth Commissioner Hannah Villalpando shared with the rest of the Youth Commission that the workshop was successful and the speakers were very informative.

D. YAC Attack, March 1 – Jennifer asked the Youth Commission for feedback as to what they thought about the event. She asked each member to provide one positive and one suggestion for improvement.

VII. COMMITTEE REPORTS

A. Fun Run/Walk – the Committee met to continue developing the event. Youth Commissioner AJ Chahal is working on the flyer, Ashley Wong is working on the logo for the bag, and Devleena Das, Andrew Rauschhuber, and Jeff Hara are working on asking businesses to participate as stops along the route. A committee meeting was scheduled for Tuesday, March 25 at 5:30 pm.

B. Intergenerational Dance – the Committee met to paint posters and decorations for the event. A committee meeting was scheduled for Tuesday, March 25 at 6:00 pm.

C. Parent Resource Workshops – the Committee met to discuss last minute details about the workshop. A committee meeting was scheduled for Tuesday, March 25 at 6:30 pm.

D. Scholarships – the Committee met to look over last year's interview questions, and began brainstorming questions for this year's panel. A committee meeting was scheduled for Tuesday, March 25 at 6:30 pm.

VIII. NEW BUSINESS

A. Sumer Camp Employment and LITE applications, March 7 - Jennifer talked to the Youth Commission about summer employment and volunteer opportunities with the Parks and Recreation Department.
B. "Rock 'n Roll Diner," Intergenerational Dance, March 15 – Jennifer went over final details for the event, and asked that everyone arrive at 1:00 pm to help with decorating.
C. Deadline for YC Scholarships and Term Applications, March 24 – Jennifer reminded the Youth Commission that the deadline for both applications is approaching, and asked them to spread the word to their peers.
D. Teen/Parent Workshop, "Internet Safety," March 26 – The third workshop of the series will be held from 6:30-7:30 pm with a light dinner provided.
E. Post Fantastics/Battle of the Classes Dance – Teen Center, March 28 – The Teen Center will host the Post Dance event as a way to celebrate the two school competitions. The dance will be from 9:00-11:00 pm.
F. "Run Santa Clara – Our City Awaits You," Fun Run, April 13 – based on where the committee is in regards to planning, it will be difficult to have the event at the proposed time. Jennifer has asked that all information be turned in to her by the committee meeting to determine the date of the event.
G. 4th of July All-City Picnic – Jennifer continues to check with the Youth Commission regarding volunteering at the All-City Picnic.
H. End of the Year Social – Jennifer has asked the Youth Commission to look at dates in which they're available for dinner.

IX. PUBLIC PRESENTATIONS – none

X. ADJOURN – A motion was made by Hannah Villalpando to adjourn the meeting at 7:43 pm. Rafal Saeed seconded the motion. Meeting was adjourned to the next scheduled meeting, Tuesday, April 8, at the Teen Center.

Minutes Prepared by: Karen Brown
for Jennifer Herb
Youth Commission Staff Liaison
Recreation Supervisor

6/10/14

MD-3

CITY OF SANTA CLARA
YOUTH COMMISSION MINUTES
February 11, 2014

The City of Santa Clara Youth Commission met for their regularly scheduled meeting on Tuesday, February 11 at 6:00 pm, at the Santa Clara Teen Center, 2446 Cabrillo Avenue, Santa Clara, California, in lieu of their regularly scheduled meeting.

Present: Commissioners: Samia Abbasi, Ajaipal Chahal, Karla Cisneros, Devleena Das, Jeff Hara, Vyvy Nguyen, Andrew Rauschhuber, Rafal Saeed, Hannah Villalpando, Michelle Vo, Shana Vu, Ryan Winter, and Ashley Wong

Absent: Emily Packer – Unexcused
Sheryl Ratnam - Excused

Guests: Vaheeshta Mehr – Wilcox
Dave Staub – Public Works
Lina Prada-Baez – Public Works

Staff Present: Jennifer Herb – Recreation Supervisor
Patricia Lord – Recreation Manager
Jon Kawada – Recreation Coordinator
Nan Choi – Teen Librarian

Matters for City Council Action – None

I. CALL TO ORDER - The meeting was called to order by Chair, Jeff Hara at 6:08 pm.

II. INTRODUCTION OF GUESTS -
- A. Vaheeshta Mehr – Wilcox
- B. Dave Staub – Public Works
- C. Lina Prada-Baez – Public Works

III. APPROVAL OF DECEMBER 3 MINUTES -
- A. Devleena Das made a motion to amend the minutes with the following changes: Commissioner Emily Packer should be listed excused. IV. Correspondence D4 – Drewd is missing the "d". VII. Committee Reports B – root beer shouldn't be capitalized. VIII. New Business D – Ryan Winter's first name is misspelled. Rafal Saeed seconded the motion. Hannah Villalpando made a motion to approve the amended minutes, seconded by Ashley Wong.

IV. CORRESPONDENCE/COMMUNICATIONS–
- A. Library –
  1. Erin Ulrich will be a chaperone for the Sister Cities, Izumo, Japan trip.
  2. March 1 – Reminder about the practice SAT

3. March 11 – Book to Movies Program, "Ender's Game" at 3:30 pm
4. March 18 – Teen Tech Week, "Super Smash Brothers" at 3:30 pm
5. April 1 – New City Librarian

B. Santa Clara High School
1. February 11 – Senior Panoramic
2. February 12 – Semester Awards Night
3. February 14 – Black History Presentation & Freshman Biology Whale Watching
4. February 24 – Representative Assembly Meeting
5. February 25 – Interclub Council Meeting & Dining for Dollars at Armadillo Willy's, to raise money for the Marching Band
6. February 28 – Spring Renaissance Rally & Sadie Hawkins Dance
7. February 28 – Hosting CCS Basketball Boys
8. March 1 – Filipino cultural Night
9. March 4 – CCOS Presentation
10. March 5 – School Site council
11. March 7 – Spring Sports Rally

C. Wilcox High School
1. February 12 – Athletic Parents Meeting
2. February 26 – Junior Parents Meeting
3. March 3-7, Fantastics Week
4. March 6 – Hall Decorating
5. March 7 – Fantastics
6. March 10 – Student Senate Meeting

D. Presentation High School
1. none

E. Archbishop Mitty High School
1. February 13 – Basketball vs. Bellarmine
2. February 26 – Sophomore Divisional Liturgy
3. February 27 – Monarch Madness
4. March 5 – Ash Wednesday Liturgy
5. March 7 – Winter Concert & Performing Arts Assembly

F. St. Francis High School
1. none

G. Bellarmine College Preparatory
1. February 11 – 12, Sophomore Retreat
2. February 12 – Freshman Assembly
3. February 14 – Parent/Son Mass
4. February 25 – Sophomore Parents College Night
5. February 28 – March 2, 6-8 – Winter Musical, "Hairspray"
6. March 2 – Confirmation Retreat
7. March 6-7, Sophomore Retreat
8. March 9 – Bell Wars

H. Buchser Middle School
1. March 7 – Spring Pictures, Buddy Pictures, & Gown Measuring

V. SUMMARY OF CITY COUNCIL ACTIONS – None

VI. OLD BUSINESS

A. Youth Commission T-shirts – Jennifer handed out T-shirts and sweatshirts to the Youth Commission before Santa Clara's Got Talent.

B. Santa Clara's Got Talent Rehearsals
   1. January 14-16
   2. 7:00 – 9:00 pm
   3. Community Recreation Center
   4. Opening act practice – 6:00 pm

C. Santa Clara's Got Talent, January 18 – The Youth Commission talked about the event and offered feedback for next year.

D. Youth Commission term and scholarship applications available, January 21 – Jennifer reminded the Youth Commission that applications are available, and encouraged the group to tell their friends and hand out applications.

E. Teen Center Workshop, January 22 – The Youth Commission hosted the first workshop of the series. Attendance was low and Jennifer asked the Commission that they promote more for the February workshop.

VII. COMMITTEE REPORTS

A. Fun Run/Walk – the Committee met to continue working on the event. Jennifer asked them to bring the flyer, logo for the bag, and potential businesses that are interested in participating as a stop along the route. A committee meeting was scheduled for Tuesday, February 25 at 5:30 pm.

B. Intergenerational Dance – the Committee met to talk about decorations, and food options for the event. A committee meeting was scheduled for Tuesday, February 25 at 6:00 pm.

C. Parent Resource Workshops – the Committee met and did Internet research to find potential speakers for the upcoming workshop topics. A committee meeting was scheduled for Tuesday, February 25 at 6:30 pm.

D. Santa Clara's Got Talent – the Committee to evaluate the details of the event, from the planning to the implementation, keeping in mind things they'd like to improve for next year. A committee meeting was not scheduled as the committee is no longer needed.

VIII. NEW BUSINESS

A. Leadership Santa Clara – Ashley Wong and Ajaipal Chahal are attending the class through Wilcox High School and they shared with the Youth Commission what they learned at the first class.

B. Love Lock Down Dance - Teen Center, February 14 – The event has been changed to a movie that will be shown inside the Teen Center, from 7:30 – 10:00 pm.

C. Teen Center Workshop, February 26 – The second workshop in the series will be addressing eating disorders and teen dating abuse. It will be from 6:30 – 7:30 pm in the Middle Class Room at the Teen Center.

D. YAC Attack, March 1 – Jennifer reminded the Commission about the upcoming conference in Mountain View.

E. "Rock 'n Roll Diner," Intergenerational Dance, March 15 – Jennifer passed out flyers for the event and asked the Commissioners to invite their peers.

F. "Run Santa Clara – Our City Awaits You," Fun Run, April 13 – Jennifer expressed concern that the committee isn't where it should be in regards to preparing for the event.

G. 4th of July All-City Picnic – Jennifer asked the Commission if any of them would be interested in volunteering at the event which will be held at Central Park, on Friday, July 4. Commissioners that said they were available are: Shana Vu, Samia Abbasi, Jeff Hara, Michelle Vo, Devleena Das, Vyvy Nguyen, Ryan Winter, and Ashley Wong.

IX. PUBLIC PRESENTATIONS – Dave Staub and Lina Prada-Baez from Public Works gave a presentation regarding the Single Use Bag Ordinance for the City of Santa Clara. After the presentation, Youth Commissioners were able to ask questions.

X. ADJOURN – A motion was made by Hannah Villalpando to adjourn the meeting at 8:15 pm. Vyvy Nguyen seconded the motion. Meeting was adjourned to the next scheduled meeting, Tuesday, March 11, at the Teen Center.

Minutes Prepared by: _____
Jennifer Herb
Youth Commission Staff Liaison
Recreation Supervisor

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 7E-1

Santa Clara All-America City 2001

Date: June 3, 2014

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Retroactive Special Permit Request to Allow a Temporary 30 by 30 Square Foot Tent on an Existing Parking Garage Located at 3975 Freedom Circle (PLN2014-10375)

EXECUTIVE SUMMARY:

The applicant, Michael Sammut, on behalf of Unica Party Rentals, filed an application for a Special Permit requesting the use of the top floor of the parking garage to host an event on May 7, 2014, at 3975 Freedom Circle. A signed application and site plan are attached.

The event was a private event honoring employees, was closed to the public, and there was not amplified sound that would affect nearby businesses. As the Special Permit application was not submitted in time to meet a regularly scheduled City Council meeting prior to the proposed event date, it was processed administratively to allow the applicant to acquire the necessary permits to conduct the event, subject to conditions. This is consistent with past practices where staff will administratively approve Special Permits with timing constraints. At this time, Staff is requesting that the Council formally approve this Special Permit retroactively.

Administrative approval of the Special Permit was subject to the following conditions:

1. This permit shall be for one-day for a temporary 30 by 30 square foot tent on May 7, 2014;
2. The applicant shall obtain temporary permits from the Santa Clara Building and/or Fire Department as required;
3. The applicant shall obtain Building Official approval and permits for all electrical and utility hook-ups prior to the event;
4. The applicant shall obtain amplified music permit and shall comply with City section 9.10.040, noise and sound regulation, if applicable;
5. The applicant shall comply with Fire Department directives and requirements;
6. There shall be no "searchlight" beams, streamers, and generated inflatable or roof-mounted balloons during the event; and
7. Upon conclusion of the event, the parking garage shall be cleaned and returned to its prior condition.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

None associated with this request.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council retroactively approve the Special Permit request to allow a temporary 30 by 30 square foot tent on an existing parking garage located at 3975 Freedom Circle (PLN2014-10375), subject to conditions.

Kevin L. Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) Planning Application
2) Site Plan

I:\PLANNING\2014\SPERMIT\3975 Freedom Circle\CC agnd rpt 3975 Freedom Circle.doc

PLANNING APPLICATION

CITY OF SANTA CLARA PLANNING DIVISION

1500 Warburton Avenue, Santa Clara, California 95050
(408) 615-2450 Fax: (408) 247-9857
E-mail Planning@santaclaraca.gov
Website: www.santaclaraca.gov

See reverse side for application requirements

APPLICATION FOR:
(Please check all applicable boxes)
- ☐ **VARIANCE**
- ☐ **USE PERMIT**
- ☐ **ZONING CHANGE**
- ☐ **TENTATIVE MAP**
- ☐ **TENTATIVE PARCEL MAP**
- ☐ **LOT LINE ADJUSTMENT**
- ☐ **MODIFICATION**
- ☒ **SPECIAL PERMIT**
- ☐ **HISTORICAL & LANDMARKS COMMISSION**
- ☐ **GENERAL PLAN AMENDMENT**
- ☐ **OFF-SITE PARKING PERMIT**
- ☐ **(OTHER):**

ARCHITECTURAL REVIEW FOR:
- ☐ **RESIDENTIAL**
- ☐ **NON-RESIDENTIAL**
- ☐ **MIXED-USE**
- ☐ **LANDSCAPE**
- ☐ **SIGNS**
- ☐ **TEMPORARY SIGNS**

FOR PLANNING STAFF USE ONLY
Checked in by: ___ on 5/6/14
Fee: 800 Receipt number: ___
PCC-SC meeting date: ___
Tentative Commission date: ___
Tentative AC meeting date: ___
File number(s): PLN2014-10375
ENVIRONMENTAL REVIEW:
☐ EXEMPT ☐ NEG DEC ☐ EIR

Fax to: ___
Fax #: ___

Project Address: 3975 Freedom Circle Dr. Santa Clara, CA. 94070 Building area: ___ square feet

County Assessor's Parcel Number (APN): ___ ___ ___ - ___ ___ - ___ ___ ___ Gross lot area: ___ acres / square feet

Development Project Description: 4pm - 7pm - Tent for shade for drinks & food
Size: 30x30 5/7/14

Hazardous Wastes and Substances Statement (Calif. Gov. Code 65962.5):
☐ This site is **not** included on the Hazardous Wastes and Substances Sites List Date of list: ___
☐ This site is on the Hazardous Wastes and Substances Sites List.
(A copy of this list is available in the Planning Office) Regulatory ID #: ___

☐ Urban Runoff Pollution Prevention Program (URPPP) information provided to applicant

Please print all information legibly, including correct zip code.

Applicant: Michael Sammut Mailing address: 948 Washington St Day phone: (650) 207-2021
Company: Unica Party Rentals City: San Carlos Fax #: (650) 610-9003
Signature: [signature] Zip code: 94025 E-Mail (Optional): michael@unicapartyrentals.com

Property Owner: SEE Mailing address: Attachment Day phone: ___
Company: ___ City: ___ Fax #: ___
Signature: ___ Zip code: ___ E-Mail (Optional): ___

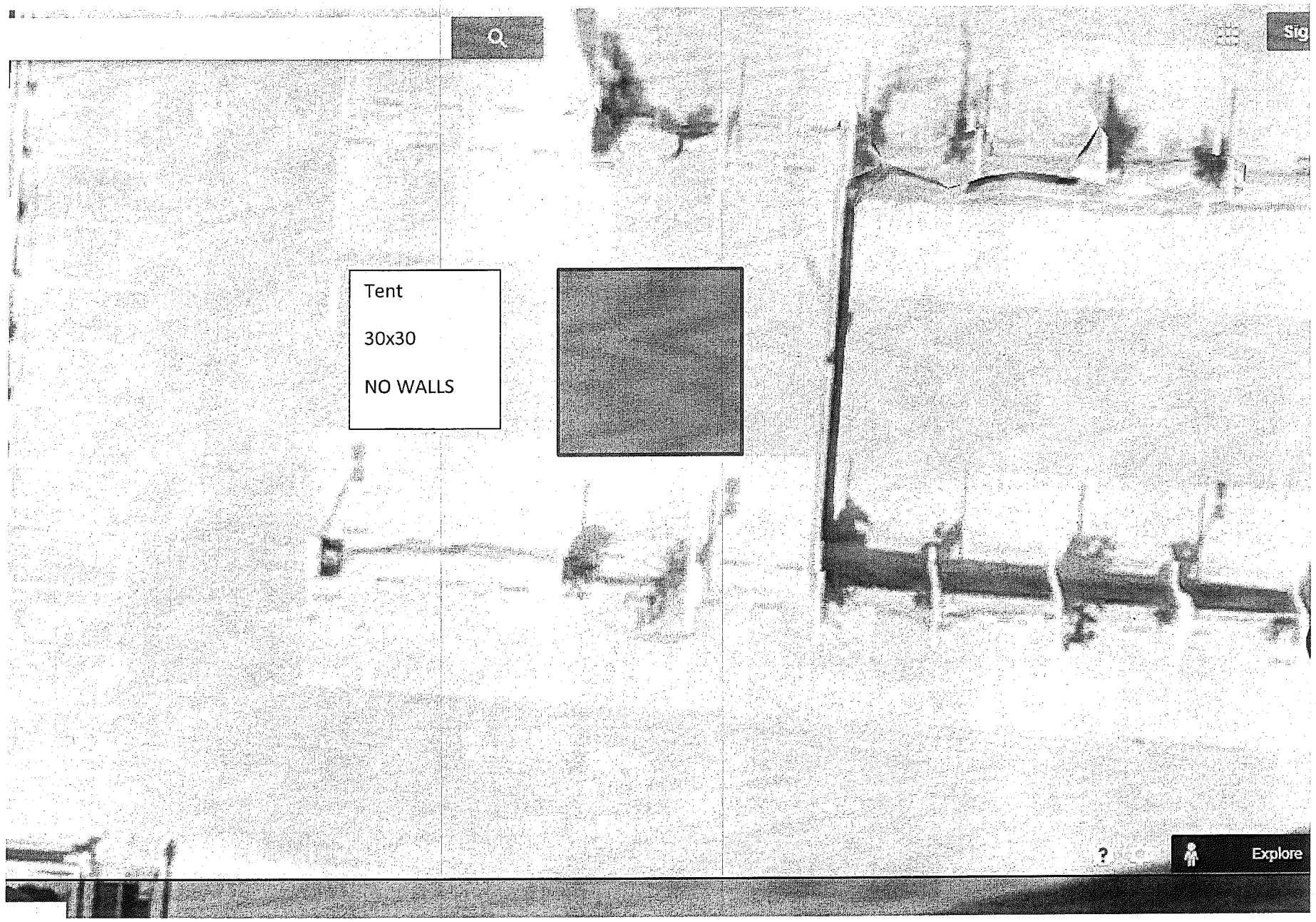
NOTE: Please attach the names and full addresses, including zip codes, of all other involved parties to which you would like agendas and minutes sent.

Statement of justification for the above **APPLICATION** (this statement will be included in the staff report to the Planning Commission; a separate statement may be attached, if necessary): Contact staff for assistance on preparing a statement.
Tent Size: 30x30 Feet NO ELECTRICAL Installed 10 - 1 USE 4pm - 8pm # of Spaces Ent. 10

Tentative Map / Tentative Parcel Map / Lot-Line Adjustment application only:

Engineering firm: ___ Engineer's name: ___
Address: ___ Phone #: ___
Fax #: ___
Internet E-Mail (Optional) ___ Engineer's signature ___
STAFF COMMENTS: ___

TO BE COMPLETE, IN ADDITION TO FILING THE APPROPRIATE APPLICATION FEES AND ANY REQUIRED ENVIRONMENTAL INFORMATION, THE FOLLOWING PLANS AND DATA MUST ACCOMPANY THE PLANNING APPLICATION, BASED UPON THE TYPE REQUEST BEING MADE:


Tent
30x30
NO WALLS
Sig
Explore

LICENSE AGREEMENT

This **LICENSE AGREEMENT** (this "**License**") is made and entered into as of May 2, 2014, by and between PR 3975 FREEDOM CIRCLE LLC, a Delaware limited liability company, PR 3979 FREEDOM CIRCLE LLC, a Delaware limited liability company and PRISA LHC, LLC, a Delaware limited liability company, its sole member and manager ("**Licensor**"), and KPMG LLP, a Delaware limited liability partnership ("**Licensee**").

1. **GRANT OF LICENSE.** Licensor hereby grants to Licensee a license to use the area depicted on **Exhibit A** attached hereto (the "**License Area**"), which License Area is located on a portion of the property outside of the buildings located at 3975 Freedom Circle Drive and 3979 Freedom Circle Drive, Santa Clara, California in the project commonly known as Mission Towers (the "**Project**"), on the terms set forth herein.

2. **TERM.** Licensor hereby grants to Licensee the right to use the License Area for the term (the "**Term**") and schedule described on **Exhibit B** attached hereto, unless terminated in accordance with the terms hereof.

3. **LICENSE FEE.** As consideration for the use of the License Area during the Term, Licensee shall pay Licensor the sum of $100.00 (the "**License Fee**"), plus applicable state sales and use taxes. The License Fee shall be payable to Licensor at the following address:

   PRISA LHC, LLC
   51 Broad Street
   Newark, New Jersey 07102-2992

   Please include in June 2014 rental statement.

4. **USE OF LICENSE AREA.**

   4.1 The License Area shall be used only for KPMG's BBQ Event. Licensee shall comply with all legal requirements affecting the License Area and its use and with the requirements set forth on **Exhibit B** attached hereto, as they may be modified by Landlord from time to time. Licensee and its agents, contractors, employees, representatives, licensees, invitees and/or visitors (collectively, the "**Licensee Entities**") shall not (i) do or permit anything to be done, nor bring or keep anything in or around the License Area, Building or Project, that will increase the risk of fire or other loss (including by way of example, ~~bringing flammables~~ or explosives into the License Area, Building or Project or bringing fuel-powered machinery into the License Area); (ii) do or permit anything to be done which may be ~~a nuisance~~ to tenants or occupants of the Building or Project; (iii) store anything outside of the License Area; (iv) place any signs on or around the License Area, Building or Project; nor (v) commit or suffer any waste upon or about the License Area, Building or Project.

   Licensee has been informed that there will be open flame due to bbq. Caterer to provide required fire extinguishers.

   Licensor has been informed of live band between the hours of 4:00 p.m. and 7:00 p.m.

   4.2 Licensee shall not, and shall not direct, suffer or permit any of the Licensee Entities to at any time handle, use, manufacture, store or dispose of in or about the License Area, Building or Project any (collectively "**Hazardous Materials**") ~~flammables~~, explosives, radioactive materials, hazardous wastes or materials, toxic wastes or materials, or other similar substances, petroleum products or derivatives or any substance subject to regulation by or under any federal, state and local laws, regulations and ordinances relating to the protection of the environment or the keeping, use or disposition of environmentally hazardous materials, substances, or wastes (collectively

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8A

Santa Clara All-America City 2001

Date: June 3, 2014

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Public Hearing for the Santa Clara Square Project, a 47.57-Acre Project Site, Located at 2620-2790, 2425, 2465 and 2475 Augustine Drive (APNs: 216-45-011, 014, 019, 027, 028, 036, 037, 006); Adopt Resolutions to:

1) Approve the Addendum No. 2 to the Augustine-Bowers Office Park Environmental Impact Report;
2) Approve the General plan Amendment #80 from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II & III];
3) Approve a Rezone from Planned Development (PD) to Planned Development (PD) [Retail Center], and from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III] to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, Subject to Conditions;
4) Approve the Vesting Tentative Parcel Map to remove existing lot lines on the 13.8 Acre Retail Center portion of the Project Site, Subject to Conditions;
5) Pass-to-Print an Ordinance to approve the Second Amendment to the Development Agreement with The Irvine Company LLC, 2525 Augustine Drive LLC and 3255 Scott Boulevard LLC; and
6) Refer the project design, including the sign program, to the Director of Planning and Inspection for review and approval for the Retail Center, and to the Architectural Committee for Office Phases II and III;

[PLN2014-10256, PLN2014-10257, PLN2014-10258, PLN2014-10259, PLN2014-10260, PLN2014-10381, CEQ2014-01172]

EXECUTIVE SUMMARY:

The applicant is requesting to amend the previously approved 1,969,600 square feet of office development and 35,000 square feet of retail development (2009 Project, PLN2008-06859). The proposal will shift the approved office development south of Augustine Drive from the 2009 Project to make room for 125,000 square feet of retail specialty center and relocate the remaining approved office uses immediately to the east of the Office Phase I on the north side of Augustine Drive. This 2014 Project provides for the development of an office campus totaling no more than 1,243,300 million square feet of office space, and up to 125,000 square feet of retail space, on the Retail and Office Phases II and III properties, for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, or 4,500 square feet less than the total development that was approved in the 2009 Project. Office Phase I, approved and under construction, consists of approximately 618,800 square feet of office space and 13,000 square feet of retail space located in three 6-8 story office buildings. The proposed neighborhood serving specialty retail center will provide much needed retail to the surrounding properties and community. The proposed office development location directly adjacent to the

Highway 101 is more suitable for office use and could serve as a buffer for the future residential use in areas south of Augustine Drive as designated in Phase III of the 2010-2035 General Plan. The requested Vesting Tentative Parcel Map allows for the removal of existing lot lines on the 13.8 Acre Retail portion of the project site. The Amendment to the Development Agreement allows for a phased development of the project and its associated facilities and improvements. There is no change to the contributions set forth in the Original DA to the City's Housing Fund. The project also contributes to the City's Trails, Open Space and Parks, and included contributions to mitigate traffic impacts.

This project was reviewed by the City Council at a study session on February 11, 2014. Based on the comments heard at the City Council Study Session, the applicant has further refined the proposal for the specialty center that would link to the offices nearby. The applicant has worked with staff to add the mid-street crossing, additional bike and pedestrian connections. The applicant has also added a retail pad along Scott Boulevard, and refined the retail walking street. The primary change to the drawings presented to Council is the addition of vertical elements for the retail buildings.

The Vesting Tentative Parcel Map was reviewed by the City's Subdivision Committee and determined to be complete on April 22, 2014. For the Retail Center, South of Augustine Drive, existing lot lines are to be removed through the tentative and final map approval process. The consideration and action on the Vesting Tentative Parcel Map is a function of the City Council.

The project was reviewed by the Planning Commission on May 28, 2014. The Planning Commission recommended that the City Council approve the Santa Clara Square Project, and refer the project design, including the sign program, to the Director of Planning and Inspection for review and approval for the Retail Center, and to the Architectural Committee for Office Phases II and III, subject to Conditions, as reflected in the Minutes, and in the Resolutions and Ordinance prepared for Council Action.

Notice of public hearings have been posted within 500 feet of the site and published in the Santa Clara Weekly on May 14, 2014 as well as mailed to property owners within 500 feet of the project site. The full administrative record is available for review during normal business hours in the Planning Division office at City Hall, 1500 Warburton Avenue, Santa Clara.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the project provides an opportunity to locate a specialty retail center adjacent to high quality office developments and to nearby future residents. The project will increase the amount and diversity of retail services in a transit, bicycle and pedestrian friendly location that would further enhance the City's General Plan development priorities for this area. The project site is located in an urbanized area served by existing municipal services, and the physical development of the project site would localize employment in a central geographic area. The landscape and open space concept for the office development include campus serving amenities, such as sports courts, event space, and seating areas. Both the retail and office developments provide shade structures and outdoor seating areas. These onsite private open space areas and recreational facilities help to meet the needs of tenants and patrons of this project. The project includes the construction of street and intersection improvements at Augustine Drive and Bowers Avenue, and the payment of local and regional traffic impact fees and fair share contributions toward the cost of improvements at Central Expressway and Bowers Avenue, San Tomas Expressway and Scott Boulevard, San Tomas Expressway and El Camino Real, and Montague Expressway and Trimble Road. The project will also provide a creek trail connecting Augustine/Octavius Drive to the San Tomas Aquino Creek Trail.

The 2014 Project would still result in impacts with regard to air quality, traffic, population and housing and greenhouse gas, but to a lesser extent than the 2009 Project. The availability of recycled water for the 2014 Project results in reduced hydrological impacts when compared to the 2009 Project. In addition, the 2014 Project will need to comply with the Santa Clara Climate Action Plan which imposes a number of requirements, such as a 20% Vehicle Miles Traveled reduction, implementation of water conservation measures, and waste reduction programs.

ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

RECOMMENDATION:

That the Council adopt Resolutions for the Santa Clara Square Project, a 47.57-Acre Project Site, Located at 2620-2790, 2425, 2465 and 2475 Augustine Drive (APNs: 216-45-011, 014, 019, 027, 028, 036, 037, 006) to:

1) Approve the Addendum No. 2 to the Augustine-Bowers Office Park Environmental Impact Report;
2) Approve the General plan Amendment #80 from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II & III];
3) Approve a Rezone from Planned Development (PD) to Planned Development (PD) [Retail Center], and from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III] to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, Subject to Conditions;
4) Approve the Vesting Tentative Parcel Map to remove existing lot lines on the 13.8 Acre Retail Center portion of the Project Site, Subject to Conditions;
5) Pass-to-Print an Ordinance to approve the Second Amendment to the Development Agreement with The Irvine Company LLC, 2525 Augustine Drive LLC and 3255 Scott Boulevard LLC; and
6) Refer the project design, including the sign program, to the Director of Planning and Inspection for review and approval for the Retail Center, and to the Architectural Committee for Office Phases II and III.

Kevin L. Riley

Kevin Riley
Director of Planning and Inspection

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***City Council Resolution – Approval of EIR Addendum No.2 to Augustine-Bowers Office Park EIR***
2) ***City Council Resolution – Approval of General Plan Amendment #80***
3) ***City Council Resolution – Approval of Rezoning from PD to PD and ML to CP***
4) ***City Council Resolution – Approval of Vesting Tentative Parcel Map***
5) ***City Council Ordinance – Approval of Second Amendment to Development Agreement***
6) ***Second Amendment to Development Agreement***
7) ***Conditions of Approval – Rezone***
8) ***Conditions of Approval – Map***
9) ***EIR Addendum No.2 to Augustine-Bowers Office Park EIR***
10) ***Planning Commission Meeting Excerpt Minutes from the meeting of 05/28/14***
11) ***Planning Commission Staff Report from the meeting of 05/28/14***
12) ***Applicant Letter of Justification dated May 15, 2014***
13) ***Correspondence as of June 4, 2014***
14) ***Development Plans***
15) ***Vesting Tentative Parcel Map***

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE ADDENDUM NO. 2 TO THE AUGUSTINE-BOWERS OFFICE PARK ENVIRONMENTAL IMPACT REPORT FOR THE SANTA CLARA SQUARE PROJECT LOCATED AT 2620-2790, 2425, 2465 AND 2475 AUGUSTINE DRIVE (INCLUDING PROPERTIES ON BOWERS AVENUE AND SCOTT BOULEVARD), SANTA CLARA

SCH# 2008052065
CEQ 2014-01172 (Addendum No.2 to EIR)
PLN2014-10256 (General Plan Amendment #80)
PLN2014-10257 (Rezone to PD)
PLN2014-10258 (Rezone to Commercial Park)
PLN2014-10259 (Vesting Tentative Parcel Map)
PLN2014-10260 (Second Amendment to Development Agreement)
PLN2014-10381 (Architectural Review)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, WHEREAS, on February 18, 2014, The Irvine Company LLC ("Applicant") filed an application to amend a previously-approved Planned Development (PD) zoning district, a Vesting Tentative Parcel Map to remove existing lot lines and Development Agreement for the Santa Clara Technology Campus Project;

WHEREAS, the application is for the properties located at 2620-2790, 2425, 2465, and 2475 Augustine Drive, a 47.57-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006) in the City of Santa Clara ("Project Sites");

WHEREAS, the Santa Clara Square Project ("2014 Project") was formerly known as the Augustine Bowers Office Park Project ("2009 Project") and as the Santa Clara Technology Campus Project ("2013 Project");

WHEREAS, the application proposes a General Plan Amendment from High Intensity Office/R&D to Community Commercial ("Retail Center") and Light Industrial to High Intensity Office/R&D ("Office Phase II & III"), Rezone from Planned Development (PD) to Planned Development (PD) ("Retail Center") and from Light Industrial (ML) to Commercial Park (CP) ("Office Phase II & III") to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of "Office Phase I") of up to 2,000,100 square feet of development ("2014 Project") as shown on the revised Development Plans, attached as Exhibit "Development Plans" and conditioned in attached Exhibit "Conditions of Approval - Rezone";

WHEREAS, on May 28, 2014, the Planning Commission reviewed the proposed EIR Addendum for the Project, and adopted a resolution recommending that the Council approve the proposed EIR Addendum;

WHEREAS, the City Council has reviewed the EIR Addendum for the Project, the City Staff reports pertaining to the EIR Addendum and all evidence received at a duly noticed public meeting on June 10, 2014, and all of these documents and evidence are incorporated herein by this reference into this Resolution; and,

WHEREAS, the EIR Addendum concludes that the proposed project would not result in any new significant adverse environmental impacts, nor would it result in an increase in the severity of any previously identified significant environmental impacts identified and studied in the EIR.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. The City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. The City Council hereby finds the EIR Addendum has been presented to the City Council, which reviewed and considered the information and analysis contained therein.

3. The City Council hereby finds that the EIR Addendum has been completed in compliance with CEQA.

4. The City Council hereby finds that the EIR Addendum concluded that the proposed project would not result in any new significant adverse impacts, nor an increase in the severity of any significant impacts previously identified and studied in the EIR.

5. The City Council finds that there have been not changes in circumstances in the project area that would result in new significant impacts or more severe impacts, and the magnitude of previously identified environmental impacts would not be substantially different from those associated with the originally approved 2009 Project.

6. The City Council finds that the Project is consistent with the City of Santa Clara General Plan and supports the goals and policies of the General Plan.

7. All documents referenced in the EIR Addendum were made available for public review and will be included in the public record file with the Final EIR.

8. Based on the findings set forth in this Resolution and the evidence in the City Staff Report, the City Council approves the EIR Addendum for the Project.

9. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of

the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

10. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Conditions of Approval - Rezone
2. Development Plans

I:\PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\CC\SCSQ CC Reso-EIR.doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT #80 FOR THE PROPERTIES LOCATED AT 2620-2790, 2425, 2465 and 2475 AUGUSTINE DRIVE (INCLUDING PROPERTIES ON BOWERS AVENUE AND SCOTT BOULEVARD), SANTA CLARA

SCH# 2008052065
CEQ 2014-01172 (Addendum No.2 to EIR)
PLN2014-10256 (General Plan Amendment #80)
PLN2014-10257 (Rezone to PD)
PLN2014-10258 (Rezone to Commercial Park)
PLN2014-10259 (Vesting Tentative Parcel Map)
PLN2014-10260 (Second Amendment to Development Agreement)
PLN2014-10381 (Architectural Review)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, The Irvine Company ("Applicant") applied for a General Plan Amendment in connection with development of a site consisting of 47.57 acres located at 2620-2790, 2425, 2465 and 2475 Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006) in the City of Santa Clara ("Project Sites"), in order to change the General Plan Land Use Designation from High Intensity Office/R&D to Community Commercial ("Retail Center") and Light Industrial to High Intensity Office/R&D ("Office Phase II & III");

WHEREAS, Applicant has simultaneously applied to rezone the Project Site from Planned Development (PD) to Planned Development (PD) ("Retail Center") and from Light Industrial (ML) to Commercial Park (CP) ("Office Phase II & III") to allow the construction of up to 125,000 square feet of retail space and up to 1,243,300 square feet of office space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development ("2014 Project") as shown on the revised Development Plans, attached as Exhibit "Development Plans";

WHEREAS, City staff and Developer have negotiated with Developer a proposed second amendment to the Original Development Agreement ("Second Amendment to the Development Agreement"), and are recommending it to the City Council for approval;

WHEREAS, Santa Clara General Plan Section 1.1.7 requires that the Planning Commission provide input to the City Council on any proposed General Plan amendment, and at its May 28, 2014 meeting, the Planning Commission conducted a public hearing and recommended that the Council approve the proposed amendment;

WHEREAS, Government Code Section 65355 requires the City Council to hold a public hearing prior to adopting an amendment to the General Plan;

WHEREAS, notice of the public hearing on the proposed General Plan Amendment was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on May 14, 2014;

WHEREAS, on May 17, 2014, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 500 feet of the property, according to the most recent assessor's roll;

WHEREAS, before considering the General Plan Amendment for the Project Site, the City Council reviewed and considered the information contained in the Addendum No. 2 to Augustine-Bowers Office Park Environmental Impact Report for the Project (SCH #2008052065); and

WHEREAS, the City Council has reviewed the General Plan Amendment and conducted a public hearing.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. General Plan Amendment Findings. That the City Council finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed amendment is deemed to be in the public interest, in that the proposed project is located in an urbanized area and allows redevelopment consistent with the height, uses and development similar to the surrounding area, and will increase the amount and diversity of specialty retail services.

B. The proposed General Plan amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that the proposed General Plan change supports urban design objectives by promoting the special design and campus-like site plan required in the Office/Research and Development designation and the economic development objectives of increased employment intensity, in that the Community Commercial designation will encourage a wide variety of retail and commercial services such as restaurants in an area that is underserved.

C. The potential impacts of the proposed Amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare in that the proposal has been analyzed in accordance with the California Environmental Quality Act (CEQA) and all feasible mitigations to reduce potential environmental impacts to less than significant levels are identified and included as part of the Project.

D. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA) in that an Addendum No. 2 to Augustine-Bowers Office Park Environmental Impact Report has been prepared.

3. That based on the findings set forth in this Resolution, the Addendum No. 2 to Augustine-Bowers Office Park Environmental Impact Report and the evidence in the City Staff Report, and such other evidence as received at the public hearing on this matter the City Council approves the General Plan Amendment.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Development Plans

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, REZONING THE PROPERTIES LOCATED AT 2620-2790, 2425, 2465 AND 2475 AUGUSTINE DRIVE (INCLUDING PROPERTIES ON BOWERS AVENUE AND SCOTT BOULEVARD), SANTA CLARA FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD) [RETAIL CENTER] AND FROM LIGHT INDUSTRIAL (ML) TO COMMERCIAL PARK (CP) [OFFICE PHASE II & III]

SCH# 2008052065
CEQ 2014-01172 (Addendum No.2 to EIR)
PLN2014-10256 (General Plan Amendment #80)
PLN2014-10257 (Rezone to PD)
PLN2014-10258 (Rezone to Commercial Park)
PLN2014-10259 (Vesting Tentative Parcel Map)
PLN2014-10260 (Second Amendment to Development Agreement)
PLN2014-10381 (Architectural Review)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on February 18, 2014, The Irvine Company LLC ("Applicant") filed an application to amend a previously-approved Planned Development (PD) zoning district and Development Agreement for the Santa Clara Technology Campus Project;

WHEREAS, the application is for the properties located at 2620-2790, 2424, 2465 and 2475 Augustine Drive, a 47.57-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006) in the City of Santa Clara ("Project Sites");

WHEREAS, the Santa Clara Square Project ("2014 Project") was formerly known as the Augustine Bowers Office Park Project ("2009 Project") and as the Santa Clara Technology Campus Project ("2013 Project");

WHEREAS, the Project Sites are currently zoned as Planned Development (PD) and Light Industrial (ML);

WHEREAS, on June 10, 2014, the City Council adopted Resolution No._____ approving the General Plan Amendment #80 to change the General Plan Land Use Designation from High Intensity Office/R&D to Community Commercial ("Retail Center") and Light Industrial to High Intensity Office/R&D ("Office Phase II & III");

WHEREAS, in order to effectuate the development application and its change in use, the Project Site needs to be rezoned from Planned Development (PD) to Planned Development (PD) [Retail Center] and from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III] to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development ("2014 Project") as shown on the revised Development Plans, attached as Exhibit "Development Plans" and conditioned in attached Exhibit "Conditions of Approval - Rezone";

WHEREAS, before considering the rezone of the Project Sites, the City Council reviewed and considered the information contained in the Addendum No. 2 to the Environmental Impact Report for the Project;

WHEREAS, at its May 28, 2014 meeting, the Planning Commission held a public hearing to consider the rezoning application;

WHEREAS, the Planning Commission made a recommendation to the City Council to approve the rezoning application;

WHEREAS, on May 29, 2014, pursuant to section 18.112.060 of the City of Santa Clara Code, a notice of public hearing was posted in at least eight conspicuous places within five hundred (500) feet of the affected property, and mailed to property owners within five hundred (500) feet of the Project Site; and,

WHEREAS, the City Council conducted a duly noticed public hearing on June 10, 2014 to consider the rezoning application.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. The City Council rezone the Project Site, as shown on the Exhibit "Development Plans" and conditioned in Exhibit "Conditions of Approval - Rezone", attached hereto and incorporated herein by this reference, from Planned Development (PD) to Planned Development (PD) [Retail Center] and from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III] to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development on the Project Site.

2. Pursuant to SCCC Section 18.112.010, the City Council determines that the following findings exist in support of the rezoning:

A. The proposed amendment to the zoning district is appropriate or equitable, in that the General Plan permits office and retail development such as the proposed project. The proposed zone change helps the City achieve the stated objectives to: promote quality job growth within the City and region; support campus development that can take advantage of transit opportunities by concentrating jobs near existing transit facilities; support development of significant employment centers on major local and regional roadways to minimize traffic on minor local streets and to facilitate transit services; promote private open space and recreation facilities in employment centers in order to meet a portion of the urban open space and recreational needs that will be generated by the development; and increase the amount and diversity of specialty retail services, with corresponding environmental and fiscal benefits, in a walkable location that will further enhance the City's General Plan development priorities for this area.

B. The proposed zone change will conserve property values; protect or improve the existing character and stability of the area in question; and promote the orderly and beneficial development of such area, in that the proposed rezoning change would allow future improvements consistent with the General Plan High Intensity Office/R&D Designation and Community Commercial Designation.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposed rezoning would allow for office and retail development on the project site which would help achieve the City's goals of encouraging innovative design of new office space to promote higher-intensity new development, and to provide retail amenities for tenants and surrounding neighborhood.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts, in that the proposed zone change would allow an innovative redevelopment to create a successful mix of retail space outlined in the General Plan that utilizes exemplary design principles and careful site planning, and to allow an office campus redevelopment at the desired FAR.

3. That based on the findings set forth in this Resolution, the EIR and evidence in the City Staff Report, and all evidence presented at the hearing, the City Council hereby rezones the Project Site as set forth herein.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and

word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Development Plans
2. Conditions of Approval - Rezone

I: \PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\CC\SCSQ CC Reso-Z.doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE VESTING TENTATIVE PARCEL MAP FOR THE PROPERTY LOCATED AT 2620-2790 AUGUSTINE DRIVE (INCLUDING PROPERTIES ON BOWERS AVENUE AND SCOTT BOULEVARD), SANTA CLARA

SCH# 2008052065
CEQ 2014-01172 (Addendum No.2 to EIR)
PLN2014-10256 (General Plan Amendment #80)
PLN2014-10257 (Rezone to PD)
PLN2014-10258 (Rezone to Commercial Park)
PLN2014-10259 (Vesting Tentative Parcel Map)
PLN2014-10260 (Second Amendment to Development Agreement)
PLN2014-10381 (Architectural Review)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, The Irvine Company ("Applicant") applied for a General Plan Amendment in connection with development of a site consisting of 47.57 acres located at 2620-2790, 2425, 2465 and 2475 Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006) in the City of Santa Clara ("Project Sites"), in order to change the General Plan Land Use Designation from High Intensity Office/R&D to Community Commercial ("Retail Center") and Light Industrial to High Intensity Office/R&D ("Office Phase II & III");

WHEREAS, Applicant has simultaneously applied to rezone the Project Site from Planned Development (PD) to Planned Development (PD) ("Retail Center") and from Light Industrial (ML) to Commercial Park (CP) ("Office Phase II & III") to allow the construction of up to 125,000 square feet of retail space and up to 1,243,300 square feet of office space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development ("2014 Project") as shown on the revised Development Plans, attached as Exhibit "Development Plans";

WHEREAS, consistent with the proposed uses under the development plan, the proposal includes the removal of the existing lot lines on the 13.8 Acre Retail portion of the project site (APNs: 216-45-011, -014, -019, -027, -028), as shown on Exhibit "Vesting Tentative Parcel Map" attached hereto and incorporated herein by this reference;

WHEREAS, pursuant to Section 17.05.220 of the Code of the City of Santa Clara ("SCCC"), a parcel map is required for divisions of land into four or fewer parcels;

WHEREAS, on April 22, 2014, the Subdivision Committee determined that the application was complete and that the parcel map be reviewed by the City Council in conformance with Section 17.05.400 of the SCCC as a Vesting Tentative Parcel Map along with the project;

WHEREAS, Section 17.05.400(d) of the SCCC requires that the City Council hold a public hearing before considering the approval of a Vesting Tentative Parcel Map for the division of land;

WHEREAS, Section 17.05.400(d) of the SCCC further requires that notice of the public hearing before the City Council be given by providing notice to all property owners within three hundred (300) feet of the proposed Tentative Parcel Map area by mail and by posting a notice of public hearing in at least three places within vicinity of the project site;

WHEREAS, notice of the public hearing on the Vesting Tentative Parcel Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on May 14, 2014;

WHEREAS, on May 29, 2014, notices of the public hearing on the Vesting Tentative Parcel Map were mailed to all property owners within five hundred (500) feet of the proposed Tentative Parcel Map, according to the most recent assessor's roll;

WHEREAS, before considering the Vesting Tentative Parcel Map, the City Council reviewed and considered the information contained in the Addendum No. 2 to Augustine-Bowers Office Park Environmental Impact Report for the Project (SCH #2008052065); and,

WHEREAS, the City Council has reviewed the Vesting Tentative Parcel Map and conducted a public hearing.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. Tentative Parcel Map Findings. The City Council finds and determines that:

A. The proposed subdivision is substantially consistent with the objectives, policies, general land use and programs specified in the City's General Plan. The subdivision removes the existing lot lines on the 13.8 acre (APNs: 216-45-011, -014, -019, -027, -028), located at 2620-2790 Augustine Drive, retail portion of the project site to allow for the development of up to 125,000 square feet of retail specialty center adjacent to high quality office developments and to nearby future residents.

B. The design and improvements of the proposed subdivision are substantially consistent with the City's General Plan in that the Vesting Tentative Parcel Map is subject to the conditions set forth in Exhibit "Conditions of Approval - Map", attached hereto and incorporated by this reference. Existing bus stops located on Bowers Avenue and Scott Boulevard will be replaced and improved to VTA's requirements. New pedestrian crosswalks will be at signalized intersections and a mid-street crossing on Augustine Drive has been added to the project. A multi-use trail has been added to the south side of Augustine Drive to accommodate both

pedestrians and bicyclists. In addition, bike lanes will be provided along the property's Augustine Drive, Bowers Avenue and Scott Boulevard frontages. The project includes the construction of street and intersection improvements at Augustine Drive and Bowers Avenue. The retail specialty center is accessed from Augustine Drive or Scott Boulevard by four driveways. The design concept is to provide two main drive aisles through the retail center which access the surface parking.

C. The site is physically suitable for the proposed type of development in that the retail specialty center is comprised of single story buildings with associated surface parking. The buildings are taller and provide a vertical element to better integrate with surrounding developments. The buildings give the impression of two story store front even though most tenants will occupy them are single story tenant spaces. The design does allow future tenants to be two stories where it makes sense for the business and subject to the overall approved square feet for the center. The sloped tiled roof areas, cement plaster wall finish with cast stone base, aluminum store front systems, wood trellis structure, and steal framed fabric awnings are typical building elements. The retail development proposes a palm theme for the main pedestrian street with olives trees for the parking court areas. Palms are proposed as an accent along the frontage of the building housing the market. The perimeter landscaping will be enhanced with the addition of Coast Redwood trees. Outdoor seating with shade structures are provided throughout the retail center. The main service yard is screened from public view along Scott Boulevard.

D. This site is physically suitable for the proposed intensity of development in that the Project Site is located in an urbanized area. The project will increase the amount and diversity of retail services in a transit, bicycle and pedestrian friendly location that would further enhance the City's General Plan development priorities for this area.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the site is surrounded by office developments and supporting services and does not propose the use of hazardous chemicals or materials.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage. The EIR Addendum concludes that the proposed 2014 Project (Santa Clara Square) would not result in new significant adverse impacts or an increase in severity of any previously identified significant impacts identified and studied in the EIR.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision, in that the project is designed to avoid encroachments and conflicts with public easements in the site design.

3. That based on the findings set forth in this resolution, the EIR and the evidence in the City Staff Report, the City Council approves the tentative parcel map for the Project Site as set forth herein.

A. The tentative map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that the offices will be built to LEED "Silver" level or equivalent, and both the retail and office developments provide outdoor amenities, outdoor seating areas.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and

word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Development Plans
2. Vesting Tentative Parcel Map
3. Conditions of Approval – Map

I:\PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\CC\SCSQ CC Reso Map.doc

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA CLARA AND THE IRVINE COMPANY LLC; 2525 AUGUSTINE DRIVE LLC; AND 3255 SCOTT BOULEVARD LLC FOR THE PROPERTIES LOCATED AT 2620-2790, 2425, 2465 and 2475 AUGUSTINE DRIVE (INCLUDING PROPERTIES ON BOWERS AVENUE AND SCOTT BOULEVARD), SANTA CLARA

SCH# 2008052065
CEQ 2014-01172 (Addendum No.2 to EIR)
PLN2014-10256 (General Plan Amendment #80)
PLN2014-10257 (Rezone to PD)
PLN2014-10258 (Rezone to Commercial Park)
PLN2014-10259 (Vesting Tentative Parcel Map)
PLN2014-10260 (Second Amendment to Development Agreement)
PLN2014-10381 (Architectural Review)

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, California Government Code Sections 65864 through 65869.51 ("Development Agreement Act") authorize cities to enter into binding development agreements with owners of real property and these agreements govern the development of the property;

WHEREAS, on May 19, 2009, the City of Santa Clara entered into such a development agreement with EOP-Industrial Portfolio, LLC and CA-Santa Clara Office Center, LP ("Prior Owners"), adopted by Ordinance No. 1844 and recorded in the official records of Santa Clara County ("Official Records") on June 25, 2009 as Document No. 20314645 (the "Original Agreement");

WHEREAS, the Original Agreement concerned a proposed campus development located at 2620-2727 Augustine Drive (including properties on Bowers Avenue and Scott Boulevard), a 30.73-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, immediately east of Bowers Avenue, between Scott Boulevard and Highway 101 (APNs: 216-45-009, -011, -014, -019, -027, -028, -031, -032) in the City of Santa Clara ("2009 Project Sites");

WHEREAS, on August 2, 2012, The Irvine Company, LLC acquired fee title to the Property as legally described in Exhibit A and entered an Assignment and Assumption Agreement with the Prior Owners, pursuant to which The Irvine Company took all right, title and interest under the Development Agreement. The Assignment and Assumption Agreement was recorded in the Official Records of Santa Clara County on August 16, 2012 as Document No. 21797365;

WHEREAS, on January 8, 2013, The Irvine Company submitted to the City an application to amend the Original Agreement to revise the project layout; decrease the density, building footprints and floor area ratio; modify the parking; and divide the project into phases ("2013 Project");

WHEREAS, on July 16, 2013, the City of Santa Clara approved Developer's application for an amendment of the PD zoning and approved the First Amendment to the Development Agreement. The Original Agreement, as modified by the First Amendment to the Development Agreement, is referred to herein as the "Previous Agreement";

WHEREAS, on October 16, 2013, by grant deed, the Developer transferred fee title to the portion of the Property north of Augustine Drive (APNs 216-45-009, 216-45-031, and 216-45-032) ("Office Phase I Property") to Augustine Bowers LLC, a Delaware limited liability company;

WHEREAS, on September 11, 2013, 2525 Augustine Drive LLC, a Delaware limited liability company, acquired fee title to two directly adjacent parcels (APNs 216-45-036 and 216-45-037) ("Office Phase II Property"), and on April 22, 2013, 3255 Scott Boulevard LLC, a Delaware limited liability company, acquired fee title to another nearby parcel (APN 216-45-006) ("Office Phase III Property"). The Irvine Company, LLC, 2525 Augustine Drive, LLC, and 3255 Scott Boulevard, LLC, are collectively referred to herein as the "Developer."

WHEREAS, on February 18, 2014, Developer submitted to the City an application to amend a previously-approved Planned Development (PD) zoning district and Development Agreement for the Santa Clara Technology Campus Project;

WHEREAS, the present application is for the properties located at 2620-2790, 2425, 2465 and 2475 Augustine Drive, a 47.57-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006) in the City of Santa Clara ("2014 Project Sites");

WHEREAS, Section 11.1 of the Original Development Agreement provides that the Parties, by mutual consent, may modify the terms of the Original Agreement, and the Parties have recently negotiated a proposed "Second Amendment to Development Agreement," attached hereto and incorporated herein by this reference ("Second Amendment to Development Agreement");

WHEREAS, the City Council has reviewed the Second Amendment to the Development Agreement and has considered all available facts related to the Second Amendment to the Development Agreement;

WHEREAS, as a result of the proposed revisions to the Project, City staff prepared an addendum to the EIR for the Revised Project;

WHEREAS, before considering the Amendment to the Development Agreement, the City Council reviewed and considered the information contained in the Addendum to the EIR;

WHEREAS, the EIR addendum indicated that the Revised Project would not result in any new significant adverse environmental impacts or increase the severity of any previously identified significant environmental impacts identified and studied in the EIR;

WHEREAS, the City Council voted to approve the EIR addendum on June 10, 2014;

WHEREAS, on May 28, 2014, City's Planning Commission held a duly noticed public hearing on the Second Amendment and (i) determined that consideration of Second Amendment, based on the EIR Addendum, complies in all respects with the California Environmental Quality Act ("CEQA"); (ii) determined that Second Amendment is consistent with the City's General Plan; and (iii) recommended that the City Council approve Second Amendment;

WHEREAS, on June 10, 2014, the City Council introduced this ordinance and conducted a public hearing, at which time the Council received and considered all verbal and written testimony and evidence submitted; and

WHEREAS, on June 24, 2014, the City Council conducted a second reading of this Ordinance.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: The City Council hereby finds that all of the foregoing recitals are true and correct.

SECTION 2: Pursuant to Government Code section 65867.5, the City Council hereby finds that the provisions of the Second Amendment are consistent with the General Plan, in that the General Plan designation for the Property is High Intensity Office/R&D, which encourages campus-like developments for corporate headquarters, R&D and supporting uses, and the proposal is to construct a high density office campus and supporting amenities.

SECTION 3: The City Council has reviewed the Second Amendment, and based on its review finds that the Original Development Agreement, as amended by Second Amendment, complies with all requirements of Government Code section 65865.2 [entitled "Contents" (of a Development Agreement)].

SECTION 4: The City Council hereby approves the Second Amendment, substantially in the form attached hereto, a copy of which is on file with the City Clerk and can be reviewed by members of the public at the City Clerk's office, 1500 Warburton Avenue, Santa Clara, California.

SECTION 5: The City Manager is hereby authorized to execute the Second Amendment on behalf of the City upon the Effective Date of this Ordinance, together with such minor and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof. The City Manager, or designee, is also authorized and directed to take any action and execute any documents or agreements necessary to implement the Development Agreement as amended, including but not limited to conducting an annual review of compliance as specified therein.

SECTION 6: Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, laws and regulations.

SECTION 7: Within ten (10) days after the City Manager executes the Second Amendment, the City Clerk shall cause the Second Amendment to be recorded with the Santa Clara County recorder.

SECTION 8: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 9: This Ordinance shall not be codified in the Santa Clara City Code.

SECTION 10: Effective Date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this _____ day of June, 2014, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Second Amendment to Development Agreement

I:\PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\CC\SCSQ CC Second Amendment DA\SQSQ CC Ord Second Amd DA 06-04-14.doc

RECORD WITHOUT FEE
PURSUANT TO GOVERNMENT CODE § 6103

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:
City of Santa Clara
City Clerk's Office
1500 Warburton Avenue
Santa Clara, California 95050

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

This SECOND AMENDMENT TO DEVELOPMENT AGREEMENT ("**Second Amendment**") to amend the Development Agreement between the City of Santa Clara, a chartered California municipal corporation ("**City**") and The Irvine Company LLC, a Delaware limited liability company; 2525 Augustine Drive LLC, a Delaware limited liability company; and 3255 Scott Boulevard LLC, a Delaware limited liability company (collectively, "**Developer**") is entered into on _____, 2014. The City and Developer are hereinafter individually a "**Party**" and collectively, the "**Parties**."

RECITALS:

Developer and City enter into this Second Amendment on the basis of the following facts, understandings and intentions:

A. Pursuant to Government Code Sections 65864 through 65869.5 and Santa Clara City Code Chapter 17.10, the City of Santa Clara and Developer's predecessors in interest, EOP-Industrial Portfolio, LLC and CA-Santa Clara Office Center, LP ("**Prior Owners**"), entered into the Development Agreement adopted by Ordinance No. 1844 on May 19, 2009 which was recorded in the official records of Santa Clara County ("**Official Records**") on June 25, 2009 as Document No. 20314645, as amended on July 16, 2013 by the First Amended Development Agreement, recorded in the Official Records on August 29, 2013 as Document No. 23369909 (collectively "**Development Agreement**").

B. The Development Agreement covered eight (8) separate parcels (APNs 216-45-009, 216-45-031, 216-45-032, 215-45-011, 216-45-014, 216-45-019, 216-45-027, 216-45-028) totaling 30.73 acres ("**Original Property**").

C. In 2009, the City approved the Prior Owners' applications for a General Plan Amendment to *Office/Research and Development* ("**2009 General Plan Amendment**") and a rezoning of the Original Property to Planned Development ("**2009 PD**") (PD #PLN 2008-06858/06859/06860, CEQ 2008-0105) ("**2009 Rezoning**"). The 2009 Rezoning allowed the development of the 30.73 acre Original Property by the demolition of all of the existing structures on the site and the construction of up to 1,969,600 square feet of office

development (a net increase of 1,524,848 square feet) and up to 35,000 square feet of retail development (a net increase of 29,710 square feet), for a total of 2,004,600 square feet of development (collectively, the "**2009 Project**").

D. The Irvine Company acquired fee title to the Original Property as legally described in Exhibit A and entered an Assignment and Assumption Agreement taking all right, title and interest under the Development Agreement on August 2, 2012 which was recorded in the Official Records of Santa Clara County on August 16, 2012 as Document No. 21797365.

E. On July 16, 2013, the City approved the Developer's application for an amendment of the PD zoning (PLN2013-09609/09866/09865, CEQ 2013-01159) **("2013 Amended PD")**. The 2013 Amended PD reduced the office campus to 1,200,000 square feet and maintained 35,000 square feet of retail space ("**2013 Project**").

F. On October 16, 2013, by grant deed, the Developer transferred fee title to the portion of the Property north of Augustine Drive (APNs 216-45-009, 216-45-031, and 216-45-032)(**"Office Phase I Property"**) to Augustine Bowers LLC, a Delaware limited liability company. The Developer retained ownership of the remaining portion of the Property located south of Augustine Drive (APNs 215-45-011, 216-45-014, 216-45-019, 216-45-027, 216-45-028) ("**Retail Property**"). This Second Amendment is not intended to amend the Development Agreement as it applies to the Office Phase I Property.

G. 2525 Augustine Drive LLC, a Delaware limited liability company and wholly owned subsidiary of The Irvine Company acquired fee title to two directly adjacent parcels (APNs 216-45-036 and216-45-037) as legally described in Exhibit B, which was recorded in the Official Records of Santa Clara County on September 11, 2013 as Document No. 22382954 **("Office Phase II Property")**. 3255 Scott Boulevard LLC, a Delaware limited liability company and wholly owned subsidiary of The Irvine Company acquired fee title to a parcel (APN216-45-006) as legally described in Exhibit B, which was recorded in the Official Records of Santa Clara County on April 22, 2013 as Document No. 22184282 **("Office Phase III Property").** The Retail Property, Office Phase II Property, and Office Phase III Property are collectively referred to as the **"Modified Property".**

H. The Developer intends to develop a specialty retail center on the Retail Property. The remaining approved office development in the 2009 Project will be relocated from the Original Property to the adjacent and more suitable Office Phase II Property and Office Phase III Property to allow for the development of a specialty retail center.

I. This Second Amendment allows the development of the 14.2 acre Retail Property by the demolition of all of the existing structures on the Retail Property and the construction of up to 125,000 square feet of specialty retail development (a net increase of 119,710 square feet of retail use), and allows development of the 9.19 acre Office Phase II Property and 7.65 acre Office Phase III Property by the demolition of all of the existing structures on the Office Phase II Property and Office Phase III Property and the construction of up to

1,243,300 of corporate office development (a net increase of 602,730 square feet of office use), (collectively, the **"2014 Project"**). The total development on the Office Phase I Property, the Retail Property, the Office Phase II Property, and the Office Phase III Property will not exceed 2,000,100 square feet, and is 4,500 square feet less than the 2,004,600 square feet of approved development in the 2009 Project.

J. Consistent with Sections 11.1, 11.2 and 24 of the Development Agreement, the revisions to the Development Agreement set forth below constitute a Development Agreement Amendment pursuant to Government Code Section 65868.

K. This Second Amendment is intended to conform the Development Agreement to the Parties' modifications to the 2009 Project pursuant to application File Nos. PLN 2014-10256, 10257, 10258, 10259, 10260, and 10381.

L. On _____, the City's Planning Commission held a duly noticed public hearing where following public testimony, the Planning Commission recommended that the City Council approve: (i) the EIR Second Addendum; (ii) the General Plan Amendment for the Retail Property to *Community Commercial*, and General Plan Amendment of the Office Phase II Property and Office Phase III Property to *High Intensity Office Research and Development*, (**"2014 General Plan Amendments"**); (iii) the zoning change of the Office Phase II Property and Office Phase III Property to *Commercial Park* (**"2014 Rezoning"**); and (iv) the PD Amendment for the Retail Property to allow a 125,000 square foot specialty retail center (**"2014 PD Amendment"**).

M. On _____, the City Council approved Resolution No. _____ adopting the 2014 General Plan Amendments, Resolution No. _____ adopting the 2014 Rezoning and the 2014 PD Amendment, and Resolution No. _____ approving the parcel maps for the Retail Property, the Office Phase II Property, and the Office Phase III Property ("Parcel Maps"), and introduced Ordinance No. _____ to approve this Second Amendment.

N. On _____, the City Council held a duly noticed public hearing and (i) determined that based on the EIR and the EIR Second Addendum, this Second Amendment complies in all respects with CEQA, and approved the EIR Addendum; (ii) determined that this Second Amendment is consistent with the City's General Plan, as amended.

O. On _____, the City Council approved this Second Amendment and adopted Ordinance No. _____ approving the Second Amendment.

AMENDMENTS

NOW THEREFORE, in consideration of the mutual representations, covenants and promises of the Parties hereto, the Parties agree as follows:

a. Defined Terms. All terms used herein shall have the meanings given in the Development Agreement, except as expressly otherwise provided herein.

b. Office Phase I. The Second Amendment does not modify the Development Agreement as it applies to the Office Phase I Property.

c. Enumeration of Specific Amendments. The Development Agreement is hereby revised to incorporate the following changes to the Development Agreement:

a. Modified Property. Recital C is amended to read as follows:

C. Developer is currently the legal owner of the property ("Modified Property") governed by this Agreement. The Modified Property consists of eight (8) separate parcels (APNs , 215-45-011, 216-45-014, 216-45-019, 216-45-027, 216-45-028, 216-45-036, 216-45-037, and 216-45-006) totaling 31.04 acres, as further described in Exhibit "RevisedPropDesc", attached hereto and incorporated by this reference. Any reference to "Property" in the Development Agreement shall mean "Modified Property" as set forth in this Second Amendment.

b. 2014 Project. Recital D is amended to read as follows:

D. Developer has submitted the following applications to the City: an amendment to the 2013 Amended PD ("**2014 PD Amendment**"), General Plan Amendments to Community Commercial and High Intensity Office Research and Development ("**2104 General Plan Amendments**"); and rezoning ("**2014 Rezoning**") some of the Property to Commercial Park (PLN2014-10256, 10257, 10258). The application(s) request the Developer be allowed to develop the 31.04 acre Property by demolishing all of the existing structures on the site and constructing up to 1,243,300 square feet of office development (a net increase of 602,730 square feet of office use) and up to 125,000 square feet of specialty retail development (a net increase of 119,710 square feet of retail use) (collectively, the "**2014 Project**"). Any reference to "Project" in the Development Agreement shall mean the "2014 Project" as set forth in this Second Amendment.

c. Development Plan. Recital E is amended to read as follows:

E. The Project, including but not limited to the buildings, access and parking facilities, landscaping, and infrastructure improvements, is shown on the 2014 PD Amendment as approved by the City Council after duly noticed public hearings on _____, 2014 by Ordinance No. _____ ("**2014 Development Plan**") and incorporated by this reference. Any reference to

"Development Plan" in the Development Agreement shall mean the "2014 Property" as set forth in this Second Amendment.

d. Recital H is amended to read as follows:

H. Developer acknowledges and recognizes that material inducements for the City to enter into this Agreement are (i) an opportunity to create a modern corporate campus; (ii) an opportunity to create a specialty retail center (iii) the contributions by Developer to City's Housing Funds and toward the construction of trails, open space and parks within the City and (iv) the attainment of a Project designed to LEED, or equivalent standards.

e. Conditions of Approval. Recital N is amended as follows:

N. Certain improvements as set forth in the conditions of approval for the Project ("**Conditions of Approval**"), which are attached hereto as **Exhibit "Second Revised CoA-R"** and incorporated by this reference, are necessary to provide infrastructure support for the Project. Exhibit "Second Revised CoA-R" shall replace both former Exhibit CoA-R and Revised Exhibit CoA-R in their entirety and any reference in the Development Agreement to "Exhibit CoA-R", "Revised Exhibit CoA-R" or to the "Conditions of Approval" shall mean Exhibit "Second Revised CoA-R".

f. Property. Section 2.1 is amended to read as follows:

2.1 Property. The Property that is the subject of this Agreement is that certain real property described in **Exhibit "RevisedPropDesc"** attached hereto.

g. Life Approvals. Section 2.3 is amended to read as follows:

2.3 Life of Approvals. Pursuant to Government Code Section 66452.6(a) and this Agreement, the life of the Project approvals, including but not limited to certification of the EIR, certification of the EIR Second Addendum, adoption of the 2009 General Plan Amendment and 2014 General Plan Amendments, approval of the 2014 Rezoning, approval of the 2014 PD Amendment, approval of the Development Agreement Ordinance and this Development Agreement, approval of a Development Plan, approval of a Vesting Tentative Parcel Map, approval of Parcel Maps, and architectural approval of the Project (collectively, "**Approvals**") shall automatically be extended to and until the later of the following: (1) the end of the Term of this Agreement; or (2) the end of the term or life of any such approval. Notwithstanding the foregoing, the Vested Elements, as defined in Section 2.4, secured by Developer under this Agreement shall remain vested for a period no greater than the Term of this Agreement, and any extension thereof.

h. Vested Elements. Section 2.4(b) is amended to read as follows:

b. The SCCC, current as of the Effective Date, including the rezoning of the Property to PD, as subsequently amended by the 2013 Amended PD and 2014 PD Amendment, and 2014 Rezoning;

i. Vested Elements. Section 2.4(c) is amended to read as follows:

c. The Planned Development Zoning District, as subsequently amended by the 2013 PD Amendment and 2104 PD Amendment, and 2014 Rezoning, and the Conditions of Approval imposed thereon;

j. Permitted Uses. Section 2.5 is amended to read as follows:

2.5 Permitted Uses. The permitted uses for the Property and the Office Phase I Property are as follows: 2,004,600 square feet of office and retail development in buildings up to fourteen (14) stories and 244 feet in height and parking at a ratio of 3.3/1000 square feet averaged over the entire property, all of which must be implemented in accordance with the Development Plan and the Conditions of Approval.

k. Present Right to Develop. Section 2.6 is amended to read as follows:

2.6 Present Right to Develop. Subject to Developer's fulfillment of the provisions of this Agreement, the Development Plan and the Conditions of Approval, the City hereby grants to Developer the present vested right to develop and construct on the Property all the improvements authorized by, and in accordance with, this Agreement and the Vested Elements, including in particular the terms of the 2014 Development Plan and the 2014 Rezoning. To the extent permitted by law, no future modification (including by later-adopted initiative and/or referendum) of the City's General Plan, SCCC, ordinances, policies or regulations that purport to (i) limit the rate or timing of development, size of buildings or other improvements (including developable square footage), or amount of development of the portions of the Project to be built; or (ii) impose fees, exactions or conditions upon development, occupancy or use of the Property other than as provided in the Development Plan or Conditions of Approval or pursuant to this Agreement, shall apply to the Property; provided, however, that nothing in this Agreement shall prevent or preclude City from adopting any fees or land use regulations or amendments thereto, expressly permitted herein.

l. Fair Share Traffic Fees. Section 4.9 is amended to read as follows:

4.9 Fair Share Traffic Fees. Developer agrees to the sum of nine hundred sixty-eight thousand, eight hundred ninety-three dollars ($968,893) payable to the City for the Project's contribution to the intersection improvements identified in the EIR and allocated as shown on **Exhibit "FairShare" ("Fair Share Traffic Fees")**. Developer has already satisfied its obligation to pay the first four hundred eighty-three thousand, nine hundred dollars ($483,900) of the Fair Share Traffic Fees, and remains obligated to pay the remaining

four hundred eighty-four thousand, nine hundred ninety-three dollars ($484,993). The remaining Fair Share Traffic Fees shall be paid in full prior to the issuance of any additional Building Permits.

m. Notices. Section 17.1 is amended as follows:

17.1 Notices. Except as otherwise expressly provided herein, all notices and demands pursuant to this Agreement shall be in writing and delivered in person, by commercial courier or by first-class certified mail, postage prepaid. Except as otherwise expressly provided herein, notices shall be considered delivered when personally served, upon delivery if delivered by commercial courier, or two (2) days after mailing if sent by mail. Notices shall be sent to the addresses below for the respective parties; provided, however, that either Party may change its address for purposes of this Section by giving written notice to the other Party. These addresses may be used for service of process:

City:	City Clerk City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050,
With copy to:	City Attorney City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050
Developer:	The Irvine Company LLC 550 Newport Center Drive Newport Beach, CA 92660 Attention: General Counsel
With copies to:	Holland & Knight LLP 50 California Street, Suite 2800 San Francisco, California 94111 Attention: Jennifer Hernandez

The provisions of this Section shall be deemed directive only and shall not detract from the validity of any notice given in a manner that would be legally effective in the absence of this Section.

n. Exhibits. The Exhibits are amended as follows:

Exhibits "Plans", "Revised CoA-R" and "MMRP" to the Development Agreement are deleted each in its entirety. Exhibit "Revised CoA-R" is replaced by Exhibit "Second Revised CoA-R" attached hereto.

SIGNATURES FOLLOW ON PAGES 8 and 9.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

The Irvine Company LLC,
a Delaware limited liability company

By: _____
Signature of Person executing the Agreement on behalf of Developer

Name: _____

Title: _____

Local Address: _____

Email Address: _____

Telephone: _____

Fax: _____

2525 AUGUSTINE DRIVE LLC,
a Delaware limited liability company

By: _____
Signature of Person executing the Agreement on behalf of Developer

Name: _____

Title: _____

Local Address: _____

Email Address: _____

Telephone: _____

Fax: _____

3255 SCOTT BOULEVARD LLC,
a Delaware limited liability company

By: _____
Signature of Person executing the Agreement on behalf of Developer

Name: _____

Title: _____

Local Address: _____

Email Address: _____

Telephone: _____

Fax: _____

"DEVELOPER"

EXHIBITS

Exhibit "A" – Original Property Description
Exhibit "B" – Office Phases II and III Property Description
Exhibit "RevisedPropDesc" – Legal Property Description
Exhibit "Second Revised CoA-R" – 2014 Conditions of Approval
Exhibit "Development Plan" – 2014 Development Plan

EXHIBIT "A"

ORIGINAL PROPERTY DESCRIPTION

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

TRACT 1:
ALL OF PARCEL "A", AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP OF CROWSPIEKER #19, PORTION SECTION 28, TOWNSHIP 6 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF SANTA CLARA, CALIFORNIA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON APRIL 16, 1975 IN BOOK 354 OF MAPS AT PAGE 23.

APN: 216-45-011

TRACT 2:
ALL OF PARCEL 1 AS SHOWN ON PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 08, 1977, IN BOOK 392 OF MAPS, PAGES 28 AND 29.

APN: 216-45-019

TRACT 3:
PARCEL 1, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 26, 1979, IN BOOK 440 OF MAPS, PAGES 3 AND 4.

APN: 216-45-027

TRACT 4:
PARCEL 2, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 26, 1979, IN BOOK 440 OF MAPS, PAGES 3.

APN: 216-45-028

TRACT 5:
PARCEL A, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JANUARY 06, 1976, IN BOOK 366 OF MAPS, PAGES 16 AND 17.

APN: 216-45-014

TRACT 6:
SUB-TRACT ONE:
PARCEL 3, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON NOVEMBER 20, 1984, IN BOOK 536 OF MAPS, PAGES 20.

APN: 216-45-032

SUB-TRACT TWO:
PARCEL 2, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON NOVEMBER 20, 1984, IN BOOK 536 OF MAPS, PAGES 20.

APN: 216-45-031

SUB-TRACT THREE:
PARCEL C, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 22, 1975, IN BOOK 354 OF MAPS, PAGE 22.

APN: 216-45-009

EXHIBIT "B"

OFFICE PHASES II AND III PROPERTY DESCRIPTION

Office Phase II

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

PORTIONS OF PARCELS A AND B AS SHOWN ON PARCEL MAP RECORDED JULY 8, 1982 IN BOOK 502 OF MAPS, PAGES 10 AND 11, SANTA CLARA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF AUGUSTINE DRIVE AT THE COMMON CORNER OF PARCEL A AND PARCEL B AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JULY 8, 1982 IN BOOK 502 OF MAPS, PAGES 10 AND 11; THENCE ALONG THE COMMON BOUNDARY OF SAID PARCEL A AND SAID PARCEL B THE FOLLOWING THREE COURSES AND DISTANCES; 1. NORTH 00° 50' 53" EAST 270.00 FEET; 2. NORTH 46° 30' 04" EAST 170.60 FEET; 3. SOUTH 89° 09' 07" EAST 30.00 FEET; THENCE LEAVING SAID COMMON LINE NORTH 00° 50' 17" EAST 46.70 FEET; THENCE SOUTH 89° 10' 08" EAST 35.67 FEET; THENCE NORTH 00° 49' 52" EAST 17.04 FEET; THENCE NORTH 19° 14' 23" EAST 191.50 FEET TO THE MOST NORTHERLY LINE OF SAID PARCEL A; THENCE ALONG THE MOST NORTHERLY LINES OF SAID PARCEL A AND SAID PARCEL B THE FOLLOWING TWO COURSES AND DISTANCES, 1. NORTH 70° 45' 37" WEST 308.80 FEET; 2. NORTH 74° 10' 28" WEST 136.68 FEET TO THE MOST NORTHWESTERLY CORNER OF SAID PARCEL B. THENCE ALONG THE WEST LINE OF SAID PARCEL B, SOUTH 00° 50' 53" WEST 767.48 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF AUGUSTINE DRIVE; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 89° 09' 07" EAST 177.00 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF AUGUSTINE DRIVE AT THE COMMON CORNER OF PARCEL A AND PARCEL B, AS SHOWN ON THE PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JULY 8, 1982 IN BOOK 502 OF MAPS, PAGES 10 AND 11, THENCE ALONG THE COMMON BOUNDARY OF SAID PARCEL A AND PARCEL B THE FOLLOWING THREE COURSES AND DISTANCES: 1. NORTH 00° 50' 53" EAST 270.00 FEET; 2. NORTH 48° 30' 04" EAST 170.60 FEET; 3, SOUTH 89° 09' 07" EAST 30.00 FEET, THENCE LEAVING SAID COMMON LINE NORTH 00° 50' 17" EAST 46.70 FEET; THENCE SOUTH 89° 10' 08" EAST 35.67 FEET; THENCE NORTH 00° 49' 52" EAST 17.04 FEET; THENCE NORTH 19° 14' 23" EAST 191.50 FEET TO THE MOST NORTHERLY LINE OF PARCEL A; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO COURSES AND DISTANCES: 1. SOUTH 70° 45' 37" EAST 245.23 FEET; 2. SOUTH 69° 24' 27"

EAST 119.15 FEET TO A POINT WHICH BEARS ALONG SAID LINE NORTH 69° 24' 27" WEST 48.77 FEET FROM THE MOST NORTHEASTERLY CORNER OF SAID PARCEL A; THENCE LEAVING SAID NORTHERLY LINE SOUTH 20° 35' 33" WEST 36.00 FEET; THENCE SOUTH 69° 24' 27" EAST 8.07 FEET; THENCE SOUTH 20° 09' 59" WEST 10.00 FEET TO THE COMMON CORNER OF PARCEL ONE AND PARCEL TWO, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 23, 1998 IN BOOK 711 OF MAPS, PAGES 29 AND 30; THENCE ALONG THE COMMON LINE OF SAID PARCEL ONE AND PARCEL TWO THE FOLLOWING NINE COURSES AND DISTANCES: 1. SOUTH 20° 09' 59" WEST 16.00 FEET; 2. NORTH 69° 24' 27" WEST 126.68 FEET, 3. NORTH 70° 45' 37" WEST 51.81 FEET; 4. SOUTH 19° 14' 23" WEST 111.30 FEET; 5. SOUTH 00° 50' 53" WEST 228.54 FEET; 6. SOUTH 89° 09' 07" EAST 33.00 FEET; 7. SOUTH 00° 50' 53" WEST 150.03 FEET; 8. NORTH 89° 09' 07" WEST 33.00 FEET; 9. SOUTH 00° 50' 53" WEST 45.77 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF AUGUSTINE DRIVE, AS SHOWN ON SAID PARCEL MAP AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT TO WHICH A TANGENT LINE BEARS NORTH 83° 28' 31" WEST; THENCE WESTERLY ALONG SAID CURVE TO THE LEFT, WITH A RADIUS OF 3030.00 FEET, THROUGH A CENTRAL ANGLE OF 5° 40' 38" FOR AN ARC LENGTH OF 300.20 FEET; THENCE NORTH 89° 09' 07" WEST 76.52 FEET TO THE POINT OF BEGINNING.

APNs 216-45-036 and 216-45-037

Office Phase III

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

ALL OF PARCEL A-2, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP P'TN LANDS OF KAISER-AETNA BEING A PORTION P'CL "C", BOOK 273 OF P'CL MAPS, PAGE 3, WITHIN THE CITY OF SANTA CLARA, SANTA CLARA COUNTY, CALIFORNIA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 21, 1973 IN BOOK 334 OF MAPS, AT PAGE 28.

APN 216-45-006

EXHIBIT "REVISEDPROPDESC"

LEGAL PROPERTY DESCRIPTION

Retail

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

TRACT 1:
ALL OF PARCEL "A", AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP OF CROWSPIEKER #19, PORTION SECTION 28, TOWNSHIP 6 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN IN THE CITY OF SANTA CLARA, CALIFORNIA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON APRIL 16, 1975 IN BOOK 354 OF MAPS AT PAGE 23.

TRACT 2:
ALL OF PARCEL 1 AS SHOWN ON PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 08, 1977, IN BOOK 392 OF MAPS, PAGES 28 AND 29.

TRACT 3:
PARCEL 1, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 26, 1979, IN BOOK 440 OF MAPS, PAGES 3 AND 4.

TRACT 4:
PARCEL 2, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 26, 1979, IN BOOK 440 OF MAPS, PAGES 3.

TRACT 5:
PARCEL A, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JANUARY 06, 1976, IN BOOK 366 OF MAPS, PAGES 16 AND 17.

APNs 216-45-11, 216-45-019, 216-45-027, 213-45-028 and 216-45-014

Office Phase I

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

TRACT 6:
SUB-TRACT ONE:
PARCEL 3, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON NOVEMBER 20, 1984, IN BOOK 536 OF MAPS, PAGES 20.

SUB-TRACT TWO:
PARCEL 2, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON NOVEMBER 20, 1984, IN BOOK 536 OF MAPS, PAGES 20.

SUB-TRACT THREE:
PARCEL C, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON APRIL 22, 1975, IN BOOK 354 OF MAPS, PAGE 22.

APNs 216-45-032, 213-45-031 and 216-45-009

Office Phase II

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

PARCEL ONE:
PORTIONS OF PARCELS A AND B AS SHOWN ON PARCEL MAP RECORDED JULY 8, 1982 IN BOOK 502 OF MAPS, PAGES 10 AND 11, SANTA CLARA COUNTY RECORDS, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF AUGUSTINE DRIVE AT THE COMMON CORNER OF PARCEL A AND PARCEL B AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JULY 8, 1982 IN BOOK 502 OF MAPS, PAGES 10 AND 11; THENCE ALONG THE COMMON BOUNDARY OF SAID PARCEL A AND SAID PARCEL B THE FOLLOWING THREE COURSES AND DISTANCES; 1. NORTH 00° 50' 53" EAST 270.00 FEET; 2. NORTH 46° 30' 04" EAST 170.60 FEET; 3. SOUTH 89° 09' 07" EAST 30.00 FEET; THENCE LEAVING SAID COMMON LINE NORTH 00° 50' 17" EAST 46.70 FEET; THENCE SOUTH 89° 10' 08" EAST 35.67 FEET; THENCE NORTH 00° 49' 52" EAST 17.04 FEET; THENCE NORTH 19° 14' 23" EAST 191.50 FEET TO THE MOST NORTHERLY LINE OF SAID PARCEL A; THENCE ALONG THE MOST NORTHERLY LINES OF SAID PARCEL A AND SAID PARCEL B THE FOLLOWING TWO COURSES AND DISTANCES, 1. NORTH 70° 45' 37" WEST 308.80 FEET; 2. NORTH 74° 10' 28" WEST 136.68 FEET TO THE MOST NORTHWESTERLY CORNER OF SAID PARCEL B. THENCE ALONG THE WEST LINE OF SAID PARCEL B, SOUTH 00° 50' 53" WEST 767.48 FEET TO SAID NORTHERLY RIGHT OF WAY LINE OF AUGUSTINE DRIVE; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 89° 09' 07" EAST 177.00 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:
BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF AUGUSTINE DRIVE AT THE COMMON CORNER OF PARCEL A AND PARCEL B, AS SHOWN ON THE PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON JULY 8, 1982 IN BOOK 502 OF MAPS, PAGES 10 AND 11, THENCE ALONG THE COMMON BOUNDARY OF SAID PARCEL A AND PARCEL B THE FOLLOWING THREE COURSES AND DISTANCES: 1. NORTH 00° 50' 53" EAST 270.00 FEET; 2. NORTH 48° 30' 04" EAST 170.60 FEET; 3, SOUTH 89° 09' 07" EAST 30.00 FEET, THENCE LEAVING SAID COMMON LINE NORTH 00° 50' 17" EAST 46.70 FEET; THENCE SOUTH 89° 10' 08" EAST 35.67 FEET; THENCE NORTH 00° 49' 52" EAST 17.04 FEET; THENCE NORTH 19° 14' 23" EAST 191.50 FEET TO THE MOST NORTHERLY LINE OF PARCEL A; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO COURSES AND DISTANCES: 1. SOUTH 70° 45' 37" EAST 245.23 FEET; 2. SOUTH 69° 24' 27" EAST 119.15 FEET TO A POINT WHICH BEARS ALONG SAID LINE NORTH 69° 24' 27" WEST 48.77 FEET FROM THE MOST NORTHEASTERLY CORNER OF SAID PARCEL A; THENCE LEAVING SAID NORTHERLY LINE SOUTH 20° 35' 33" WEST 36.00 FEET; THENCE SOUTH 69° 24' 27" EAST 8.07 FEET; THENCE SOUTH 20° 09' 59" WEST 10.00 FEET TO THE COMMON CORNER OF PARCEL ONE AND PARCEL TWO, AS SHOWN ON THAT PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 23, 1998 IN BOOK 711 OF MAPS, PAGES 29 AND 30; THENCE ALONG THE COMMON LINE OF SAID PARCEL ONE AND PARCEL TWO THE FOLLOWING NINE COURSES AND DISTANCES: 1. SOUTH 20° 09' 59" WEST 16.00 FEET; 2. NORTH 69° 24' 27" WEST 126.68 FEET, 3. NORTH 70° 45' 37" WEST 51.81 FEET; 4. SOUTH 19° 14' 23" WEST 111.30 FEET; 5. SOUTH 00° 50' 53" WEST 228.54 FEET; 6. SOUTH 89° 09' 07" EAST 33.00 FEET; 7. SOUTH 00° 50' 53" WEST 150.03 FEET; 8. NORTH 89° 09' 07" WEST 33.00 FEET; 9. SOUTH 00° 50' 53" WEST 45.77 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF AUGUSTINE DRIVE, AS SHOWN ON SAID PARCEL MAP AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT TO WHICH A TANGENT LINE BEARS NORTH 83° 28' 31" WEST; THENCE WESTERLY ALONG SAID CURVE TO THE LEFT, WITH A RADIUS OF 3030.00 FEET, THROUGH A CENTRAL ANGLE OF 5° 40' 38" FOR AN ARC LENGTH OF 300.20 FEET; THENCE NORTH 89° 09' 07" WEST 76.52 FEET TO THE POINT OF BEGINNING.

APNs 216-45-036 and 216-45-037

Office Phase III

Real property in the City of Santa Clara, County of Santa Clara, State of California, described as follows:

ALL OF PARCEL A-2, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "PARCEL MAP P'TN LANDS OF KAISER-AETNA BEING A PORTION P'CL "C", BOOK 273 OF P'CL

MAPS, PAGE 3, WITHIN THE CITY OF SANTA CLARA, SANTA CLARA COUNTY, CALIFORNIA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON DECEMBER 21, 1973 IN BOOK 334 OF MAPS, AT PAGE 28.

APN 216-45-006

EXHIBIT "SECOND REVISED CoA-R"

2014 CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL - REZONE
SANTA CLARA SQUARE PROJECT

EXHIBIT "DEVELOPMENT PLAN"

2014 DEVELOPMENT PLAN

DEVELOPMENT PLANS
SANTA CLARA SQUARE PROJECT

CONDITIONS OF APPROVAL - REZONE
SANTA CLARA SQUARE PROJECT

GENERAL

G1. The Developer shall comply with all applicable codes, regulations, ordinances and resolutions.

G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ATTORNEY'S OFFICE

A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

PLANNING AND BUILDING INSPECTION

P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.

P2. Refer the project design, including the sign program, to the Director of Planning and Inspection for review and approval for Retail Center, and to the Architectural Committee for Office Phases II and III. Line of sight and shadow studies shall be required for Office Phases II and III.

P3. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection. Major modifications to the architecture of buildings would require Architectural Committee review and approval.

P4. Construct six-foot masonry wall along property lines abutting residential properties in accordance with Zoning Ordinance requirements to the satisfaction of the Director of Planning and Inspection.

P5. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.

P6. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.

P7. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

P8. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.

P9. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided

onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.

P10. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.

P11. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and stormwater BMPs consistent with the O&M agreement throughout the life of the project.

P12. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.

P13. A master sign program shall be required as part of architectural review of the project.

P14. A master outdoor seating plan shall be required as part of architectural review of the project.

P15. The Planning Division requires the replanting of specific trees by the Developer as a Condition of Approval. In conformance with the Santa Clara Community Design Guidelines and the project EIR, the following tree replacement standards shall be included in the final landscaping plans:

- Minimum fifteen (15) gallon street tree.
- Minimum fifteen (15) gallon on private property.
- Minimum twenty (24) or thirty-six (36) inch box to replace a mature tree which has been or is proposed to be removed.

P16. Prior to the issuance of building permit, the Developer shall submit to the Planning Division all draft covenant, joint-maintenance, and/or shared-access agreements, for review and approval. Such agreements shall ensure consistent maintenance of all landscaped areas and shared access between adjacent parcels.

P17. The Developer shall comply with the Mitigations Monitoring and Reporting Program identified in the Augustine-Bowers Environmental Impact Report and Mitigations as amended in the Addendum No. 2 for the Santa Clara Square Project, and shall be incorporated in the Conditions of Approval for this project.

P18. The Developer shall comply with the conditions set forth in the Development Agreement in effect between the City of Santa Clara and The Irvine Company LLC, as successor interest to EOP-Industrial Portfolio, LLC and CA-Santa Clara Office Center Limited Partnership, effective June 18, 2009, as may be amended from time to time in accordance with the terms of the Development Agreement.

P19. For Regional Traffic Fee, the Developer shall pay the sum of one dollar ($1.00) per square foot of building payable to the City prior to the issuance of Building Permit for the Vertical Construction of each building within the Project based on net square footage of applicable building. "Net Square Footage" is defined as occupiable building square footage subject to the issuance of a Building Permit, excluding parking structures, trash enclosures and similar non-occupiable facilities, less the occupiable square footage subject of existing buildings, existing on the Effective Date, which have previously been demolished, or as subject to Demolition Permits which have not been previously included in a Net Square Footage calculation. Regional Traffic Fees are nonrefundable.

P20. For Local Traffic Fee, the Developer shall pay the sum of one dollar ($1.00) per square foot of building payable to the City prior to the issuance of Building Permit for the Vertical Construction of each building within the Project based on net square footage of applicable building. Local Traffic Fees are non-refundable.

P21. For Fair Share Traffic Fees, Developer agrees to the sum of nine hundred sixty-eight thousand, eight hundred ninety-three dollars ($968,893) payable to the City for the Project's contribution to the intersection improvements identified in the EIR. Developer has already satisfied its obligation to pay the first four hundred eighty-three thousand, nine hundred dollars ($483,900) of the Fair Share Traffic Fees, and remains obligated to pay the remaining four hundred eighty-four

thousand, nine hundred ninety-three dollars ($484,993). The remaining Fair Share Traffic Fees shall be paid in full prior to the issuance of any additional Building Permits.

P22. The Developer shall participate in exploring the feasibility of adding transportation services to link businesses with multi-modal transit in cooperation with the City, other public agencies, and other local business interests.

P23. The Developer will employ all reasonable efforts such that the project will be built to, and certified in, accordance with Leadership for Energy and Environmental Design (LEED) at the "SILVER" certificate level, or equivalent. LEED is a nationally acceptable benchmark for the design, construction, and operation of high performance green buildings.

P24. The Developer shall submit a Notice of Proposed Construction or Alteration - Form 7460-1 to the Federal Aviation Administration, in accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace". Public Utilities Code Section 21659 prohibits structural hazards near airports. Project is subject to the provisions of 49 U.S.C, Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77. A determination of "No Hazard" shall be made prior to issuance of building permit for any of the four proposed tower buildings.

P25. Prior to issuance of the occupancy permit, the applicant shall prepare and receive approval on a 20 percent vehicle miles traveled (VMT) reduction strategy, 10 percent of which would come from a Transportation Demand Management program (TDM).

P26. On the annual anniversary of project occupancy, the Developer/ Owner shall prepare and provide to the Planning Division an annual report outlining the performance of the TDM program.

P27. The Developer/ Owner shall develop and implement a Transportation Demand Management (TDM) program. The project proposes the following elements in the TDM Program, or similar, alternative transportation demand management measures acceptable to the City:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Connect individual sites with regional bikeways.
- Provide on-site transit information kiosks.
- Implement a carpool/vanpool program, e.g., carpool ride matching for employees, assistance with vanpool information, provision of vanpool vehicles, etc.
- Develop a transit use incentive program for employees in the project area, such as on-site distribution of passes and/or subsidized transit passes for local transit systems. (Examples include VTA EcoPass system and "Wageworks" which utilizes pre-tax dollars to purchase transit passes.)
- Provide preferential parking for carpools.
- Provide a guaranteed ride home program.
- Implement a flextime policy.
- Provide on-site services such as ATMs, dry cleaning facilities, exercise room, cafeteria, etc.
- Participate in a shuttle program for employees to access local transit services within the City. (Examples include the Altamont Commuter Express (ACE) Yellow Shuttle and the Lawrence Caltrain Bowers/Walsh Shuttle.)
- Provide showers and lockers for employees bicycling or walking to work.

P28. The VTA Community Design & Transportation (CDT) Guidelines and VTA Pedestrian Technical Guidelines should be used as a guide by the Developer to on site planning, building design, street design, preferred pedestrian environment, intersection design and parking requirements.

P29. Prior to the issuance of building permits, the Developer shall submit a plan to minimize construction vehicle trips during peak hour traffic conditions to the Planning Division for review and approval.

P30. The Developer shall fully construct the intersection and street improvements at Augustine Drive and Bowers Avenue prior to occupancy of any building shown on the Development Plans unless partial improvements identified in a subsequent Traffic Impact Analysis to the satisfaction of the City Traffic Engineer demonstrates that partial improvements to allow for the construction of the office towers north of Augustine Drive will meet or exceed the reduction in Level of Service impacts as identified in the

project EIR. The Developer shall complete full intersection improvements prior to occupancy of the retail center south of Augustine Drive.

P31. Buildings may be phased in any order provided that adequate parking is completed in conjunction with each office tower. Landscaping may be phased with each building, provided that at least 20% of the landscape plan is implemented with each office tower and/or free-standing amenity building.

P32. The Retail Center site shall be rezoned to Planned Development (PD). The permitted uses and development standards to this PD Zoning District are stated in the Development Plans.

P33. The Office Phase II and III properties shall be rezoned to Commercial Park (CP). The permitted uses and development standards are specified in the City Zoning Ordinance.

ENGINEERING

E1. Obtain site clearance through Engineering Department prior to issuance of building permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.

E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

E3. The sanitary sewer (SS) discharge information (i.e., building use, square footage, point of connection to the public system, and 24-hour average and peak SS flow graphs for the peak day, showing average daily and peak daily SS flows) submitted by the developer was added to the City's Sanitary Sewer Hydraulic Model (SSHM) to determine if there is enough SS conveyance capacity in the SS trunk system to accommodate the proposed development. The SSHM output shows that there is mild surcharge in some downstream SS trunk lines and a slightly worsened surcharge in a downstream SS trunk line (RMC Technical Memorandum dated March 18, 2014). The SSHM output may change based on pending development applications and future projects. The SSHM output does not guarantee or in any way reserve or hold SS conveyance capacity until developer has Final Approval for the project. For purposes of this condition, "Final Approval" shall mean the final vote of the City Council necessary for all entitlements to be approved, unless a legal challenge is brought to the Council decisions, in which case the Final Approval shall mean the final disposition of the legal challenge

E4. The sanitary sewer (SS) main serving the site along property's Augustine Drive frontage that was not included in the Sanitary Sewer Capacity Model (SSCM) were monitored in the field by the developer. The field monitoring information along with the SS discharge information submitted by the developer were analyzed by developer's Civil Engineer and determined that said SS mains currently have enough conveyance capacity to accommodate the proposed development. The Civil Engineer's results may change based on pending development applications and future projects. The Civil Engineer's results do not guarantee or in any way reserve or hold SS conveyance capacity until the Developer has final approval for the project.

E5. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.

E6. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.

E7. Confirm that the existing sanitary sewer laterals are in good condition. The developer shall CCTV /video the lateral in the presence of the City inspector. Do not reuse unless the laterals are in good condition.

E8. All driveways shall be City standard ST-8 or ST-9 except those at 4-way signalized intersections. Those shall be curb return style with asphalt roadway.

E9. Provide root barrier when trees are planted adjacent to the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees.

E10. Storm drain and sanitary sewer laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk.

E11. Developer is responsible for cost of relocation or modification of any public facility necessary to accommodate subject development.

E12. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.

E13. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.

E14. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.

E15. Existing sanitary sewer and storm drain laterals that do not serve any purpose shall be abandoned to City standards.

E16. Show and comply with City's driveway vision triangle requirements at all driveways and City's intersection visibility obstruction clearance requirements. No trees and/or structures obstructing drivers' view are allowed in the vision triangle & visibility obstruction areas. Contact Traffic Engineering at (408) 615-3000 for further information.

E17. Provide onsite ADA walkway connecting proposed buildings/parking structure to the public sidewalk.

E18. Provide 10' wide sidewalk along the property's Bowers Avenue and Scott Boulevard frontages.

E19. Provide 5' wide sidewalk along the property's Augustine Drive frontage.

E20. Provide 10' wide minimum creek trail along the property's Augustine Drive southern frontage.

E21. Provide 12' wide minimum creek trail/easement connecting Augustine/Octavius Drive to the San Tomas Aquino Creek Trail.

E22. Provide 6' wide minimum bicycle lane along property's Bowers Avenue frontage. Gutter pan shall not be used as part of bicycle lane (8' wide minimum from face of curb).

E23. Provide 4' wide minimum bicycle lane along property's Augustine Drive and Scott Boulevard frontages. Gutter pan shall not be used as part of bicycle lane (6' wide minimum from face of curb).

E24. Construct traffic signal at proposed Mid-Block crossing on Augustine Drive. The ADA curb ramps at this crossing shall be Caltrans Case A ramps in order to meet onsite and public paths of travel.

E25. Traffic signal improvement at proposed driveway entrance on Augustine Drive, approximately 900' east of Bowers/Augustine intersection shall be required.

E26. Provide Stop Study/Analysis to determine if a new traffic signal or a 4-way stop is needed at the Augustine/Montgomery intersection.

E27. Remove existing bus bench/sign on Bowers Avenue, north of Scott Boulevard, and replace with bus duck-out/shelter/bench per VTA's requirements.

E28. Remove existing bus bench/sign on Scott Boulevard, at Coronado Drive, and replace with bus stop/pad/bench per VTA's requirements.

E29. Traffic signal modification for Bowers/Scott & Bowers/Augustine intersections shall be provided. Bowers/Augustine traffic signal modification plans shall have all vehicular turning radius for the intersection shown without any conflict. Minimum left-turn lane width shall be 11'.

E30. Remove existing curb ramps at the NE corner of Bowers/Scott, NE & SE corners of Bowers/Augustine, and the beginning 101 on ramp at Bowers and replace with ADA compliant curb ramps.

E31. All traffic striping, messages, symbols destroyed/damaged due to proposed improvements' construction shall be replaced with thermoplastic striping/messages/symbols. All proposed traffic striping, messages, symbols shall be thermoplastic.

E32. Dedicate on-site easements for new public utilities and/or sidewalk as required by means of parcel map or approved instrument at time of development.

E33. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.

E34. File and record parcel map to create parcel for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.

E35. Proposed vacation of street Right-of-Way (corner bulb) at the NE corner of Augustine and Octavius Drive will require further review/discussion when final development plans for Phase II and III are determined.

E36. For current proposed Retail/Market areas, Office Buildings, and Parking Structures, the following minimum bicycle facilities shall be provided at the main entrance and/or high visible areas:

- 107,588 SF Retail: 1 Class I Bike Locker space per each 30 employees and 20 Class II Bike Rack spaces for patrons.
- 543,288 SF Office Bldgs: 68 Class I Bike Locker spaces 23 Class II Bike Rack spaces.
- Parking Structures: TBD (depend on proposed parking stalls).

E37. The Developer shall mitigate traffic impacts as outlined in the Traffic Impact Analysis Report (TIA), Final Environmental Impact Report (FEIR), and Addendum to FEIR.

ELECTRICAL

EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.

EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.

EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.

EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.

EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.

EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).

EL7. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.

EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.

EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.

EL10. Any relocation of existing electric facilities shall be at Developer's expense.

EL11. Electric Load Increase fees may be applicable.

EL12. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property.

Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at $200,000 or more or any series of non-residential private improvements made within a three-year period valued at $200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).

EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.

EL15. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-261-5469 to facilitate plan review.

WATER

W1. Existing water services to the site are available for use, otherwise they shall be abandoned back to their respective water mains.

W2. Water mains shall be placed in the public right-of-way. Public water mains not in the public right-of-way shall be placed within water easements, which shall be executed prior to Project acceptance.

W3. All landscaping and irrigation systems shall meet water conservation requirements as per City's Rules and Regulations for Water Service (Resolution 6390).

W4. Landscape design shall keep trees a minimum of 10' from water and sewer facilities.

W5. All water improvements for this development shall be paid for by the Owner.

W6. Applicant is advised that applicant must design and install adequate plumbing for the proposed development and the affected building, or reduced residual water pressure may be experienced due to added water demand.

W7. The proposed project is in an area with limited water distribution capability. Prior to the issuance of Building or Grading Permits, the applicant shall provide hydraulic calculations showing the impacts of the proposed development on the water utilities to the satisfaction of the Director of Water & Sewer Utilities.

W8. Prior to issuance of Building Permits, the applicant shall submit plans for independent water service to each individual parcel connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Additionally, different types of water use (domestic, irrigation, fire) shall be served by individual water services.

W9. Prior to the issuance of Building or Grading Permits, the applicant must indicate the disposition of all existing water services on the plans. The applicant must properly abandon all existing water services on the property that will not be used per Water & Sewer Utilities standards.

W10. Each parcel shall have their own domestic, fire and landscape services and cannot be connected thru adjacent parcels.

W11. Show Water meters and backflow preventers to scale as per City Standard Details.

W12. Design water meters and backflow preventers to be in public right-of-way, if not then 5 feet around, water easements must be provided for the services to be on the private side of the property.

W13. Need to show separate landscape services for the development.

FIRE

Occupancy Classifications:

F1. State the occupancy classification in accordance with the 2013 California Building Code for each building and/or areas.

Fire Department Emergency Access:

F2. Approved fire apparatus access roads (public/private) shall be established and maintained to within 150 feet of all exterior walls of any building.

F3. Approved fire apparatus access roads shall have a minimum 20-foot width, have a minimum 13 ½-foot vertical clearances and have a minimum 36-foot inside turning radius.

F4. Dead-end fire apparatus access roads that exceed 150-feet in length shall be provided with a 75-foot diameter vehicle turnaround or an approved hammerhead turnaround (incorporating the minimum 36-foot inside turning radius).

F5. Fire apparatus access roads shall be designed and maintained to support imposed loads of fire apparatus (75,000 lbs) and shall be surfaced to provide all-weather driving capabilities (2013 CFC, 503.2.3).

F6. Any barricades, bollards, gates that may obstruct the fire lane shall be approved by the Fire Department.

F7. Adjacent private emergency access roads from lands adjoining a property required to have access shall not be considered unless such access is designated as a "shared Emergency Access Easement" (E.A.E.). **Note: When parcels are subdivided, E.A.E. will most likely be required.**

Emergency Responder Radio Coverage:

F8. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building (any exceptions are required to be approved by Fire Code Official). The radio coverage system shall be provided with an approved secondary source of power capable of operating for a period of at least 24 hours. (2013 CFC 510.1). The emergency responder radio shall be in accordance with Section 510 of the CFC and City of Santa Clara Radio Shop (408-615-5590). **NOTE:** A third party review and report is required under a separate permit.

F9. Obstruction by new buildings: When determined, a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure (SCMFEC 510.1.1)

F10. **S906.1 GENERAL. Portable fire extinguishers shall be installed according to the Table 906.1 A.** Servicing of fire extinguishers shall be required on an annual basis. The Chief may require additional extinguishers and other ratings for protection of special hazards or hazard areas if, **in** his opinion, the additional requirements are better suited to protect such hazard. Portable fire extinguishers shall be in accordance with NFPA 10.

TABLE 906.1 A - FIRE EXTINGUISHER SIZE AND PLACEMENT

Occupancy Hazard Classification	Light (Low)	Ordinary (Moderate)	Extra (High)
Descriptions	Offices Classrooms Churches Assembly Halls	Dining Areas Mercantile Shops Lt. Manufacturing Auto Showrooms Parking Garages	Woodworking Vehicle Repair Cooking Areas Hazardous-Occupancies
Minimum Extinguisher Rating	2A:10B:C	2A:20B:C	4A:80B:C
Maximum Floor Area per	3,000 sq. ft.	1,500 sq. ft.	1,000 sq. ft.

Extinguisher			
Maximum Travel Distance to Extinguisher	50 ft.	50 ft.	50 ft

Fire Permits and Guidelines:

F11. Refer to http://santaclaraca.gov/index.aspx?page=564 for local amendments and standards.

Water Supply:

F12. For buildings/structures where standpipe hose valves are required, a drawing shall be submitted at time of building application showing the location of each standpipe hose valve connection along with hose reach distances. See STANDPIPES below for additional requirements. NOTE: A Class 1 standpipe shall be required.

F13. On-site fire hydrants and mains capable of supplying the required fire flow shall be provided. Fire flow for hydrants shall be in accordance with Appendix B and C of the 2013 CFC. **Show all existing and proposed on-site and city fire hydrants on the site plan at time of Building Permit application. Also show the proposed fire service line with FDC, PIV and ASR. NOTE: No reduction in fire flow is allowed for the number of hydrants and average spacing between hydrants. Otherwise, a 75% fire flow reduction is acceptable. Revise drawings to show the construction types of each building so that the proper fire flow and hydrant spacing can be verified.**

F14. When underground fire service mains are required, submit separate plans, fees and fire flow calculations to the Fire Department for separate review and permit. Each parcel or building may require separate fire service. (NOTE: Stamped and wet signed civil drawings shall be submitted in conjunction with shop quality drawings by the installing "A" or "C-16" licensed contractor).

F15. Any development providing any combination of six (6) or more fire hydrants, fire sprinkler or standpipe services, shall not be served by a dead end water main, but rather served by a looped service with two separate feeds containing fire department connections (FDCs), post indicator valves (PIVs) and private fire hydrants. When a FDC pressurizes fire service mains including private hydrants, the hydrant intended to be used by the fire department must be a hydrant directly connected to the public water main (i.e., a city hydrant). Each fire sprinkler system shall be provided with an independent FDC when the fire service main includes fire hydrants and sprinkler systems. The FDC and PIV shall be located on the street fronting each building. The FDC shall be located within 50 feet of a city (public) fire hydrant, plus on the same side of the road as the fire hydrant(s).

F16. Backflow preventer model and installation detail shall be approved by City of Santa Clara Water Department. Contact: (408) 615-2000. If property has a single fire service connection to the City water main, typically a minimum Double-Check Detector Assembly (DCDA) backflow device is required. If property has more than one fire service connection to the City water main, typically the backflow device at each connection shall be a Reduced Pressure Detector Assembly (RPDA).

Fire Pump Rooms Requirements For All Occupancies:

F17. Ventilation (NFPA 20, 5.12.5). Provision shall be made for ventilation of a pump room or pump house.

F18. Drainage (NFPA 20, 5.12.6). Floors shall be pitched for adequate drainage of escaping water away from critical equipment such as the pump, driver, controller, and so forth. The pump room or pump house shall be provided with a floor drain that will discharge to a frost-free location.

F19. Temperature (CBC 913.3). Suitable means shall be provided for maintaining the temperature of a pump room or pump house, where required, above 40°F (5°C). Temperature of the pump room, pump house or area where engines are installed shall never be less than the minimum recommended by the engine manufacturer. The engine manufacture's recommendations for oil heaters shall be followed.

F20. Normal Lighting (NFPA 20, 5.12.3). Artificial light shall be provided in a pump room or pump house.

F21. Emergency Lighting (NFPA 20, 5.12.4). Approved emergency lighting shall be provided in the pump room or pump house.

F22. Indoor Fire Pump Room Fire Resistance (CBC 913.2.1). Indoor fire pump rooms shall be constructed with a minimum one or two-hour (high rises) fire resistance rating in accordance with CBC 913.2.1.

F23. The fire pump suction, discharge and bypass valves, and isolation valves on the backflow prevention device or assembly shall be supervised in the **open position**. Where a fire alarm system is installed, the central station shall monitor the valves. NOTE: Fire pump test outlet valves shall be supervised in the **closed position.** (CBC 913.4, 913.4.1)

F24. Fire pump and automatic sprinkler system riser rooms shall be provided with a door(s) and an unobstructed passageway large enough to allow removal of the largest piece of equipment (CFC 901.4.6).

Specific Requirements for High Rises:

F25. A sprinkler water flow alarm-initiating device and a control valve with a supervisory signal-initiating device shall be provided at the lateral connection to the riser for each floor (2013 CFC 403.3).

F26. Required fire pumps shall be supplied by connections to a minimum of two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate. (2013 CBC 403.3.2). EXCEPTIONS:

a. Two connections to the same main shall be permitted provided the main is valved such that an interruption can be isolated so that the water supply will continue without interruption through no fewer than one of the connections
b. High-rise buildings hot having an occupied floor more than 120 feet above the lowest level of fire department vehicle access where a secondary water supply is provided in accordance with Section CBC 903.3.5.2.

F27. Fire pumps in high-rise buildings:

a. Engine-driven fire pumps and electric drive fire pumps supplied by generators shall both be provided with an on-premises fuel supply, sufficient for not less than 8-hour full-demand operation at 100 percent of the rated pump capacity in addition to all other required supply demands in accordance with Sections 9.6 and 11.4.2 of NFPA 20 and this section (also see Section 604.2.14.1.1 of the CFC). **NOTE: The code now requires the fuel supply to be maintained at an 8-hour level at all times for serving fire pumps. Other standby power requirements (such as elevators) need only a minimum duration of 6 hours of fuel supply.**
b. Fire pumps shall be located in rooms that are separated from all other areas of the building by 2-hour fire barriers constructed in accordance with Section 707 or 2-hour horizontal assemblies constructed in accordance with Section 711, or both (CBC 913.2.1). Exception: Separation is not required for fire pumps physically separate in accordance with NFPA 20.

F28. An automatic secondary on-site water supply having usable capacity of not less than the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access assigned to Seismic Design Category C, D, E, or F as determined by the California Building Code. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the fire pump supplying the automatic sprinkler system. The secondary water supply shall have a duration of not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13, whichever is greater. The Class I standpipe system demand shall not be required to be included in the secondary on-site water supply calculation. In no case shall the secondary on-site water supply be less than 15,000 gallons (2013 CBC 903.3.5.2).

F29. A fire alarm system shall be provided as required in Section 907.2.13.

F30. An emergency voice/alarm communication system shall be provided in accordance with Section 907.6.2.2 of the CFC. In high rise building the system shall operation on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator Groups
2. Exit stairways.

3. Each floor.
4. Areas of refuge as defined in Section 1002.1

F31. Emergency responder radio coverage shall be provided in accordance with Section 510 of the CFC (CBC 403.4.4).

F32. Luminous Egress Path Marking - Required for A, B, E, I, M & R-1 buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access. Exceptions may apply, and refer to CFC, 1024 for specific requirements.

F33. Smoke detection shall be provided in accordance with Section 907.2.13.1. of the CBC.

F34. The fire command center shall be a minimum of 200 square feet in area with a minimum dimension of 10 feet (CFC 508.1.3). The fire command center shall include, but not be limited to the following features (CFC 508.1.5):

1. The emergency voice/alarm communication system control unit.
2. The fire department communications system.
3. Fire detection and alarm system annunciator.
4. Annunciate unit visually indicating the location of the elevators and whether they are operation.
5. Status indicators and controls for air distribution systems.
6. The fire-fighter's control panel for smoke control systems installed.
7. Controls for unlocking stairway doors simultaneously.
8. Sprinkler valve and water-flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access, and the location of fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions.
13. An approved Building Information Card that contains, but is not limited to, the information described in 2013 CFC 508.1.5 item #13.
14. Work table.
15. Generator supervision devices, manual start and transfer features.
16. Public address system.
17. Elevator fire recall switch in accordance with California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders.
18. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.
19. A table with chairs (size and number of chairs shall be approved by Fire Chief) (SCMFEC).
20. A locking key box, acceptable to the Chief, large enough for 10 sets of master keys (SCMFEC).
21. Ten (10) sets of master keys for the building (SCMFEC).
22. A complete set of electrical, mechanical, and plumbing plans for the building (SCMFEC).

***Fire Command Center shall not be used for the housing of any boiler, heating unit, generator, combustible storage, or similar hazardous equipment storage.

F35. A passive or active smoke control system or combination thereof shall be provided in accordance with Section 909 of the CFC.

F36. A standby power system complying with Chapter 27 shall be provided for standby power loads specified in Section 403.4.7.2 of the CFC. If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 712 or both. System supervision with manual start and transfer features shall be provided at the fire command center (CBC 403.4.7).

F37. An emergency power system complying with Chapter 27 shall be provided for emergency power loads specified in Section 403.4.8.1 (CBC 403.4.8).

F38. An on-premise fuel supply, sufficient for not less than 6-hour full-demand operation of the standby power system, shall be provided. The minimum required fuel supply shall be maintained at all times. (CFC 604.2.14.1.1).

F39. Stairway doors other than the exit discharge doors shall be permitted to be locked form the stairway side. Stairway doors that are locked from the stairway side shall be capable of being unlocked simultaneously without unlatching upon a signal from the fire command center. Upon failure of electrical power to the locking mechanism the door shall unlock (CBC 403.5.3).

F40. A telephone or other two-way communications system connected to an approved constantly attended station shall be provided at not less then every fifth floor in each stairway where the doors to the stairway are locked (CBC 403.5.3.1).

Required Fire Sprinkler/Suppression Systems:

F41. At time of building permit application, state on the title sheet what type of sprinkler system will be required (NFPA 13 or 13R). If a sprinkler system is used for increases in height/stories/area allowable, etc., it shall be a NFPA 13 system

F42. An approved automatic sprinkler system in accordance with Section 903.1.1 shall be allowed to be substituted for 1-hour fire-resistance rated construction, provided such system is **not otherwise required by other provision of the code** or used for an allowable increase in accordance with Section 506.3 or an allowable height increase in accordance with Section 504.2. The 1-hour substitution for the fire resistance of exterior walls shall not be permitted (CBC Table 601, footnote d).

F43. The following rooms shall be calculated at 0.25 gpm/ft2 density over the entire area:

a. Standby Emergency Diesel Generator and Combustion Turbine Rooms
b. Fire pump rooms/houses
c. Auxiliary Boilers. Oil-fired boilers or boilers using oil ignition should be provided with protection.

F44. Standpipe System: When installing or modifying the Standpipe System, notify the installer (a licensed C-16 contractor) to apply for a "Standpipe System" permit. NOTE: A separate permit is not required when the standpipe system is combined with an automatic sprinkler system. Class I standpipe hose connections shall be provided in all of the following locations: a) In every required stairway, a hose connection at each floor level (not at the intermediate landings between floors), including the first floor b) On each side of the wall adjacent to the exit opening of a horizontal exit. Exceptions may apply. c) In every exit passageway, at the entrance from the exit passageway to other areas of a building. Exceptions may apply. 4) Where the roof has a slope less than four units vertical in 12 units horizontal (33.3 percent slope), each standpipe shall be provided with a hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes (CFC, 905.4). Additional standpipes may be required (AHJ & CFC, 905.1). **A drawing showing the hose reach distances for each standpipe hose valve connection is required at time of application.**

F45. The installation of a kitchen automatic fire protection system will be required for the cooking areas. The system shall comply with 2002 NFPA 17A; 2013 California Fire Code (CFC) Chapter 9, Section 904.11; and the 2013 California Mechanical Code (CMC) Chapter 5. A permit must be obtained directly from the Fire Department.

Dumpster Storage:

F46. Rubbish containers: Containers that are 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings, property lines or combustible roof eave lines unless protected by approved fire sprinklers (CFC 304.3.3). Exceptions may apply. If a roof over the trash enclosure is to be provided, then it shall be of non-combustible construction.

Spill Prevention Control and Countermeasure Plan

F47. Businesses that store more than 1,320 gallons (accumulative for 55 gallons and larger in drums and/or tanks on a contiguous property) of petroleum products aboveground must prepare a Spill Prevention Control and Countermeasure (SPCC) plan. If the business has over 10,000 gallons of petroleum products, the SPCC must be signed by a professional engineer. If the business has between 1,320 and 10,000

gallons the owner/operator can self-certify the SPCC plan (additional requirements apply for self-certification).

For businesses that currently do not have a SPCC plan, the SPCC plan must be signed and a copy kept on-site prior to using/filling the tank/equipment. Have the SPCC plan available to the Fire Department at time of inspection.

For businesses that currently have a SPCC plan, and are adding additional tanks/equipment amendments to the existing SPCC plan must be made, signed and a copy kept on-site within 6 months of the change.

SPCC Plan requirements are found in Title 40, Code of Federal Regulations, Part 112. Information regarding SPCC plan preparation and submittal requirements is available on the Internet at http://www.calepa.ca.gov/CUPA/Aboveground/FactSheetSPCC.pdf (H&SC §2527005(c)).

Fire Safety During Construction:

F48. **At the time of permit application, submit** a construction **"Fire Safety Plan"** to the Fire Department for review and approval. The "Fire Safety Plan" shall address fire protection (i.e., access roads, water mains, on-site fire hydrants, fire extinguishers and standpipes) be installed and made serviceable prior to the time of construction. Include in the safety plan the location of fire extinguishers, fire hydrants (public and private), storage of combustible construction materials, propane tanks, and "NO SMOKING" signs. Plus the Safety plan shall address the how the following items will be used: temporary heating devices, temporary electrical wiring, cutting/welding and other open-flame devices. See "Standards for Construction site fire Safety" handout or website at www.unidocs.org/fire

Fire Department (Required on plans/ drawings at the time of application)

F49. **At the time of Building Permit application,** submit Civil Drawings that denote existing and proposed locations of fire hydrants, underground sectional valves, fire department connections and post indicator valves for fire department review and approval.

F50. Prior to combustible materials being brought onto the site, approved fire apparatus access roads shall be constructed. These shall be capable of supporting the imposed fire apparatus load (75,000 lbs.) and have a FD approved all-weather driving surface.

F51. Construction materials shall not obstruct access roads, access to buildings, hydrants or fire appliances.

F52. Combustible construction in excess of 100 feet from the street shall not commence until emergency access roads; underground fire service lines and permanent on-site hydrants are in service and have been tested, flushed and approved by the Fire Department.

F53. During construction of a building and until permanent fire-extinguishers have been installed, portable fire extinguishers are required within 50 feet travel distance to any part of the building in accordance with California Fire Code and the Santa Clara Municipal Fire and Environmental Code.

F54. General Permit Storm Water Discharges Associated with Construction Activity-Water Quality through the State (order 99-08-DWQ) shall be adhered to regarding non-point source issues on construction sites. (i.e., prevention of paints, debris, etc. from going down storm drains). The Permit is issued by the State Water Resources Control Board. Information regarding the permit can be found at www.waterboards.ca.gov/stormwtr/index.html.

F55. Internal-combustion-powered construction equipment shall be used as follows; (a) Equipment shall not be refueled while in operation, (b) Exhausts shall be piped to the outside of the building.

POLICE

PD1. The Developer shall provide a minimum average illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives. The illumination should be deployed in fixtures that are both weather and vandal resistant.

PD2. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness. Individual apartment numbers shall be a minimum of six (6)

inches in height and a color contrasting to the background material and either visible from the street or from the center area of the project. Where multiple units/buildings occupy the same property, unit/building address shall be clearly visible.

PD3. The Developer shall meet the City's guidelines established for radio signal penetration, detailed in the Santa Clara Police Department's Public Safety Radio System Building Penetration Guidelines. The intended use of telecommunications sites shall be clearly and accurately stated in the project description. The signal, of whatever nature, of any communications facility or system, shall in no way whatsoever interfere with or affect any Police communication or Police communication system.

PD4. When in the opinion of the fire code official, a new structure obstructs the line of sight of emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

PD5. The Developer shall provide enclosure fencing (trash area, utility equipment, etc.) that is either see-through or that has a six (6) inch opening along the bottom for clear visibility subject to adjustments by the Police Chief. Any gates or access doors to these enclosures should be locked.

PD6. The Owner/Developer shall ensure that exterior elevators are see-through for maximum visibility. The Owner/Developer shall ensure that all elevators are well lit and equipped with a security mirror to provide interior and exterior visibility prior to entry or exit.

PD7. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the Developer shall ensure that addresses are displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provides vehicular access, address numbers shall be clearly visible from that access.

PD8. Parking structures, including ramps, corners and entrances, should be illuminated per ISNA recommendations by the Developer, subject to adjustments by the Police Chief in consultation with Silicon Valley Power and Planning Department as necessary for the project to meet LEED Certification, or equivalent, objectives.

PD9. The Developer should equip the parking structure/site with an emergency panic alarm system that reports to a central office and/or 9-1-1. If more than one button is installed, they should be placed no more than 100 ft. apart.

PD10. All entrances to parking areas (surface, structure, sub-terranean, etc.) should be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code Section 22658(a) for guidance).

PD11. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism to the wall.

PD12. If the development includes any benches, these benches should not be longer in five feet in length and have arm rests at both ends. If the benches are longer than five feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends.

PD13. If there is outdoor seating associated with a restaurant or similar business which is near vehicle parking stalls or roadways, the developer should install bollards, low fencing, or some other means to separate outdoor seating from vehicle traffic.

STREET

ST1. Submit copy of complete landscape and automatic irrigation plans for review and comment by City staff. Plans are to include all existing trees with 4" or larger diameter (measured 30" above ground) on development property and adjacent property if they may be impacted. Trees are to be correctly labeled with specie name and correctly plotted as to exact location on the plans. Trees are to be noted as to whether they are proposed to be saved or removed. City tree preservation specifications are to be included on all plans where existing trees are to be saved during construction. A copy of these specifications can be obtained from the City Arborist at 408-615-3080.

ST2. The Developer is to supply and install City street trees per City specifications; spacing, specie, and size (15 gallon minimum) to be determined by City Arborist.

ST3. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080.

ST4. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).

ST5. Identified existing mature trees to be maintained. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site. Provide 48-inch box trees for screening adjacent to the existing residential properties, type to be determined by City Arborist.

ST6. All trees, existing and proposed, must maintain minimum of ten (10) feet from any existing or proposed Water Department facilities. Existing trees that conflict must be removed by developer. Trees shall not be planted in water easements or public utility easements.

ST7. Prior to submitting any project for Street Department review, applicant shall provide a site plan showing all existing trees (including size and species), proposed trees (including size and species), existing stormwater drainage facilities, proposed storm water drainage facilities, proposed locations of solid waste containers and, if applicable, a statement on the site plan confirming compliance with Fire Department approved fire apparatus access roads (1998 CFC 902.2.2.1 & 902.2.2.3).

ST8. All landscaping and irrigation systems shall meet City standard specifications.

ST9. Since this project involves disturbing a land area of one acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.

ST10. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.

ST11. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.

ST12. All post construction structural controls shall require property owner to execute with City a Stormwater Treatment Measures Inspection and Maintenance Agreement.

ST13. Decorative water features such as fountains and ponds shall be designed and constructed to drain to sanitary sewer only. No discharges allowed to storm drain.

ST14. Special Urban Runoff Stormwater Pollution Prevention requirements apply. Set up meeting with the Street Department to discuss requirements. Contact Dave Staub at 408-615-3080.

ST15. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the structure, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid gates are the preferred design.

ST16. Potable water must be used for irrigation to redwood trees.

ST17. A minimum 15 gallon tree at a 2:1 on- or off-site replacement for trees removed as part of the proposal or 36" box tree at a 1:1 replacement.

ST18. Landscape screening shall be provided along the Highway 101 frontage.

I:\PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\PC\SCSQ Exhibit Condition of Approval-Rezone.doc

CONDITIONS OF APPROVAL - MAP
SANTA CLARA SQUARE PROJECT

GENERAL

G1. The Developer shall comply with all applicable codes, regulations, ordinances and resolutions.

G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

ATTORNEY'S OFFICE

A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

PLANNING AND BUILDING INSPECTION

P1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.

P2. The Developer shall comply with the Mitigations Monitoring and Reporting Program identified in the Augustine-Bowers Environmental Impact Report and Mitigations as amended in the Addendum No. 2 for the Santa Clara Square Project, and shall be incorporated in the Conditions of Approval for this project.

P3. The Developer shall comply with the conditions set forth in the Development Agreement in effect between the City of Santa Clara and The Irvine Company LLC, as successor interest to EOP-Industrial Portfolio, LLC and CA-Santa Clara Office Center Limited Partnership, effective June 18, 2009, as may be amended from time to time in accordance with the terms of the Development Agreement.

ENGINEERING

E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.

E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

E3. After City Council approval of the Vesting Tentative Parcel Map, submit 10 copies of the Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. Parcel Map must be approved by staff and recorded by developer prior to building permit issuance.

E4. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.

E5. All driveways shall be City standard ST-8 or ST-9 except those at 4-way signalized intersections. Those shall be curb return style with asphalt roadway.

E6. Provide root barrier when trees are planted adjacent to the sidewalk. Root barriers shall be 12' long x 2' deep, and centered on trees.

E7. Storm drain and sanitary sewer laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk.

E8. Developer is responsible for cost of relocation or modification of any public facility necessary to accommodate subject development.

E9. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.

E10. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.

E11. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk.

E12. Existing sanitary sewer and storm drain laterals that do not serve any purpose shall be abandoned to City standards.

E13. Show and comply with City's driveway vision triangle requirements at all driveways and City's intersection visibility obstruction clearance requirements. No trees and/or structures obstructing drivers' view are allowed in the vision triangle & visibility obstruction areas. Contact Traffic Engineering at (408) 615-3000 for further information.

E14. Provide 10' wide sidewalk along the property's Bowers Avenue and Scott Boulevard frontages.

E15. Provide 5' wide sidewalk along the property's Augustine Drive frontage.

E16. Provide 10' wide minimum creek trail along the property's Augustine Drive southern frontage.

E17. Provide 6' wide minimum bicycle lane along property's Bowers Avenue frontage. Gutter pan shall not be used as part of bicycle lane (8' wide minimum from face of curb).

E18. Provide 4' wide minimum bicycle lane along property's Augustine Drive and Scott Boulevard frontages. Gutter pan shall not be used as part of bicycle lane (6' wide minimum from face of curb).

E19. Construct traffic signal at proposed Mid-Block crossing on Augustine Drive. The ADA curb ramps at this crossing shall be Caltrans Case A ramps in order to meet onsite and public paths of travel.

E20. Remove existing bus bench/sign on Bowers Avenue, north of Scott Boulevard, and replace with bus duck-out/shelter/bench per VTA's requirements.

E21. Remove existing bus bench/sign on Scott Boulevard, at Coronado Drive, and replace with bus stop/pad/bench per VTA's requirements.

E22. Traffic signal modification for Bowers/Scott & Bowers/Augustine intersections shall be provided. Bowers/Augustine traffic signal modification plans shall have all vehicular turning radius for the intersection shown without any conflict. Minimum left-turn lane width shall be 11'.

E23. Remove existing curb ramps at the NE corner of Bowers/Scott, NE & SE corners of Bowers/Augustine, and the beginning 101 on ramp at Bowers and replace with ADA compliant curb ramps.

E24. All traffic striping, messages, symbols destroyed/damaged due to proposed improvements' construction shall be replaced with thermoplastic striping/messages/symbols. All proposed traffic striping, messages, symbols shall be thermoplastic.

E25. Dedicate on-site easements for new public utilities and/or sidewalk as required by means of parcel map or approved instrument at time of development.

E26. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to start of construction.

E27. File and record parcel map to create parcel for proposed development and pay all appropriate fee(s) prior to Building Permit issuance.

I:\PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\CC\SCSQ Exhibit Condition of Approval-Map.doc

Santa Clara Square

Addendum No. 2

to

Augustine-Bowers Office Park Environmental Impact Report

(State Clearinghouse No.)

Prepared For:

City of Santa Clara Planning Department

1500 Warburton Avenue

Santa Clara, California 95050

May 2014

Preface

This document has been prepared by the City of Santa Clara as the Lead Agency, in conformance with the California Environmental Quality Act. This Addendum provides environmental review appropriate for the approval of the proposed Santa Clara Square project.

All documents referenced in this Addendum are available for public review in the Department of Planning and Inspection, 1500 Warburton Ave, Santa Clara, California, on weekdays during normal business hours.

I. Introduction

The City of Santa Clara (the "City") certified an environmental impact report prepared pursuant to the California Environmental Quality Act (Pub. Res. Code § 21000 *et seq.*) ("CEQA") for the Augustine-Bowers Office Park on May 5, 2009 ("EIR") by Resolution No. 09-7618. The EIR contemplated the development of a 30.73-acre site located at 2620-2727 Augustine Drive ("2009 Project site"). The EIR analyzed the construction of up to 1,969,600 square feet of office development and up to 35,000 square feet of retail development for a total of 2,004,600 square feet in 4 towers up to 14 stories high (the "2009 Project"). In addition to certifying the EIR, the City approved a General Plan Amendment, an application for rezoning, a vesting tentative parcel map, a development agreement, and architectural review.

The Irvine Company, LLC ("TIC") acquired the Augustine-Bowers Office Park in 2012. TIC initially proposed to modify the design of the 2009 Project to reduce the intensity of office development to approximately 1.235 million square feet. TIC's initial proposal included six office buildings, associated surface and structured parking, and ancillary campus-serving amenity buildings. The proposal was approved by the City of Santa Clara in July 2013 by adoption of Ordinance No. 1909, an EIR Addendum (CEQ 2013-01159), a PD Amendment (PLN2013-09609), an amendment to the Development Agreement (PLN2013-09865), and architectural review (PLN2013-09866). The amended Development Agreement also continued to authorize the original intensity of development (1,969,600 square feet of office and 35,000 square feet of retail).

The 16.6-acre portion of the Augustine-Bowers Office Park located north of Augustine Drive ("Office Phase I") was transferred to Augustine Bowers LLC in September 2013. The office complex in Office Phase I will consist of approximately 618,800 square feet of office use, and 13,000 square feet of accessory retail use.

TIC retained ownership of the remaining 14.2-acres located south of Augustine Drive. TIC proposes to develop this location with an approximately 125,000 square foot specialty retail center, with major anchor tenant grocery, sit down restaurants, and boutiques ("Retail Phase").

TIC also recently acquired two existing office development areas: a 9.19 acre site located at 2525 - 2585 Augustine Drive that is located immediately adjacent to the northeast property line of the 2009 Project site ("Office Phase II") and a 7.65 acre site located at 2455 - 2475 Augustine Drive ("Office Phase III"). TIC does not own the office development at 2505 Augustine Drive, located between Office Phase II and Office Phase III. Collectively, the Retail Phase property, Office Phase II property, and the Office Phase III properties are referred to as the "Site".

TIC submitted a development plan, request for a General Plan Amendment, and a PD Amendment to the City for the Retail Phase on February 19, 2014. See File No. PLN2014-10256, PLN2014-10257. TIC submitted an application on February 19, 2014 for the Office Phase II and Office Phase III properties to change the zoning designation from Light Industrial (ML) to Commercial Park (CP), and to change the General Plan map designation from Light Industrial to

High-Intensity Office/Research & Development (R&D). See File No. PLN2014-10256, PLN2014-10258. Collectively, the proposed development in the Retail Phase and Office Phases II and III are referred to as the "2014 Project." The 2014 Project would modify the 2009 Project in three ways: (1) redistributes the total building space authorized for the site with more retail space than before but less office space such that the total amount of development is still within the envelope of development previously approved; (2) shifts the remaining approved office campus that was to be located on the Retail Phase to the newly acquired Office Phase II and Office Phase III properties, and (3) develop 125,000 square feet of specialty retail space in the Retail Phase. This modification represents a shift in location of approved office development to two sites already in use with office development. The proposed office development in Office Phases II and Office Phase III would consist of 1,243,300 square feet with 6-8 story office buildings, with associated surface and structured parking. The total development, including the approved Office Phase I and proposed Retail Phase, Office Phase II, and Office Phase III, will not exceed 2,000,100 square feet of development, or 4,500 square feet less than the total development that was approved in the 2009 Project. Table 1 summarizes the 2009 and the 2014 Projects.

Project	Office Phase I	Retail Phase	Office Phase II and III	Subtotal	Total (including Office Phase I)
2009	618,800 sf of office 13,000 sf of retail space	1,350,800 sf of office 22,000 of retail space	0	1,969,600 sf of office 35,000 square feet of retail	2,004,600 sf of development
2014	618,800 sf of Office 13,000 sf of retail space	125,000 sf of retail space	1,243,300 sf of office	1,862,100 sf of office 138,000 of retail space	2,000,100 sf of development

Where none of the conditions requiring the preparation of a Subsequent EIR are met, the CEQA Guidelines (14 Cal. Code Regs. §§ 15300-15387) require a lead agency to prepare an Addendum to the previously certified EIR, including a brief explanation of the decision to not prepare a Subsequent EIR supported by substantial evidence. 14 Cal. Code Regs. §§ 15162, 15164(a). Based on the analysis below, this Addendum No. 2 concludes that 2014 Project would not result in any new significant adverse impacts, nor an increase in the severity of significant adverse impacts previously identified and studied in the EIR. Nor would the 2014 Project require the adoption of any new or considerably different mitigation measures or

alternatives. Therefore, this Addendum No. 2 is the appropriate form of environmental review required under CEQA.

II. CEQA Requirements

CEQA requires local governments to conduct environmental review on public and private development projects. CEQA Guidelines Section 15164(a) states that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Section 15164(c) states than an addendum does not need to be circulated for public review. Section 15164(d) provides that the decision-making body shall consider the addendum in conjunction with the EIR prior to making a decision on the project. Section 15164(e) requires documentation of the decision not to prepare a subsequent EIR pursuant to Section 15162.

CEQA Guidelines Section 15162(a) provides that once an EIR has been certified, no subsequent EIR shall be prepared unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
>
> > (A) The project will have one or more significant effects not discussed in the previous EIR;
> >
> > (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
> >
> > (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would

substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum No. 2 has been prepared to satisfy the requirements of CEQA Guidelines Sections 15164(a), 15164(d), and 15164(e).

III. 2014 Project Description

A. THE SITE

The approximately 31-acre Site for the proposed Retail Phase, Office Phase II and Office Phase III development (2014 Project) is comprised of eight parcels located on the north and south sides of Augustine Drive, east of Bowers Avenue (between Scott Boulevard and Highway 101) and west of the San Tomas Aquino Creek in the City of Santa Clara. The Site is currently developed with several one and two-story office/industrial buildings, a restaurant, (totaling 645,860 square feet) and associated surface parking lots. Including the Office Phase I property, there were approximately 917,040 square feet of existing office and retail buildings before the start of development of the Office Phase I property.

B. THE 2009 PROJECT

The project evaluated in the EIR included demolition of all the existing structures on the Phase I and Retail Phase sites (i.e.2009 Project site), and construction of up to 1,969,600 square feet of office development (a net increase of 1,524,848 square feet) and up to 35,000 square feet of retail development (a net increase of 29,710 square feet), for a total of up to 2,004,600 square feet of office/retail development.. The 2009 Project contemplated four office towers of up to 244 feet (up to 14 stories) in height.

The 2009 Project included parking on surface lots and in four 5-story parking structures for a total of 6,586 parking spaces on-site. The retail component included four one-story retail buildings, and additional retail space on the ground floors of the two office towers. The 2009 Project also included approximately nine acres of open space.

C. 2014 PROJECT

The 2014 Project provides for the development of an office campus in two phases, totaling no more than 1,243,300 million square feet of office space (a net increase of 602,730 square feet), and up to 125,000 square feet of retail space (a net increase of 119,710 square feet), on the Retail and Office Phases II and III properties, for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, or 4,500 square feet less than the total development that was approved in the 2009 Project.

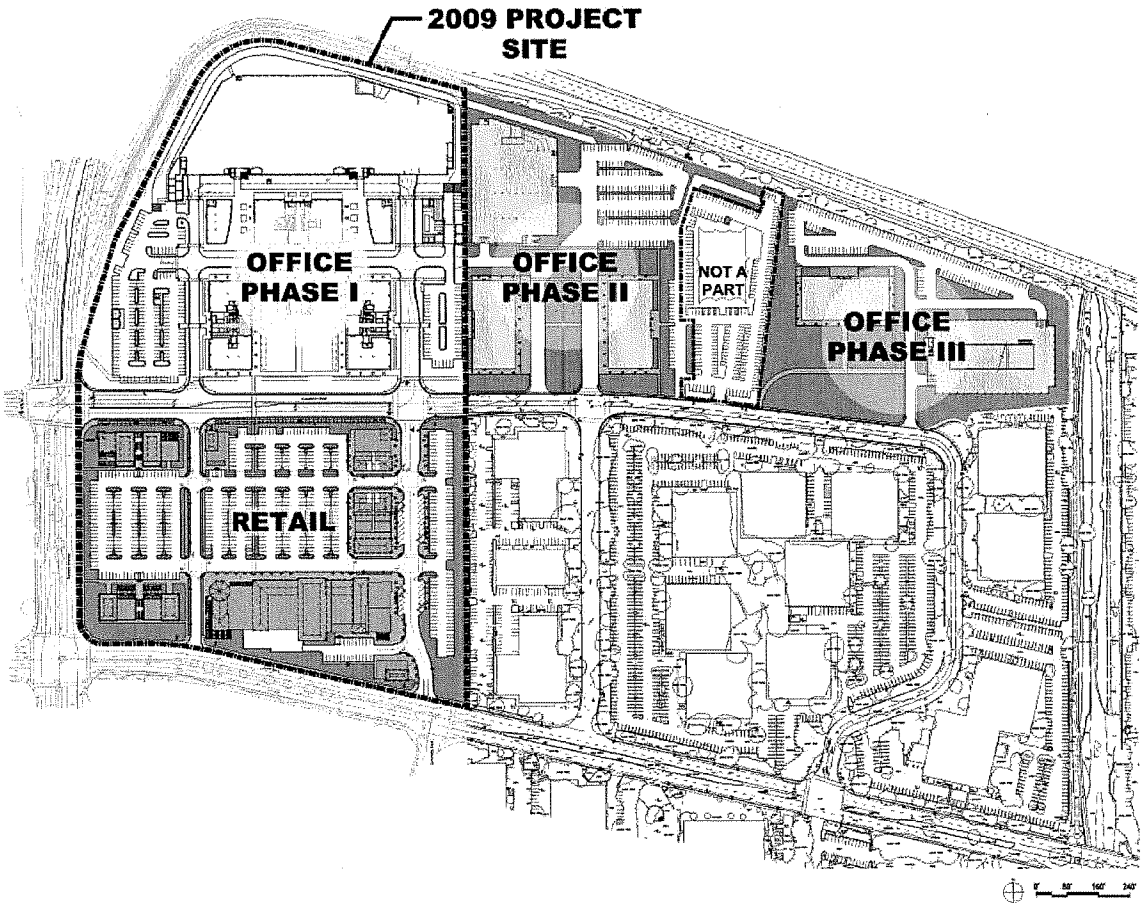
The 2014 Project will be developed consistent with the approved amendments to the 2009 Project (Ordinance No. 1909). Office Phase I will consist of approximately 618,800 square feet of office space and 13,000 of retail space located in three 6-8 story office buildings, amenity buildings (café, fitness, retail and/or conference space), and associated surface and structured parking. The accessory retail use in Office Phase I will be small-scale supporting retail uses that serve local employees and visitors.

The 2014 Project includes an approximately 125,000 square foot specialty retail center on the Retail Phase, and shifts the remaining approved office use to office campus on the

northeast portion of the Site, aligned with Highway 101. Office Phase II and Office Phase III will consist of no more than 1,243,300 square feet of office use located in six to eight story office buildings, and associated surface and structure parking. The total development on Phase I, the Retail Center, Office Phase II and Office Phase III will be no more than 2,000,100 square feet, which is less than the to 2,004,600 square feet of office and retail development analyzed in the EIR.

As seen in Figure 1, the 2014 Project reorients the office campus to align with Highway 101, a more suitable location for office development, to make room for a much needed specialty retail development to the area south of Augustine Drive along Bowers Drive.

Figure 1 - 2014 Project Site Plan



With regard to parking, the 2014 Project will include parking structures and surface parking commensurate with the retail and office uses on the 2014 Site. Approximately 661,900 square feet of new landscaping will be developed, which will be irrigated with recycled water where available.

The 2014 Project also includes the project design features proposed as part of the 2009 Project, with a few modifications identified under each applicable impact analysis in Section V, below, to reflect the modified project and to clarify implementation.

IV. Project Objectives

Pursuant to CEQA Guidelines Section 15124, the City identified the purposes of the 2009 Project in Section 1.3 of the EIR. The project objectives remain the same, though Objective 2 and limited portions of Objective 3 are no longer applicable. The project objectives, as slightly modified, are listed below.

The stated objectives of the project proponent are to:

1. Create a high quality corporate center that includes retail amenities for the tenants and surrounding neighborhood.

2. Redevelop underutilized properties in the north Santa Clara industrial area through a General Plan redesignation, Rezoning, and Development Agreement to allow up to 1,862,100 ~~1,235,000~~ square feet of new high quality corporate office/R&D and up to ~~35~~138,000 square feet of retail commercial space.

3. Create a successful mix of office, retail space and private open space that will complement the varied mix of land uses existing in north Santa Clara area.

4. Strengthen local serving commercial and retail activity by providing ground floor space for such uses.

5. Develop a project that is both financially feasible and sustainable using environmentally sustainable practices ("green building") in project construction.

6. Further the General Plan Land Use Element goal to "continue to encourage the development of a sound and diverse economic base to support necessary public services. Encourage a stable employment demand corresponding to the City's labor characteristics. Work towards a sustainable combination of population and production."

7. Further Commercial Land Use policies of the General Plan that "encourage a wide variety of retail and commercial services such as restaurants, and day care in locations appropriate to the industrial area."

8. Increase the diversity of specialty retail services to encourage nearby commercial occupants and residents to walk to these locations, and to increase the diversity of uses within the vicinity of the Site to reduce multi-modal trip lengths for these uses.

The stated objectives of the City are to:

1. Promote quality job growth within the City and region.

2. Support campus development that can take advantage of transit opportunities by concentrating jobs near existing transit facilities.

3. Support development of significant employment centers on major local and regional roadways to minimize traffic on minor local streets and to facilitate transit services.

4. Promote private open space and recreation facilities in employment centers in order to meet a portion of the urban open space and recreational needs that will be generated by the development.

5. Increase the amount and diversity of specialty retail services, with corresponding environmental and fiscal benefits, in a walkable location that will further enhance the City's General Plan development priorities for this area.

V. Analysis of Impacts

This addendum provides an analysis of each environmental issue identified in the EIR to determine whether new or more severe effects would occur or new mitigation measures should be required. CEQA Guidelines Section 15164(a) states that the lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred. Here, an addendum is appropriate to address additional project-specific detail included in the Application and supporting documentation. This document assesses the 2014 Project to determine whether it is within the scope of the EIR or the Project would result in new significant impacts or substantially more severe impacts under CEQA Guidelines Section 15162.

In the following evaluation each topic section includes the following sub-sections:

1. Environmental Checklist. Contains a modified form of the Appendix G Initial Study environmental checklist. Each checklist question has been modified to characterize the potentially significant impact, less than significant impact, no impact and other categories in the context of whether or not the Proposed Project would result in new significant impacts or substantially more severe impacts when compared to the EIR and the 15162 triggers as follows:

a. Would the project result in substantial changes which will require major revisions of the previous EIR due to new significant environmental effects or a substantial increase in the severity of previously identified effects;

b. Would the project result in substantial changes with respect to the circumstances in which the project is undertaken which will require major revisions of the EIR due new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

c. Would the project have one or more significant effects not discussed in the EIR or that will be substantially more severe than shown in the EIR, or are there mitigation measures or alternatives previously found not to be feasible or that are considerably different, that would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternatives.

The checklist presented in the following analysis classifies impacts in one of four ways:

a. Potentially Significant New Impact — This category is for any potentially significant impact that was not analyzed in the EIR.

b. Less than Significant New Impact with Mitigation Incorporated — This category is for any impacts which were not analyzed or found in the EIR, but are nonetheless found to be less than significant with mitigation incorporated.

c. Less than Significant New Impact — This category is for any impacts which were not analyzed or found in the EIR, but which are nonetheless less than significant.

d. Impacts Fully Analyzed in the EIR — This category is for impacts which are equal to or less than the impacts found and analyzed in the EIR.

2. Environmental Checklist Responses. Provides a response and explanation to each environmental checklist question. This sub-section also identifies mitigation measures that would be necessary to reduce the potential level of impact to less-than-significant.

3. Conclusions. Provides a conclusion as to each checklist question regarding whether the Proposed Project would result in any new significant impacts or impacts that would be substantially more severe than identified in the EIR according to the triggers detailed in Section 15162 of the CEQA Guidelines.

A. AESTHETICS

Aesthetics	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☑
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☑
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☑
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application.

EIR Conclusion: Less than significant.

The EIR analyzed visual and aesthetics impacts in Section 4.2. In terms of scenic views and resources, it determined that there are no scenic views in the project area, which is located adjacent to Highway 101. While industrial and commercial development adjacent to the 2009 Project site is substantially smaller in scale than the 2009 Project, there are high-rise office buildings in the immediate vicinity of the 2009 Project site. The EIR concluded that while the visual character of the area will be altered somewhat by replacing the existing industrial park development with office towers (up to 14 stories) and parking structures, the EIR found the 2009 Project would be visually compatible with surrounding land uses and more densely landscaped than the surrounding development. Likewise, it concluded that the 2009 Project would not shade any public open space areas or private residential open space areas. Furthermore, complying with the City's standard lighting requirements would result in less than significant light and glare impacts.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: The 2014 Project would generate the same types of aesthetics impacts as the 2009 Project. While the configuration of the buildings in the 2014 Project differs slightly from the 2009 Project, the office campus nature and character of the buildings in Office Phase II and III remain the same. The development on the newly acquired parcels north of Augustine is consistent with the existing office use. For the 2014 Project, the office buildings range in height up to 112 feet and up to 8 stories in contrast, to the four office towers in the 2009 Project that ranged from 170 to 241 feet in height and up to 14 stories. The structures in

the proposed specialty retail center in the Retail Phase will be between 1 and 2 stories and will have less visual impact than either the existing office or the development proposed in the 2009 Project.

The proposed office buildings will achieve at least LEED silver certification, will employ high quality materials and finishes and will be arranged around a generously landscaped central space designed to afford a more relaxed setting for future employees to collaborate and socialize. The Office Phase II and III developments will include pedestrian and bicycle connections to the existing trail along the San Tomas Aquino Creek. Thus, compared to the 2009 Project, the 2014 Project will have similar or less impacts with regard to aesthetics.

Finding: The potential impacts from the 2014 Project are the same or less than those analyzed in the EIR. For reasons stated above, the 2014 Project potential impacts related to aesthetics are less than significant. Therefore, no new or substantially increased significant impacts would result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

B. AGRICULTURE AND FOREST RESOURCES

Agriculture and Forest Resources	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland '(as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☑

Agriculture and Forest Resources	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application.

EIR Conclusion: Less than significant.

The EIR analyzes agricultural impacts in Section 4.1.2.6. The 2009 Project site does not include agricultural or forest resources, as it is currently developed as a light industrial park. Agricultural activities on the 2009 Project site and Site ceased in 1974, as discussed in the Hazards and Hazardous Materials Section below.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: Because the both the 2009 Project site and the Site are already developed as an industrial park, neither the 2009 Project nor the 2014 Project have any direct or indirect impacts on agricultural resources or forest land.

Finding: The potential impacts of the 2014 Project on agricultural resources are essentially the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's impacts related to agricultural and forest resources are less than significant. Therefore, no new or substantially increased significant impacts would result from the 2014 Project. No new mitigation is required.

C. AIR QUALITY

Air Quality	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☑
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☑
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☑
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☑
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☑

Source: EIR, as amended by Addendum No. 1; 2014 Project Application; Illingworth & Rodkin, Inc. Evaluation of 2014 Changes to Augustine Bowers Office Park Air Quality Impacts – Santa Clara, CA, April 13, 2014, attached as Appendix A.1.

EIR Conclusion: Significant and unavoidable for operational emissions; less than significant with mitigation for construction emissions associated with dust generation.

The EIR found that the 2009 Project would increase office uses within an existing employment center that is adjacent to a major roadway (US 101) and served by transit. The 2009 Project would cause an increase in vehicle miles traveled because it would further exacerbate Santa Clara's jobs/housing imbalance, requiring more commuters from outside Santa Clara, resulting in a significant impact.

The EIR also found that even with trip reduction credit for transit use and implementation of a transportation demand management program, which is a project design feature, the 2009 Project would have a significant impact on regional air quality, as it would result in emissions that would exceed Bay Area Air Quality Management District's (BAAQMD) ROG, NO_x, and PM_{10} thresholds and the operational emissions impact would be significant and unavoidable. The EIR concluded that the 2009 Project would not result in carbon monoxide concentrations at study intersections above established state or federal standards. The EIR concluded that construction of the 2009 Project would result in significant short-term air quality impacts associated with particulate matter (dust).

The EIR includes the following project design features to reduce transportation-related air emissions and the following project-specific mitigation measures to reduce impacts from dust generated by construction to a less than significant level. These mitigation measures will be applicable to the 2014 Project.

Project Design Features:

Transportation Demand Management Program

Employment-generating development is required to develop and implement a Transportation Demand Management ("TDM") program. The project proposes to include the following elements in the TDM program, or similar, alternate transportation demand management measures acceptable to the City:

1. *Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.*
2. *Connect individual sites with regional bikeway system.*
3. *Provide on-site transit information kiosks.*
4. *Implement a carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool information, provision of vanpool vehicles, etc.*
5. *Develop a transit use incentive program for employees in the project area, such as on-site distribution of passes and/or subsidized transit passes for local transit systems.*[1]
6. *Provide preferential parking for carpools.*
7. *Provide a guaranteed ride home program.*
8. *Implement a flextime policy.*
9. *Provide on-site services such as ATMs, dry cleaning facilities, exercise room, cafeteria, etc.*
10. *Provide or contribute to a shuttle system for employees to access local transit services within the City.*[2]
11. *Provide showers and lockers for employees bicycling or walking to work.*

[1] Examples include VTA EcoPass system and "Wageworks" which utilizes pre-tax dollars to purchase transit passes.
[2] Examples include the Altamont Commuter Express (ACE) Yellow Shuttle and the Lawrence Caltrain Bowers/Walsh Shuttle.

12. *Provide secure and conveniently located bicycle parking and storage for workers.*

EIR Mitigation Measures:

Project-specific mitigation measures that would be required during construction to reduce construction-related dust emissions include:

1. *Water all active construction areas at least twice daily and more often during windy periods.*
2. *Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.*
3. *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.*
4. *Sweep daily (preferably with water sweepers) all paved access roads on-site, parking areas and staging areas at construction sites.*
5. *Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.*
6. *Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.*
7. *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).*
8. *Limit traffic speeds on unpaved roads to 15 mph.*
9. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*
10. *Replant vegetation in disturbed areas as quickly as possible.*

Discussion of the 2014 Project:

Illingworth & Rodkin evaluated the changes to the 2014 Project and related impacts, attached as Appendix A.1.

The evaluation noted that construction emissions (both fugitive dust and combustion emissions) were not predicted for the 2009 Project, since the analysis relied upon best management practices recommended by BAAQMD at that time. Since the 2009 Project analysis was conducted, the City has used average daily emission thresholds developed by BAAQMD in 2010. The California Emissions Estimator Model, Version 2013.2 (CalEEMod) was used to estimate construction emissions from both the 2014 Project and the 2009 Project. Construction emissions were estimated assuming the default construction assumptions that

CalEEMod includes. Inputs to the model included the type and size of the projects. CalEEMod computed a construction period of 665 days for the 2009 Project, and a construction period of 1,005 days for the 2014 Project. Currently, the proposed project is planned to be constructed in three phases to build the office portions, while construction of much of the retail portion would occur from 2014 through 2015. Because construction is planned to occur continuously through May of 2017, the CalEEMod default construction schedule appears to be reasonable.

Table 1 in the Illingworth and Rodkin report (Appendix A.1) shows that the average daily emissions of the 2009 Project are higher than the 2014 Project. Illingworth & Rodkin noted that because the 2014 Project will be constructed in phases over a larger area and would require more time to construct, the average daily emissions from the 2014 Project are lower than those expected to result from the 2009 Project. Illingworth and Rodkin concluded that the change in the daily construction emissions caused by the proposed Santa Clara Square project compared to the 2009 Project would have emissions below the thresholds currently used by the City to evaluate impacts to regional air quality for projects.

Illingworth & Rodkin also used the CalEEMod model to predict annual and average daily emissions from operation of the 2014 Project. The analysis took into account that the 2009 Project would have replaced approximately 450,040 square feet of office type uses as compared to the approximately 917,040 square feet of office type uses that would be replaced by the 2014 Project. In addition, the analysis calculated the estimated annual emissions from four emergency generators. Table 2 in the Illingworth and Rodkin report (Appendix A.1) shows that the 2014 Project would generate less operational emissions of criteria air pollutants than the 2009 Project.

Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Carbon monoxide concentrations associated with the 2009 Project were modeled and predicted to be below ambient air quality standards, which would be a less-than-significant impact. The 2014 Project would produce a less traffic than the 2009 Project, and thus, lower carbon monoxide concentrations than the 2009 Project.

As discussed above, the 2014 Project will generate the same types of air quality impacts as the 2009 Project because it is the same uses. In addition, emissions caused by the 2014 Project will be less than the emissions that would result from the 2009 Project. In addition, the 2014 Project will have emissions below the significance thresholds previously recommended by BAAQMD and used by the City for evaluating impacts related to ozone and particulate matter.

As noted by Illingworth & Rodkin, operation of the 2014 Project is not anticipated to expose sensitive receptors to Toxic Air Contaminants ("TACs"), and the 2014 Project will not include sensitive receptors that could be exposed to nearby air pollution sources (i.e., sources of TACs). There are no sensitive receptors proximate (within 1,000 feet) of the Project site that could be exposed to the TAC emissions generated during the construction of the 2014 Project.

Day care, nurseries and preschools are permitted as conditional uses within the PD Zoning for the Retail Phase. Although not planned, any future development of a day care, nurseries, and/or preschools may only be approved by the City through the conditional use permit discretionary review and approval process, which would require (among other factors) a further analysis of TAC-related risks prior to approval.

Finding: For reasons stated above, the potential air quality impacts of the 2014 Project are the same as or less than those analyzed in the EIR. As with the 2009 Project, the 2014 Project's potential operational impacts related to air quality would remain significant and unavoidable, even with the implementation of the mitigation measures described above. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

D. BIOLOGICAL RESOURCES

Biological Resources	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☑
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through {direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☑
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☑
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; WRA, Inc., February 4, 2014 Santa Clara Square Biological Assessment: Retail Site; WRA, Inc., February 4, 2014 Santa

Clara Square Biological Assessment: Phase II Site; WRA, Inc., February 4, 2014 Santa Clara Square Biological Assessment: Phase III Site. The WRA Technical Reports are attached as Appendix B.1, B.2 and B.3.

EIR Mitigation Measures: Less than significant with mitigation.

The EIR analyzed vegetation and wildlife impacts in Section 4.5.3. It observed that the 2009 Project site is completely developed and mostly paved, but that there are numerous large trees onsite that may provide perching or nesting habitat for raptors such as falcons, hawks, eagles, and owls. The EIR found that construction activities could result in the abandonment of active raptor nests, which would be a significant impact. Furthermore, the 2009 Project proposed to remove all of the 420 mature trees located on the 2009 Project site, which could potentially decrease the number and variety of bird species in the project vicinity.

The EIR includes mitigation measures to reduce these impacts to a less than significant level. These mitigation measures would be applicable to the 2014 Project, as modified below to better reflect current practices for the protection of nesting birds based on the recommendations of a qualified biologist, WRA, Inc., which would result in the same protection of nesting birds and assist with clarity of implementation[3].

EIR Mitigation Measures, as amended in the First Addendum:

The following project specific mitigation measures will be implemented during construction to avoid abandonment of raptor nests:

1. A pre-construction nesting bird survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 15 through April 30), and no more than 30 days prior to the initiation of these activities if construction will begin during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist will inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If construction begins at some time other than February 15 to August 31, then no pre-construction nesting surveys should be needed.

2. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in conformance with existing CDFW-approved practices, will determine the extent of a construction–free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction. If the buffer is proposed to be substantially less than 250 feet, the ornithologist shall consult with CDFW personnel.

Discussion of the 2014 Project: The 2014 Project will generate the similar biological impacts as the 2009 Project. Office Phase III is located adjacent to San Tomas Aquino Creek. However,

[3] Telephone conversation with Michael Josselyn, Principal, WRA, Inc. dated February 18, 2014.

due to the existence of a raised levee, existing paved pedestrian path, and the concrete-lined and channelized nature of the San Tomas Aquino Creek in this location, there would be minimal, if any, impacts to riparian habitat as a result of the 2014 Project.

The City's General Plan acknowledges that the City and its waterways are highly urbanized. (Environmental Quality, Section 5.10.1) It lists the San Tomas Aquino Creek as one of the existing major waterways and that it has been "modified for flood control purposes." The Plan goes on to note that as a result of the flood control channelization, "there is limited riparian vegetation along these creeks, providing the City with an opportunity to restore habitat in those areas."

- Conservation Goal 5.10.1 G-2: "Conservation and restoration of riparian vegetation and habitat."
- Conservation Policy 5.10.1-P2: "Work with [Santa Clara Valley Water District] and require that new development follow the 'Guidelines and Standards for Lands Near Streams' to protect streams and riparian habitats."
- Conservation Policy 5.10.1-P4: "Encourage enhancement of land adjacent to creeks in order to foster the reinstatement of natural riparian corridors, where possible."

WRA, Inc. performed a Biological Resources Assessment of the Office Phase II and Office Phase III sites on January 27, 2014. No sensitive vegetation or aquatic communities are present, and there is no potential for special status plant and wildlife species to occur on the sites. Future development of Office Phase III will not alter the berm that separates the San Tomas Aquino Creek, and best management practices will be employed to prevent the spill of any pollutants into the San Tomas Aquino Creek. The future development will not impact riparian habitat and is consistent with the General Plan policies related to conservation of riparian habitat.

Trees that are removed as part of the development of the Retail Center and future Office Phases II and III will be replaced as per the City of Santa Clara policy at the time. Tree removal permits will be obtained as necessary, and any trees that remain during construction will be visibly demarcated to ensure impact avoidance.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to biological resources are less than significant with the implementation of the mitigation discussed above. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

E. CULTURAL RESOURCES

Cultural Resources	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☑
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☑
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☑
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; Basin Research Associates, February 12, 2014 Archaeological Literature and Archival Search for Phases 2 and 3 Santa Clara Square, Bowers Avenue and Augustine Drive, City of Santa Clara, attached as Appendix C.

EIR Conclusion: Less than significant with mitigation.

The EIR analyzes impacts to cultural resources in Section 4.7.2.2. The EIR concluded that the 2009 Project site does not contain any historical resources. With regard to archeological resources, the EIR concluded that even though the 2009 Project site has failed to generate reports of archeological findings over the last 35 years, the 2009 Project site has a moderate to high potential for containing prehistoric archeological resources. Due to the 2009 Project site's proximity to Saratoga Creek and Calabazas Creek, the EIR concluded that the 2009 Project could result in the discovery of Native American artifacts, a potentially significant impact.

The EIR includes the following mitigation measures reduce the impacts to cultural resources to a less than significant level. These mitigation measures will be applicable to the 2014 Project.

EIR Mitigation Measures:

The following project-specific mitigation measures will be implemented during construction to avoid significant impacts to unknown cultural resources:

1. *A qualified archaeologist will be on site to monitor the initial excavation of native soil once all pavement and engineered soil is removed from the project site. After*

monitoring the initial excavation, the archaeologist will make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required.

2. *In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-meter radius of the find will be stopped, the Director of Planning and Inspection will be notified, and the archaeologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Inspection.*

3. *In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.*

Discussion of the 2014 Project: The 2014 Project will generate the same types of impacts to cultural resources as the 2009 Project. Basin Research Associates performed an Archeological Literature and Archival Search for the new Office Phase II and Office Phase III sites in February 2014. They concluded that the Site is an area of low to moderate potential for both prehistoric and historic archeological resources and that previous subsurface impacts associated with infrastructure improvements and development over the past 50 years has likely reduced the potential for significant subsurface cultural resources. The 2014 Project will have the same potential to impact unknown cultural resources as the 2009 Project and will include the mitigation measures recommended in the EIR.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to cultural resources are less than significant with the implementation of the mitigation discussed above. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

F. GEOLOGY AND SOILS

Geology and Soils	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☑
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☑
ii) Strong seismic ground shaking?	☐	☐	☐	☑
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☑
iv) Landslides?	☐	☐	☐	☑
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☑
c) Be located 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?	☐	☐	☐	☑
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☑
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; Cornerstone Earth Group Report, February 20, 2014 Geotechnical Consultation Santa Clara Square Feasibility - Retail Development Augustine Drive and Montgomery Drive Santa Clara California; Cornerstone Earth Group Report, February 20, 2014 Geotechnical Consultation Santa Clara Square Feasibility - Office Phases 2 and 3 Augustine Drive and Montgomery Drive Santa Clara California. The Cornerstone Earth Group Reports are attached as Appendix D.1 and D.2.

EIR Conclusion: Less than significant.

The EIR analyzes impacts related to Geology and Soils in Section 4.3. It states that the 2009 Project site contains moderate to highly expansive soils and is located in a seismically active region. Due to the geologic conditions in the area, the 2009 Project must be designed

and built in conformance with Uniform Building Code (UBC) and Seismic Zone 4 requirements. The EIR concluded that as the project would comply with the UBC and the seismic requirements, the potential impacts would be less than significant. It also determined that there are no known or designated mineral resources on the 2009 Project site.

EIR Mitigation Measures: No mitigation required.

Discussion of 2014 Project: The 2014 Project will generate the same types of geology and soils impacts as the 2009 Project. The Retail Phase will be constructed on the southern half of the 2009 Project site and will be designed and constructed in accordance with a design-level geotechnical investigation prepared for the site. All structures will be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4.

Cornerstone Earth Group performed a geotechnical consultation for the proposed Office Phase II and Office Phase III properties, and noted that the Site is underlain by moderate to highly expansive soils and is located in a seismically active region. The Cornerstone report noted that there may be potentially liqufiable sands within an appropriate depth for lateral spreading located on the Office Phase III property. As in the EIR, Cornerstone noted that there have not been any reported incidents of lateral spreading in the area.

Like the 2009 Project, Office Phase II and Office Phase III will be designed and constructed in accordance with a design-level geotechnical investigation prepared for the site. The design-level geotechnical investigation will include a detailed liquefaction study for the Office Phase III property, and will be reviewed and approved by the City prior to issuance of a building permit for the Office Phase II and III Projects. All structures will be designed and built in conformance with the requirements of the Uniform Building Code for Seismic Zone 4.

The City's General Plan requires new development to comply with the Santa Clara Valley Water District's (SCVWD) "*Guidelines and Standards for Lands Near Streams*." This manual requires the City to review any development within 50 feet of the top of bank and ensure that any development within that Streamside Review Area complies with the guidelines. The manual clearly differentiates "natural" creeks from channelized/levee'd creeks, and does not establish a specific setback. For projects adjacent to a levee'd stream, the guidelines "recommend" an 18-25 foot building setback from the toe of slope of the levee. No development is proposed within 25 feet of the toe of the slope of the levee, therefore the 2014 Project is consistent with the SCVWD guidelines.

Like the 2009 Project, the 2014 Project will be designed and built in conformance with Uniform Building Code and Seismic Zone 4 requirements.

Finding: The potential impacts of the 2014 Project are the same than those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to geology and soils are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

G. GREENHOUSE GAS EMISSIONS

Greenhouse Gas Emissions	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☑
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; Illingworth & Rodkin, Inc. Evaluation of 2014 Changes to Augustine Bowers Office Park Air Quality Impacts – Santa Clara, CA, April 13, 2014, attached as Appendix A.1; Illingworth & Rodkin, Inc. Memorandum regarding Effect of New Title 24 Standards, June 10, 2013, attached as Appendix A.2.

EIR Conclusion: Significant and unavoidable cumulative impact.

The EIR and the 2013 First Addendum analyzed climate change impacts in Section 6.1.5. The EIR estimated greenhouse gas emissions from vehicles, electricity use, and other sources. The EIR concluded that the 2009 Project would result in a net increase in carbon dioxide emissions, primarily attributed to automobile emissions.

The EIR evaluated the significance of emissions of greenhouse gases, measures to reduce greenhouse gas emissions, and the consistency of the 2009 Project with strategies for reducing future greenhouse gas emissions identified by the California Climate Action Team in 2006. For vehicle emissions, the 2009 EIR concluded that the net new carbon dioxide vehicle emissions would be approximately 10,148 metric tons per year. From electricity use, the EIR estimated that the additional development on the 2009 Site would result in an increase in emissions of approximately 10,148 metric tons of carbon dioxide a year, 0.0846 metric tons of methane a year, and 0.0467 metric tons of nitrogen oxide a year. The EIR thus concluded that the impact of the 2009 Project to greenhouse gas emissions would be significant and unavoidable.

The EIR also analyzed energy impacts in Section 4.12.3. It determined that the 2009 Project would consume about 35.5 million kilowatt hours of electricity and 57.1 million cubic feet of natural gas. This usage is a net increase of about 27.5 million kilowatt hours of electricity per year and 44.2 million cubic feet of natural gas per year over full occupancy of the existing development on the 2009 Site. The EIR found that this increase in demand upon energy resources would be less than significant with the implementation of the mitigation below. The EIR also determined that the 2009 Project would increase jobs in an existing job

center in Santa Clara close to transit and within close proximity to existing and future housing. As a result, the 2009 Project would not result in longer overall distances between jobs and housing.

The EIR includes the following mitigation measure to reduce greenhouse gas emissions, although the impact remains significant and unavoidable. The mitigation measure related to greenhouse gas emissions will continue to be applicable to the 2014 Project. As confirmed by Illingworth & Rodkin (Appendix A.1), the analysis of greenhouse gas emissions did not assume any greenhouse gas reduction measures that were proposed as part of the Project (i.e., project design features). The EIR also included mitigation to reduce impacts to energy use to less than significant. These mitigation measures will continue to be applicable to the 2014 Project which will still result in a less than significant impact relative to energy use.

EIR Mitigation Measures, as amended in the First Addendum:

Mitigation for Greenhouse Gas Impacts:

The proposed project will be built to minimum LEED certification requirements.

Mitigation for Energy Impacts:

1. *The project shall be certified in accordance with the Leadership in Energy and Environmental Design (LEED) requirements, a nationally acceptable benchmark for the design, construction, and operation of high performance green buildings, or equivalent standards acceptable to the City. The level of LEED certification will be at the discretion of the project applicant.*

2. *The project shall meet the currently applicable Title 24 energy to the satisfaction of the Director of Electric Utility.*

3. *The project shall include reflective, EnergyStar™ cool roofs. Cool roofs decrease roofing maintenance and replacement costs, improve building comfort, reduce impact on surrounding air temperatures, reduce peak electricity demand, and reduce waste stream of roofing debris.*

4. *The project shall include the following energy reducing measure, or similar, alternate energy reducing measures acceptable to the City:*

    - *The project shall utilize local and regional building materials in order to reduce energy consumption associated with transporting materials over long distances.*

    - *The project shall crush the demolished buildings on-site and use the material as base fill for the parking lots and driveways.*

- *The project shall utilize building products that contain post-consumer recycled materials.*

- *The project shall include photovoltaic (i.e., solar electric) systems on rooftops where feasible to the satisfaction of the Director of Electric Utility.*

Discussion of 2014 Project:

As evaluated in Appendix A.1 the 2014 Project will generate the same types of greenhouse gas impacts as the 2009 Project. The magnitude of impacts from the Proposed Project, however, will be less because of the decreased traffic generated from the 2014 Project and the decrease in office use.

Illingworth & Rodkin modeled annual operational greenhouse gas emissions from both the 2009 Project and the 2014 Project. CalEEMod defaults for Santa Clara County along with traffic forecasts and current emissions rates were input to the model. The modeling indicates that the 2014 Project will result in net emissions that are about 4,438 metric tons of equivalent CO2 per year lower than the 2009 Project. As a result, the 2014 Project will have lower greenhouse gas emissions than the 2009 Project. Project design features related to energy efficiency, which were included in the 2009 Project to reduce GHG emissions and will be included in the 2014 Project, were not accounted for in the modeling presented in this report and would further reduce the operational emissions from the 2014 Project.

The 2014 Project also includes the following project design features that were included in the 2009 Project to reduce greenhouse gas emissions, or similar, alternate measures acceptable to the City:

- *Inclusion of bicycle storage and changing rooms on site to reduce automobile trips*

- *Design the project to provide a high ratio of open space.*

- *Design the project to reduce the "heat island effect"*

- *Design exterior lighting to minimize light trespass*

- *Inclusion of low-flow water fixtures to reduce potable water use*

- *Recycle and or salvage non-hazardous construction debris to the extent feasible*

- *Use recycled content building materials to the extent feasible*

- *Use local (i.e., within 500 miles) building materials to the extent feasible*

- *Use low-emitting adhesives, sealants, paints, and flooring*

With regard to energy impacts, the 2014 Project will use less energy than the 2009 Project. As confirmed by Illingworth & Rodkin in 2013, (Appendix A.2), the 2009 Project was designed based on the then-applicable 2005 Title 24 standards. The current 2013 Title 24 standards are approximately 25% more stringent than 2005 Title 24, resulting in a further net decrease in energy impacts beyond what was projected in the EIR.

Compliance with the currently applicable standards will make the 2014 Project more energy efficient than the 2009 Project. The 2014 Project will implement the mitigation measures specified above and will result in a less than significant impact with respect to energy use. Additionally, the distance between jobs and housing within Santa Clara will not change as the 2014 Project is the same use as the 2009 Project.

Finding: The 2014 Project's potential impacts to greenhouse gas emissions and energy impacts are less than those analyzed in the EIR. Therefore, no new or substantially increased significant impacts will result from the Project beyond those discussed in EIR. No new mitigation is required.

H. HAZARDS AND HAZARDOUS MATERIALS

Hazards and Hazardous Materials	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☑
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☑
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☑
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑

Hazards and Hazardous Materials	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; Erler & Kalinowski ("EKI"), February 2014, Phase I Environmental Site Assessment, Santa Clara Square Office Phase II, Santa Clara, California; February 2014, Phase I Environmental Site Assessment, Santa Clara Square Office Phase III, Santa Clara, California; May 5, 2014 Letter Re: Potential Release Sites Upgradient of the Santa Clara Square Retail Property Located in Santa Clara, California The EKI Phase I Reports and May 2014 letter are attached as Appendix E.1, E.2, E.3 and E.4.

EIR Conclusion: Less than significant with mitigation.

The EIR analyzed impacts related to Hazards and Hazardous Materials in Section 4.6. The 2009 Project site was previously used for agricultural purposes until 1974. Agricultural land commonly has residual arsenic, lead, and DDT. The EIR stated that the arsenic and lead concentrations exceed San Francisco Bay Water Quality Control Board's established residential environmental screening levels ("ESL"). It determined that because about 70% of the 2009 Project site will be hardscaped and the remainder will be landscaped and because the contamination did not exceed industrial ESLs, there would be no risk to future employees that would be present in the new buildings constructed on the project site and the impact would be less than significant. The EIR however concluded that there could be a significant impact to construction workers implementing the 2009 Project from exposure to residual agricultural contaminants.

The EIR also found that selenium levels exceed industrial ESLs and that there could be soil contamination from a localized hydraulic jack oil spill. Groundwater monitoring revealed no contamination that exceeded the maximum contaminant levels established for drinking water. Thus, implementation of the 2009 Project could expose construction workers to soil contamination.

Additionally, both friable and non-friable asbestos containing materials are known to be present in all of the buildings on the 2009 Project site, which could result in significant impacts

to construction workers. The existing buildings also potentially contain lead-based paint, but because the removal of lead-based paint coated building materials will be conducted in compliance with state law, the impact will be less than significant.

With regard to risk from offsite hazards, the EIR located four National Priorities List ("NPL") uncontrolled or abandoned hazardous waste sites within one mile of the 2009 Project site. While two of the NPL sites are cross-gradient and are not expected to affect the Site, two are up-gradient and are known to have groundwater contaminated with chlorinated hydrocarbons. There is a probability for contaminated groundwater to migrate onto the Site, but since the groundwater depth is a minimum of seven feet, it is unlikely to affect persons onsite following the completion of the project. There is, however, risk for construction workers to be exposed to contaminated groundwater, and the impact is potentially significant.

The 2009 Project site is also located near the Norman Y. Mineta San Jose International Airport and within the flight zone. The EIR analyzed the impacts related to the airport in Section 4.1.2.2. The Federal Aviation Administration issued a feasibility report for the four office towers in the 2009 Project. The FAA has not made its official determination of findings, but the 2009 Project, which included buildings up to 14 stories, must comply with the FAA's height restrictions. This was identified as a potentially significant impact.

The EIR includes mitigation measures for the potential impacts, which would mitigate the hazards impacts to a less than significant level. These mitigation measures would be applicable to the 2014 Project:

<u>EIR Mitigation Measures, as clarified in the First Addendum:</u>

1. *Prior to the issuance of grading permits, shallow soil samples shall be taken to determine the location of contaminated soils with concentrations above established construction/trench worker thresholds. Any contaminated soils found in concentrations above established thresholds shall be managed according to applicable regulatory requirements, including the Site Management Plan discussed below.* Any *contaminated soil removed from the site shall be managed, transported, and disposed of at an appropriately permitted disposal site.*

2. *A Site Management Plan (SMP) will be prepared to establish management practices for handling impacted groundwater and/or soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a health and safety plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil (i.e., stained or odorous soil) or free fuel product is encountered during construction; on-site soil reuse and management guidelines; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage ground water that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, the project proponent will forward a copy of the SMP to, and confer*

with, the San Francisco Regional Water Quality Control Board and forward a copy of the SMP to the City Director of Planning and Inspection for review and approval.

3. *All potentially friable ACMs shall be removed in accordance with NESGAP guidelines prior to building demolition. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from exposure to asbestos.*

4. *A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in accordance with the standards stated above.*

5. *Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements.*

6. *The demolition and removal of all building materials coated with lead-based paint will be completed in accordance with the CAL/OSHA Lead in Construction Standard requirements as found in Title 17 of the California Code of Regulations (CCR 1532.1).*

7. *The building height of the four towers will conform to the findings of the FAA. An FAA Determination of No Hazard will be required for each of the four proposed towers prior to issuance of building permits.*

Discussion of the 2014 Project: Since the Retail Phase of the 2014 Project will be constructed on the 2009 Project site, the impacts of this phase of the 2014 Project will be the same. Erler & Kalinowski, Inc. ("EKI") prepared Phase I Environmental Site Assessment ("ESA") reports for the Office Phase II and Office Phase III properties. These new ESAs addressed offsite releases and would have picked up any new release sites that could impact the Retail site as well. No new mitigation is required.

Erler & Kalinowski, Inc. ("EKI") prepared Phase I Environmental Site Assessment ("ESA") reports for the Office Phase II and Office Phase III properties. The purpose of the ESA was to determine if either the Office Phase II or Office Phase III properties had any Recognized Environmental Conditions that were not identified for the 2009 Project. A recognized environmental condition is defined as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions." ASTM E1527-13.

Consistent with the EIR, the Phase I ESAs prepared for both the Office Phase II and Office Phase III properties identified only one on-site Recognized Environmental Concern based on the site's past agricultural use. Any impacts related to the presence of agricultural constituents will be mitigated through the preparation of, and compliance with, an SMP

consistent with the EIR mitigation measures, as amended by the First Addendum. For the reasons stated above, no new information related to on-site hazards has been identified and no additional mitigation measures are necessary.

Based on regional groundwater flow direction and the monitoring data and trends from upgradient wells, EKI concluded in its ESAs that VOCs in groundwater from the Synertek site, and other nearby sites including the Integrated Device Technology site identified in the Office Phase III ESA, do not appear to be migrating onto the Office Phase II and Phase III properties. Therefore, EKI concluded that groundwater issues are not anticipated at the Office Phase II and Office Phase III properties.

To evaluate potential vapor intrusion issues, EKI performed shallow groundwater and soil vapor sampling on the Office Phase III property. Although one out of five soil vapor samples collected, contained chlorinated VOCs at concentrations above laboratory reporting limits, the detected concentrations were well below respective vapor intrusion screening levels for both residential/unrestricted and commercial/industrial land uses. Three groundwater samples were also collected from the property and did not contain any VOCs at concentrations above laboratory reporting limits. Based on these results, and the results of previous upgradient groundwater sampling performed by others, no significant impacts related to contaminated groundwater appear to be present on the Office Phase III property. For the reasons stated above, no new information has been identified and no additional mitigation measures are necessary.

The County Department of Environmental Health sent a letter to the City dated May 2, 2014 listing information about the Site and nearby properties that is available on Geotracker. All the sites listed in the County's letter were identified and considered by EKI in the Phase I ESAs prepared for the Office Phase II and Office Phase III properties.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to hazards are less than significant with the implementation of the mitigation measures described above. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

I. HYDROLOGY AND WATER QUALITY

Hydrology and Water Quality	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☑
b) 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)?	☐	☐	☐	☑
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☑
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☑
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☑
f) Otherwise substantially degrade water quality?	☐	☐	☐	☑
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☑
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☑
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; HMH, March 17, 2014 Santa Clara Square Retail and Phase II/III Stormwater Analysis for the EIR Addendum, attached as Appendix F.

EIR Conclusion: Less than significant with mitigation.

The EIR analyzed hydrology impacts in Section 4.4. It found that impacts related to flooding and storm drainage would be less than significant with compliance with the City's ordinances. It also found that the existing storm drainage system will be sufficient to support the 2009 Project.

With regard to operational impacts to water quality, the EIR found that the proposed treatment systems, combined with best management practices proposed in the Stormwater Control Plan, and a net reduction in stormwater runoff, would result in less than significant impacts on water quality. Construction activities, which generate dust, sediment, litter, oil, paint, and other pollutants, would temporarily contaminate runoff from the 2009 Project site, resulting in a potentially significant impact.

With regard to groundwater impacts, the EIR found that although the existing development on the 2009 Project site is less dense than the 2009 Project, the 2009 Project included more open space and thus more permeable surfaces compared to the existing development. Therefore, the EIR concluded that 2009 Project would result in an increase in permeable surface area on the Site and would help maintain the groundwater supply, resulting in a less than significant impact.

The EIR includes the following mitigation measures to reduce the impacts to hydrology and water quality to a less than significant level. These mitigation measures would be applicable to the 2014 Project, as modified to reflect current stormwater control plan requirements.

EIR Mitigation Measures:

The following project-specific measures, based on Regional Water Quality Control Board Best Management Practices, have been included in the project to reduce construction-related water quality impacts. All mitigation will be implemented prior to the start of earthmoving activities on-site and will continue until the construction is complete.

1. *Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.*

2. *Earthmoving or other dust-producing activities shall be suspended during periods of high winds.*

3. *All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.*

4. *Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.*

5. *All trucks hauling soil, sand, and other loose materials shall be covered and all trucks would be required to maintain at least two feet of freeboard.*

6. *All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers). In addition, a tire wash system may be required.*

7. *Vegetation in disturbed areas shall be replanted as quickly as possible.*

8. *All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets.*

9. *A Storm Water Permit will be administered by the Regional Water Quality Control Board. Prior to construction grading for the proposed land uses, the project proponent will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB mitigation. The project proponent will submit a copy of the draft SWPPP to the City of Santa Clara for review and approval prior to start of construction on the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.*

10. *When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the Regional Water Quality Control Board and the City of Santa Clara. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post- construction storm water management plan is in place as described in the SWPPP for the site.*

The 2014 Project is also required to comply with more stringent stormwater management requirements, which were not applicable at the time the 2009 Project was approved. Specifically, the project proponent must comply with the requirements of the Regional Water Quality Control Board Municipal Regional Permit and the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and will submit a copy of the City of Santa Clara Stormwater Requirements Applicant Packet (SCVUPPP C.3) Data Forms and associated drawings to the City.

In addition, the following Regional Water Quality Control Board Best Management Practices included in the EIR and updated to current standards, have been included as project design features for the 2014 Project to reduce post-construction water quality impacts:

- As part of the mitigation for post-construction runoff impacts addressed in the SWPPP, the project will implement regular maintenance activities (i.e., sweeping, maintaining vegetative swales, litter control, and other activities as specified by the City) at the site to prevent soil, grease, and litter from accumulating on the

project site and contaminating surface runoff. Storm water catch basins will be stenciled to discourage illegal dumping.

- The proposed project will use Low Impact Development (LID) techniques for onsite treatment of runoff, as required by the MRP.
- An erosion control plan will be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- The proposed project will be required to record an Operation & Management (O&M) agreement with the City to insure continued maintenance and performance of post-construction measures.

Discussion of the 2014 Project: The 2014 Project will generate the similar type of hydrology and water quality impacts as the 2009 Project. HMH performed a hydrologic assessment of the 2014 Project and concluded that the potential hydrology impacts of the new site plans (Retail Phase, Office Phase II, and Office Phase III) related to post-construction stormwater runoff would not be significantly different than those identified in the EIR. Similar to the 2009 Project, there will be net reductions in the amounts of impervious surface area generated by the new plans in comparison with the existing conditions and Stormwater Control Plans will be developed for these sites that will incorporate the same concepts as the 2009 Project, notably: minimization of impervious surface area through the use of landscaping and pervious paving materials; utilization of source control techniques; and installation of treatment controls to reduce pollutants from runoff prior to its discharge to the public storm drain system.

As noted above, the 2014 Project will comply with the San Francisco Bay Regional Water Quality Control Board's municipal discharge permit ("MRP") that applies to Santa Clara, including a key provision that requires the use of Low Impact Development (LID) techniques for onsite treatment of runoff. The specific type of LID controls will be bioretention cells, which will be located adjacent to paved areas and roof downspout discharge areas throughout the site. Because the 2014 Project reduces the impervious surface area on the Site and will conform with applicable provisions of the MRP, the 2014 Project will result in less than significant post-construction impacts to hydrology and water quality.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to hydrology and water quality are less than significant with the implementation of the mitigation described above. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

J. LAND USE AND PLANNING

Land Use and Planning	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☑
b) 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?	☐	☐	☐	☑
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application.

EIR Conclusion: Less than significant.

The EIR analyzes impacts to Land Use and Planning in Section 4.1.2. It determined that the 2009 Project would have less than significant impacts with regard to planning, since there is already a light industrial park on the 2009 Project site. The EIR also determined that the 2009 Project is compatible with existing uses.

The EIR further noted that development in the immediate vicinity of the 2009 Project, including the parcels that make up the 2014 Project area, includes commercial and light industrial uses with structures up to 12 stories tall. The Site is bounded by US 101 to the north, Bowers Avenue to the west, and San Tomas Aquino Creek to the east. To the north of 101 are several high density office buildings, including offices for McAfee and Sun Microsystems. The EIR concluded that the proposed rezoning to PD-Planned Development and General Plan Amendment from Light Industrial to Office/Research and Development that would allow for the proposed building heights of up to 14 stories and higher intensity office development was compatible with surrounding land uses and therefore was a less than significant impact.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: The 2014 Project will generate similar land use impacts as the 2009 Project, since the 2014 Project includes office and retail development on the same 2009 Project site and adjacent areas with existing office use.

The proposed development in the Retail Phase will be consistent with the Amended General Plan and Amended PD that are included as part of the Project Application. Specifically, the General Plan will be amended to designate the Retail Phase Site as Community Commercial. This classification is intended for retail and commercial uses that meet local and neighborhood demands. Permitted uses include, among others: community shopping centers and supermarkets; restaurants, and neighborhood-type services. The proposed specialty retail center will include a major anchor tenant grocery store, sit down restaurants, and boutiques. The 2014 Project converts some of the approved office use for the site into more appropriate and much needed retail use in an underserved area. With a General Plan Amendment from High Intensity Office/R&D to Community Commercial, the 2014 Project will be consistent with the General Plan, and will allow for the provision of retail uses to meet local retail needs. The height of the proposed structures in the specialty retail center will be substantially lower than what was studied in the EIR, and the development on the site will be less intense. The neighborhood serving specialty retail center will provide much needed retail to the community, and is compatible with the surrounding land uses.

The previously approved High Intensity Office/R&D land use designation on the Retail Phase will be shifted to two adjacent sites that are currently designated as Light Industrial in the General Plan, and zoned ML-Light Industrial. The EIR studied an amendment of the General Plan from Light Industrial to High Intensity Office/R&D for the 2009 Project site. This same amendment is proposed for the Office Phase II and Phase III properties. In addition, the project proposes to rezone the Office Phase II and III properties to Commercial Park.

The Office Phase II and Phase III properties are designated Light Industrial in the General Plan and are currently developed with a total of 467,000 square feet of light industrial and office use. The Office Phase II and III properties are bounded by US 101 on the north, and light industrial and office uses to the south and ease. The uses surrounding the Office Phase II and III properties are therefore same as those of the 2009 Project site. Although Office Phase III is bounded on the east by the channelized San Tomas Aquino Creek, the proposed Office Phase III development will provide bicycle and pedestrian connectivity to the existing path on the western edge of San Tomas Aquino Creek.

The General Plan was designed as a "Progressive Plan" that breaks down a 25-year planning horizon into three planning phases: short-term (present until 2015); medium-term (2015- 2015); and long-term (2025 - 2035). The short- and medium-term General Plan designation for the Office Phase II and III properties is Light Industrial, and the long-term General Plan designation is High Density Residential. The long-term General Plan designation also provides for implementation flexibility. Given the long-term air emissions and noise associated with the adjacent US 101, discussed below, maintaining commercial use of Office Phase II and III rather than introducing new sensitive residential receptors which would require buffers and other measures to reduce exposure to air pollution and noise is considered to be a more efficient use of these properties.

As described in more detail in Section L (Noise), noise levels are expected to range from CNEL 60 dB to higher than 75 dB at buildings closest to US 101. This is in the normal to conditionally acceptable range of noise levels for commercial land-use based on Table 5.10-2 of the City of Santa Clara General Plan. However, CNEL levels higher than 72 dB are incompatible with residential use. Therefore office use is more appropriate than residential for the Office Phase II and III properties.

As described in more detail in Section C (Air Quality), Illingworth & Rodkin concluded that while the 2014 Site is near sources of air pollutant emissions that include traffic on U.S. 101 traffic, Bowers Avenue, and Scott Boulevard and numerous stationary sources, the proposed uses within the 2014 Project, an office and retail project, will not include any sensitive receptors. A high density residential development would include sensitive receptors and is therefore not appropriate for the Office Phase II and III properties.

Furthermore, the long-term use designations within this portion of the City include other High Density Residential use designations in the immediate vicinity of the Office Phase II and III properties, providing ample opportunities to achieve the City's long term vision of balancing residential and other uses. The City continues to encourage High Density Residential development in areas adjacent to transportation corridors, transit, and mixed use. While the Office Phase II and Phase III properties are located close to transportation corridors, transit, and mixed use, their location directly adjacent to US101 makes them more suitable to office use. The proposed office development could serve as a buffer between the noise and particulate matter generated by US101 and future residential use in areas south of Augustine Drive as designated in the long-term Land Use Diagram. Because the 2014 Project is consistent with the short-term and medium-term designations of the General Plan, because it includes specialty retail services that will enhance future mixed (including residential) uses in this area of the City, and because it is not inconsistent with the City's long-term vision for increasing overall residential densities in this area of the City, the 2014 Project does not conflict with the General Plan.

Similar to the 2009 Project, the proposed development is inconsistent with the current land use designation and zoning due to the height of the proposed building and the exclusive office use. All other aspects of the proposed development are consistent with the current land use designation and zoning. The High-Intensity Office/R&D classification is intended for high-rise or campus-like development for corporate headquarters, R&D and supporting uses, with landscaped areas for employee activities. Accessory, or secondary, small-scale supporting retail uses that serve local employees and visitors are also permitted. Office Phases II and III are currently proposed to consist of 6-8 story office buildings with associated surface and structured parking at a ratio of 3.3/1,000. The proposed Office Phase III development will provide bicycle and pedestrian connectivity to the existing path on the western edge of San Tomas Aquino Creek, and both Office Phases will provide open space for employee activities. There are no sensitive receptors within close proximity to the project site, and the proposed office development would be compatible with the surrounding land uses.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to land use and planning are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

K. MINERAL RESOURCES

Mineral Resources	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application. Cornerstone Earth Group Report, February 20, 2014 Geotechnical Consultation Santa Clara Square Feasibility - Office Phases 2 and 3 Augustine Drive and Montgomery Drive Santa Clara California, attached as Appendix D.1 and D.2.

EIR Conclusion: Less than significant.

The EIR analyzed mineral resources in Section 4.3. It determined that there are no known or designated mineral resources on the 2009 Project site, and therefore the impacts are less than significant.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: Since the Retail Phase of the 2014 Project is located on the same 2009 Project site, there would be no new impacts to mineral resources from the Retail phase. Cornerstone Earth Group performed a geotechnical consultation for the proposed Office Phase II and Office Phase III properties and concluded that the area is not known for any recovereable mineral resources and concluded that the 2014 Project would have a less than significant impact on mineral resources.

Finding: The potential impacts of the 2014 Project are the same as than those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to mineral resources are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

L. NOISE

Noise	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☑
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☑
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☑
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☑
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑

Sources: EIR, as amended by the first addendum; 2014 Project Application; Charles Salter & Associates Santa Clara Square – Santa Clara, CA Noise Analysis Addendum, April 4, 2014, attached as Appendix G.

EIR Conclusion: Less than significant.

The EIR analyzes noise impacts in Section 4.10. It determined that while the 2009 Project would increase traffic, the associated generation of noise would be less than significant. The EIR noted there are no noise-sensitive uses along Bowers Avenue or US101. Additionally, while construction would temporarily increase noise levels, these increases would not be audible at sensitive locations. The closest sensitive location is located about 0.85 miles south of the 2009 Project site and the Central Expressway. Furthermore, compliance with City Code requirements for construction such as time limits and standard noise suppression techniques would ensure that any impacts would be less than significant.

EIR Mitigation Measures: No mitigation required.

Discussion of 2014 Project: The 2014 Project will generate the same type of noise impacts as the 2009 Project, since the 2014 Project includes office and retail development in the same area as the 2009 Project. The 2014 Project concentrates office use next to US-101 and does not include any sensitive receptors.

Based on noise contours in Figure 5.10-4 of the City of Santa Clara General Plan, noise levels at the 2014 Project Site are expected to range from CNEL 60 dB to higher than 75 dB at buildings closest to US101. This is in the normal to conditionally acceptable range of noise levels for commercial land-use based on Table 5.10-2 of the City of Santa Clara General Plan.

Existing offices are located on the Office Phase II and Phase III properties with a similar setback from US101. The 2014 Project will comply with all applicable City, County, and State requirements by implementing appropriate noise reduction measures. For example, sound-rated windows, exterior doors, and walls will be provided to reduce interior noise levels. Outdoor-use spaces will be located in areas with lower noise levels and exterior noise barriers constructed as necessary. By reducing interior and exterior noise levels to normally acceptable levels there would be no change in the impacts identified in the original EIR.

Section 4.10.1.2 of the EIR identifies the following significance criteria for project generated noise increase:

- Increase of 3 dB or more where exterior noise levels would exceed the normally acceptable noise level standard
- Increase of 5 dB or more where exterior noise levels would remain below the normally acceptable noise level standard

The City of Santa Clara General Plan (Table 5.10-2) identifies the normally acceptable noise level threshold for commercial use as a CNEL of 65 dB The 2014 Project will generate an increase in traffic related noise. –However based on peak hour traffic volumes, speed, and percentage of trucks for roadway segments expected to have the highest increase in noise based on traffic volume, future noise levels generated by vehicle traffic will remain below a CNEL of 65 dB. Increased traffic volumes from the 2014 Project at key intersections does not increase noise levels more than 5 dB above background, and future noise levels will remain below the normally acceptable noise threshold. Thus, like the 2009 Project, the 2014 Project will have less than significant impacts with respect to noise. As discussed in Section P (Traffic), the 2014 Project will generate fewer trips than the 2009 Project and will therefore have less noise impacts.

Construction activities associated with the implementation of the 2014 Project would temporarily increase noise levels in the immediate vicinity of the 2014 Project Site. The nearest noise-sensitive receiver is located approximately 0.85 miles south of the project site. The 2014 Project does not include additional development south of the 2009 Project Site and does not include any new sensitive receptors. Therefore, the 2014 Project is the same distance away from noise-sensitive receivers that were identified in the EIR and analyzed for

construction noise impacts. Thus, like the 2009 Project, the 2014 Project will have less than significant impacts with respect to construction noise.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to noise are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

M. POPULATION AND HOUSING

Population and Housing	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☑
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application.

EIR Conclusion: Significant and unavoidable impacts.

The EIR analyzes population and housing in Section 4.1.2.7. The EIR determined that the City has a strong employment base with approximately 2.22 jobs per employed resident. Since the 2009 Project would construct about 1.5 million square feet of net new office space and 30,000 square feet of net new retail/commercial space, it would also create additional job opportunities within the City and increase the jobs/housing imbalance. Since the 2009 Project would induce substantial population growth at other locations, the EIR determined the impact is significant and unavoidable.

EIR Mitigation Measures: No mitigation was feasible.

Discussion of the 2014 Project: As an office/retail project, the 2014 Project will generate the same type of population and housing impacts as the 2009 Project. The 2014 Project will result in a similar contribution to the jobs/housing imbalance since the 2014 Project proposes less office development than the 2009 Project, but more retail development. Because retail development typically creates less jobs per square feet, the 2014 Project will likely not result in

as significant a contribution to the jobs/housing imbalance as the 2009 Project. Like the 2009 Project, the 2014 Project does not create any housing. Thus, the 2014 Project will induce less population growth than analyzed in the 2009 Project.

Finding: The potential impacts of the 2014 Project are similar to or less than those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to population and housing are significant and unavoidable and no mitigation is feasible. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

N. PUBIC SERVICES

Public Services	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☐	☑
Fire protection?	☐	☐	☐	☑
Police protection?	☐	☐	☐	☑
Schools?	☐	☐	☐	☑
Parks?	☐	☐	☐	☑
Other public facilities?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application.

EIR Conclusion: Less than significant.

The EIR analyzes project impacts on public facilities and services in Section 5.0. With regard to fire services, it notes that the existing development on the 2009 Project site creates minimal demand for fire services because only half of the Site is currently occupied. The 2009 Project would increase the net total square footage of office building space on the Site, resulting in an increase in demand for fire protection. The 2009 Project would not, however,

require the development of new fire service facilities, and therefore the EIR concluded the 2009 Project would have a less than significant impact related to fire protection.

The 2009 Project would increase the total population of the City during standard business hours, but would not permanently increase the population because residential use is not part of the project design. Therefore, the 2009 Project would not result in the need for new police facilities, schools, or libraries. Please see the discussion below in Section O, Recreation, for a discussion of parks. The EIR concluded that the 2009 Project's impacts on public services would be less than significant.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: The 2014 Project will generate the same type of public services impacts as the 2009 Project, since the 2009 Project includes an office and retail development on, and adjacent to, the 2009 Project site. The 2014 Project, like the 2009 Project, includes only office and retail use and approximately the same amount of building space as the 2009 Project. Since the project design does not include residential uses, the 2014 Project's impacts to public services will also be minimal. Finally, the 2014 Project will be built to all applicable fire and other safety codes.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to public services are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

O. RECREATION

Recreation	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
a) Would the project 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?	☐	☐	☐	☑
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application.

EIR Conclusion: Less than significant.

The EIR analyzes project impacts on parks in Section 5.4. It determined that a net increase in the daily employee population in the City would not result in a substantial increase in usage of local recreational facilities. Additionally, it noted that the 2009 Project includes about nine acres of open space that could include outdoor amenities for 2009 Project site users. Accordingly, the EIR concluded that the 2009 Project would not impact existing recreational facilities in the City.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: The 2014 Project will generate the same type of recreation impacts as the 2009 Project, since the 2009 Project includes office and retail development on, and immediately adjacent to, the 2009 Project site. As discussed above, the 2014 Project, like the 2009 Project, includes only office and retail uses. The 2014 Project will include open space for employee activities, and will include bicycle and pedestrian connectivity to the existing path on the western side of San Tomas Aquino Creek. Specifically, the 2014 Project will provide bicycle lanes on Bowers, Scott, and Augustine; and will provide a creek trail along Augustine Drive. Thus, the 2014 Project impacts to recreation will be the same as those of the 2009 Project.

Finding: The potential impacts of the 2014 Project are the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to recreation are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

P. TRANSPORTATION/TRAFFIC

Transportation/Traffic	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☑
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☑

Transportation/Traffic	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☑
e) Result in inadequate emergency access?	☐	☐	☐	☑
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; Fehr & Peers, Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California, April 4, 2014 and Response to Comments on Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California, May 6, 2014. The Fehr & Peers reports are attached as Appendix H.1, H.2 and H.3; Santa Clara Climate Action Plan (Adopted December 3, 2013).

EIR Conclusion: Significant and unavoidable impact.

The EIR analyzed traffic impacts in Section 4.8. It determined that the 2009 Project would result in significant traffic impacts at four intersections during at least one of the peak hours: (i) Bowers Avenue/ Augustine Drive; (ii) Bowers Avenue/ Central Expressway; (iii) San Tomas Expressway/Scott Boulevard; and (iv) San Tomas Expressway/ El Camino Real.

Additionally, the 2009 Project would result in significant impacts to the following eight freeway segments: (i) Northbound ("NB") US 101, from N. First Street to Guadalupe Parkway; (ii) NB US 101 from Guadalupe Parkway to De La Cruz Boulevard; (iii) Southbound ("SB") US 101, from Bowers Avenue-Great America Parkway to Montague Expressway-San Tomas Expressway; (iv) SB US 101, from Montague Expressway-San Tomas Expressway to De La Cruz Boulevard; (v) SB 101, from De La Cruz Boulevard to Guadalupe Parkway; (vi) SB US 101, from Guadalupe Parkway to N. First Street; (vii) NB SR 87, from Skyport Drive to US 101; and (viii) SB SR 87, from Skyport Drive to Taylor Street. The City requires the payment of regional traffic impact fees, but there is no guarantee that the fees will be used to improve the impacted segments. The EIR thus concluded that the impacts cannot be reduced to a less than significant level even with payment of the fee.

In terms of 2009 Project site access, the 2009 Project included seven driveways on Augustine Drive and Scott Boulevard, which the EIR determined was sufficient to accommodate project-generated traffic.

The EIR includes the following project design features and project-specific mitigation measures to reduce the project's traffic impacts to a less than significant level, although certain impacts were determined to be significant and unavoidable. The original project-specific mitigation measures would continue to be applicable to the 2014 Project and have not been proposed to be modified.

Project Design Features:

Traffic Improvements

- *Provide traffic signal improvement at proposed driveway entrance on Augustine Drive*
- *Provide traffic signal modification for Bowers/Scott and Bowers/Augustine intersections*
- *Provide a pedestrian signalized mid-block crossing on Augustine Drive*

Transportation Demand Management Program

Employment-generating development is required to develop and implement a Transportation Demand Management ("TDM") program. The project proposes to include the following elements in the TDM program, or similar, alternate transportation demand management measures acceptable to the City:

1. *Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.*
2. *Connect individual sites with regional bikeway system.*
3. *Provide on-site transit information kiosks.*
4. *Implement a carpool/vanpool program, e.g., carpool ridematching for employees, assistance with vanpool information, provision of vanpool vehicles, etc.*
5. *Develop a transit use incentive program for employees in the project area, such as on-site distribution of passes and/or subsidized transit passes for local transit systems.*[4]
6. *Provide preferential parking for carpools.*
7. *Provide a guaranteed ride home program.*

[4] Examples include VTA EcoPass system and "Wageworks" which utilizes pre-tax dollars to purchase transit passes.

8. *Implement a flextime policy.*

9. *Provide on-site services such as ATMs, dry cleaning facilities, exercise room, cafeteria, etc.*

10. *Provide or contribute to a shuttle system for employees to access local transit services within the City.*[5]

11. *Provide showers and lockers for employees bicycling or walking to work.*

Project-Specific Mitigation Measures

The following mitigation measures describe roadway improvements that could reduce most of the identified intersection impacts. The feasibility of each mitigation measure is addressed below. Only those mitigation measures which are deemed feasible or include the payment of impact fees (where applicable) are proposed as part of the project to reduce the project specific traffic impact.

As a condition of approval, the City of Santa Clara will collect an impact fee equal to one dollar per square foot of development in addition to fair share contributions for the identified Santa Clara controlled intersections listed below. This is consistent with City policy to collect fees from projects that have a significant impact on local and/or regional facilities. In addition, the project proposes to pay a fair share contribution toward improvement programs currently approved and funded by the County of Santa Clara. Identified improvements for intersections and/or roadway segments which are listed as proposed mitigation and not controlled by the City of Santa Clara, and are subject to financial contributions from Santa Clara, must complete the necessary environmental review and be certified by the Lead Agency with jurisdiction over the intersection/roadway in conformance with CEQA prior to the payment of fees toward those improvements.

Bowers Avenue/Augustine Drive

There are no feasible mitigation measures available to reduce the project impact at the identified intersection to a less than significant level. The addition of a second southbound left-turn lane (from Bowers Avenue to Augustine Drive) and widening/restriping of the westbound approach to provide one left-turn, one shared through/right-turn lane, and one right-turn lane would improve the overall operation of the intersection. The improvements would not, however, improve the LOS to an acceptable level of operation. With implementation of the aforementioned mitigation, the intersection would operate at LOS E in the PM Peak Hour. Therefore, the project's impact to this intersection is significant and unavoidable.

These intersection improvements are currently under design by the Irvine Company and will be constructed as a part of the Phase I office development.

---

[5] Examples include the Altamont Commuter Express (ACE) Yellow Shuttle and the Lawrence Caltrain Bowers/Walsh Shuttle.

Central Expressway/Bowers Avenue

The Comprehensive County Expressway Planning Study identifies the widening of Central Expressway to six lanes between Lawrence Expressway and San Tomas Expressway as a Tier 1 priority. The developer will pay a fair share contribution to the City towards the County's widening of Central Expressway between Lawrence Expressway and San Tomas Expressway. With implementation of the aforementioned mitigation, the intersection would operate at LOS E+ in the AM and PM Peak Hour.

Santa Clara County constructed the improvements at this intersection when the HOV lanes were removed in 2010.

San Tomas Expressway/Scott Boulevard

The Comprehensive County Expressway Planning Study identifies the addition of a second westbound right-turn lane from westbound Scott Boulevard to northbound San Tomas Expressway as a Tier 1 priority. The developer will pay a fair share contribution to the City towards the County's addition of a second westbound right-turn lane on Scott Boulevard. With implementation of the aforementioned mitigation, the intersection would operate at LOS E- in the PM Peak Hour.

This improvement has not been implemented by Santa Clara County.

San Tomas Expressway/El Camino Real

The City of Santa Clara's Capital Improvement Program (dated June 2008) has identified the addition of a second left-turn lane on both the eastbound and westbound approaches to this intersection as a City improvement project. The developer will pay a fair share contribution to the City towards the addition of a second left-turn lane. With implementation of the aforementioned mitigation, the intersection would operate at LOS E- in the AM Peak Hour.

This improvement has not been implemented by Santa Clara County

Discussion of the 2014 Project:

Pursuant to the report from Fehr & Peers, the 2014 Project will generate the same type of traffic impacts as the 2009 Project. Fehr & Peers performed a new trip generation analysis for the 2014 Project. In order to provide a direct comparison to the 2009 Project analyzed in the EIR, Fehr & Peers included the Office Phase I, Office Phase II, Office Phase III, and Retail Phase developments in their model.

Fehr & Peers performed a transportation impact analysis ("TIA") for the 2014 Project. Their analysis estimated the total traffic generated by the project using rates published in both the 7th and 9th Editions of the Institute of Traffic Engineers Trip Generation Manual. This

allowed for a direct comparison to the 2008 TIA prepared by Fehr & Peers for the 2009 Project that used the 7th Edition, and provided trip rates as calculated with the currently accepted methods in the 9th Edition. Both the 2009 Project TIA and 2014 Project TIA applied standard reductions for transit usage, mix of uses, and implementation of a TDM per Valley Transportation Authority ("VTA") guidelines. In addition, the replacement of existing office uses was accounted for in both the 2009 Project TIA and 2014 Project TIA such that net new trips were calculated. Based on robust demand for office space in this area, full occupancy of existing office uses on the Site is considered normal operational conditions and was used as the baseline in the 2014 Project TIA.

Fehr & Peers used background traffic volumes from the EIR for the traffic analysis of potential impacts due to the 2014 Project. These volumes were used to maintain consistency between the current traffic analysis and the analysis prepared for the EIR. A review of available traffic count data showed that counts conducted in 2013 were similar to, or in some cases lower than, the background traffic conditions studied in the EIR. Therefore, updated counts were not used in the traffic analysis and impact evaluation for the 2014 Project.

Fehr & Peers compared the net new trips generated by the 2014 Project to the net new trip generated by the 2009 Project. As seen in Table 1 of Fehr & Peer's TIA Report (Attachment H.1), upon completion of all Phases of development, the 2014 Project, including the Office Phase I, will generate less trips than the 2009 Project. Specifically, the 2014 Project is estimated to produce 16 percent less total daily trips (12,167 daily trips), 16 percent less AM peak hour trips (1,037 AM peak hour trips), and 19 percent less PM peak hour trips (1,260 PM peak hour trips) than the 2009 Project. Therefore from a trip generation perspective, the 2014 Project will have less impact than the 2009 Project.

As seen in Table 1 of Fehr & Peer's TIA Report (Attachment H.1), the trip generation data calculated using the 7th Edition is essentially the same as that calculated using the 9th Edition. Because the 9th Edition uses the most up-to-date trip rates, the trip rates calculated using the 9th Edition were used as the net new trips generated by the 2014 Project for the level of service analysis, noise analysis, air quality analysis, and the GHG analysis.

The trips generated by the 2014 Project were assigned to the nearby roadways to evaluate the adequacy of the nearby intersections and verify the applicability of previous mitigation measures. The analysis evaluated operations at the same 43 key intersections in the project vicinity that were studied in the EIR. The level of service (LOS) was determined using the method contained in Chapter 17 of the 2000 Highway Capacity Manual using Traffix 7.9 software. The Traffix model from the EIR was used to determine the LOS for the 2014 Project. The office trip distribution used in the model was the same as that used in the 2008 TIA for the 2009 Project, and a new trip distribution for retail uses was prepared based on the location of residential and other complimentary uses surrounding the project. Using these trip distribution factors, the net new trips generated by the land use on the site were assigned to the roadways and project access points utilizing the same methods from the previous environmental analysis. The base volumes used for the comparative LOS analysis were the EIR Background No Project

volumes. Using these volumes allowed for a direct comparison between the impacts related to the 2009 Project and the impacts related to the 2014 Project. A summary of the individual intersection volumes is provided in Attachment A to Fehr & Peers report (Appendix H.1).

The Cities of Santa Clara and Milpitas have established a minimum acceptable operating level of LOS D for intersections excluded from the Congestion Management Program (CMP). The minimum acceptable operating level for CMP intersections is LOS E. The City of San Jose has a LOS standard of D for all signalized intersection including CMP intersections. A project would result in a significant impact if intersection operations degrade from an acceptable level of service (as stated above) to an unacceptable level of service or the addition of project traffic results in a four or more seconds of delay at an intersection operating at an unacceptable level of service without the addition of project traffic.

Fehr & Peers used the same Background conditions as the EIR. Background accounts for existing conditions and approved but not yet constructed projects, and the planned roadway improvements within the project vicinity, including widening of Montague Expressway and construction of a flyover on Montague Expressway. The results of the intersection level of service calculations for Background, Background plus the 2009 Project, and Background plus the 2014 Project are presented in Table 2 of Fehr & Peers report (Appendix H.1). As the table shows, although there were some changes in LOS compared to the 2009 Project, the LOS was not degraded from acceptable to unacceptable as a result of the 2014 Project at any of the 43 study intersections. Similarly, although there was a slight increase in delay at some intersections as a result of the 2014 Project as compared to the 2009 Project, there was no increase in delay over four seconds at any intersection operating at an unacceptable LOS (i.e. LOS E or F). Therefore, Fehr & Peers concluded that no new significant traffic impacts were identified as a result of the 2014 Project.

The City will also collect an impact fee in addition to a fair share contribution toward mitigation measures for roadway facilities with significant project impacts in Santa Clara, in adjacent cities, and under the control of Santa Clara County. As noted above, the EIR identified four intersections with significant impacts as a result of the 2009 Project. Impacts at three of these intersections were mitigated by fees and a fair share contribution from the 2009 Project, and the fourth intersection (Bowers Avenue/Augustine Drive) was considered 100 percent the responsibility of the 2009 Project.

Fehr & Peers' report concludes that even with a reduced trip generation, significant impacts at the four intersections identified in the EIR remain. However, Fehr & Peers concluded that the previously identified EIR mitigation measures would mitigate the impacts of the 2014 Project at those intersections such that conditions at all of these intersections are returned back to baseline conditions. Therefore, no new mitigation is required at these or any of the other study intersections.

Santa Clara adopted a Climate Action Plan (CAP) in December, 2013. The 2014 Project is located in Transportation District 1 (North of Caltrain), and prior to approval, the Office Phase II

and III developments will be required to show a minimum of a 20% Vehicle Miles Traveled (VMT) reduction, 10% of which must come from TDM programs. Although the 2014 Project includes many VMT reduction measures, the 2014 Project TIA used a standard reduction of 10% based on TDM measures. Because Office Phase II and Office Phase III will be required to show a 20% reduction in VMT based on the CAP, the traffic impacts of the 2014 Project will likely be less than calculated by Fehr & Peers. Furthermore, the 2014 Project will provide traffic signal improvements on Augustine Drive, and traffic signal modifications at the Bowers/Scott and Bowers/Augustine intersections. Therefore, traffic impacts at these intersections will be less than predicted by Fehr & Peer's analysis.

The County Roads and Airports Department sent the City a letter on May 2, 2014 with suggested traffic analysis methods if 2014 Project had required a supplemental EIR. The City has determined that no supplemental EIR is warranted, therefore there is no need to use the updated LOS or signal timing data. Expressway impacts were addressed in the original EIR, and as discussed in detail above, no new significant impacts to expressways were identified that require mitigation.

The City received a letter from the Santa Clara Valley Transportation Authority (VTA) on May 22, 2014. As described above, an updated TIA was completed by Fehr & Peers for the 2014 Project. In addition, the 2014 Project proposes a number of TDM measures that will reduce single-occupant vehicle trips to the site, including but not limited to implementation of a carpool/vanpool program, and provision of, or contribution to, a shuttle system for employees to access local transit services within the City. Finally, the 2014 Project proposes to provide all of the improvements recommended by the VTA to the bus stop on Bowers Avenue, north of Scott Boulevard.

Finding: The potential impacts of the 2014 Project are less than or the same as those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to traffic remain significant and unavoidable. While the 2014 Project will still have significant and unavoidable impacts, these impacts will be less than or the same as those of the 2009 Project. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

Q. UTILITIES AND SERVICE SYSTEMS

Utilities and Service System	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☑
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☑
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; City of Santa Clara Water Utility, Water Supply Assessment for the Santa Clara Square Development Application, Approved by City Council Resolution No. 14-8136, attached as Appendix I.

EIR Conclusion: Less than significant impact.

The EIR analyzed project impacts on utilities in Section 4.11. The EIR concluded that the 2009 Project would result in a net increase in water use of 327,250 gallons per day (366.6 acre-feet per year) but concluded there was adequate water supply capacity. Additionally, the 2009 Project would require about 51% of the total Augustine Drive sewer line capacity, but that there was adequate sewer capacity. The EIR estimated in an increase in solid waste and recyclable materials of about 1,683 tons per year, but found adequate landfill capacity to serve the 2009 Project. Finally, the EIR concluded that because the 2009 Project reduces the amount of impervious surfaces on the 2009 Project site by about 14.8 percent, runoff from the 2009 Project site will not cause flooding or exceed the capacity of the storm drain system.

EIR Mitigation Measures: No mitigation required.

Discussion of the 2014 Project: The 2014 Project will generate the same type of utilities impacts as the 2009 Project, since the 2009 Project includes retail development on the 2009 Project site and office development on a similar adjacent Site.

The City approved an updated water supply assessment (WSA) for the 2014 Project pursuant to Sections 10910 et seq. of the California Water Code. The WSA determined that the 2014 Project would use 360.9 acre-feet per year of water, 5.7 acre-feet per year less than analyzed in the EIR for the 2009 Project. The 2014 Project will also use recycled water for outdoor irrigation and reduce potable water demand by 49.2 acre-feet per year from the level of potable demand analyzed in the EIR for the 2009 Project. Finally, the WSA determined that the 2009 Project's water demand was incorporated into the City's current 2010 Urban Water Management Plan, and that the City Water Utility has sufficient water supplies to serve the 2014 Project in addition to other water users in the City.

As part of City required approvals and conditions, the 2014 Project will complete the City's Landscape Water Efficiency Checklist. Landscape irrigation and applicable industrial water will be provided by the City's recycled water system. Prior to the issuance of a building or grading permit, the 2014 Project proponent will provide hydraulic calculations that show impacts to the water utilities system to the satisfaction of the Director of Water and Sewer Utilities. In addition, the 2014 Project proponent will work with the City to model impacts of the 2014 Project on the sanitary sewer system and any required upgrades will be implemented at the 2014 Project proponent's expense. Finally, the 2014 Project will provide adequate enclosures for solid waste and recycling containers.

In addition to the above, the 2014 Project will comply with the Santa Clara Climate Action Plan. In the area of water conservation, the Climate Action Plan requires that the City reduce GHG-intensive water use practices by implementing the strategies in the City's 2010 Urban Water Management Plan ("UMWP"). The UMWP aims to meet the SB X7-7 reduction goal of saving 1,362 acre-feet through (1) implementing new water conservation development standards and building requirements, (2) revising the City's landscape design guidelines to increase efficiency in outdoor water use in new development, and (3) providing information to residents and businesses about the economic and environmental benefits of water conservation.

In the area of waste reduction, the Climate Action Plan requires that the City increase recycling opportunities though (1) expanding existing food waste and composting collection routes to service 25% of all existing restaurants, and (2) working with regional partners to increase solid waste diversion to 80% by updating the City Code to lower the threshold for construction and demolition collection requirements, adopting recycling ordinances that incorporate updated standards for collection enclosures, working with trash providers to increase the types of recycling/organic material collected, and working with apartment buildings to implement recycling programs. Each of these measures are to be implemented by the City, and therefore do not affirmatively mandate components of project design. Moreover,

the Project will in no way hinder the City from achieving these policies and meeting these goals; therefore the project is consistent with these requirements.

Finding: The potential impacts of the 2014 Project are the same than those analyzed in the EIR. For reasons stated above, the 2014 Project's potential impacts related to utilities are less than significant. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in the EIR. No new mitigation is required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Mandatory Findings of Significance	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*Impacts Fully Analyzed in EIR*
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☑
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☑
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☑

Sources: EIR, as amended by Addendum No. 1; 2014 Project Application; Illingworth & Rodkin, Inc. Evaluation of 2014 Changes to Augustine Bowers Office Park Air Quality Impacts – Santa Clara, CA, April 13, 2014, attached as Appendix A.1; Fehr & Peers, Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California, April 4, 2014 attached as Appendix H.1.

EIR Conclusion: Significant and unavoidable cumulative impacts with respect to population and housing, traffic, air quality, and global climate change.

The EIR analyzes cumulative impacts in Section 6.1. The EIR found that the 2009 Project would have cumulatively significant impacts on population and housing, transportation, air quality, and global climate change.

With regard to population and housing, the EIR found that the implementation of the 2009 Project would significantly increase the City's jobs/housing imbalance and induce housing growth throughout the region, resulting in a significant and unavoidable cumulative impact.

With regard to transportation impacts, the EIR found that 14 intersections will be significantly impacted and the 2009 Project will have a cumulatively considerable impact on 13 of the 14 identified intersections. For the reasons discussed under Transportation/Traffic, above, the impacts at the intersections of Bowers/Augustine and Montague/De La Cruz cannot be mitigated to a less than significant level, even with the identified mitigation.

In terms of cumulative air quality impacts, the EIR found that even though the overall development proposed by the project is consistent with some of the goals of the Clean Air Plan and many of the City's General Plan policies, the 2009 Project will have a significant and unavoidable regional air quality impact, resulting in an unavoidable cumulative regional air quality impact.

With respect to cumulative water supply impacts, the EIR found that even though the overall development proposed by the project is consistent with the 2005 Urban Water Management Plan, the increase in green space in areas without access to recycled water places an additional burden on the existing potable water supply when combined with other similar "green campus" developments. Nevertheless, the Water Supply Assessment determined that there is sufficient water supply (using both potable and recycled water) to support all the currently proposed "green campus" developments long term, resulting in less than significant cumulative impacts.

Finally, with regard to greenhouse gas emissions, the EIR found that the 2009 Project, even with implementation of identified energy reduction policies, will result in a significant and unavoidable contribution to cumulative global climate change impacts.

The EIR includes the following mitigation measures reduce the impacts to cumulative traffic impacts, although the impacts remain significant and unavoidable. The mitigation measure applicable to greenhouse gas emissions is discussed under Greenhouse Gas Emissions, above. These mitigation measures would be applicable to the 2014 Project.

EIR Mitigation Measures:

Mitigation Measures for Cumulative Traffic Impacts:

1. *There is no process in place to mitigate for the cumulative impacts identified in this EIR. In addition, it is somewhat speculative to assume that all the identified projects would be approved and developed within a defined timeframe. Therefore, mitigation measures identified below are for informational purposes only. CEQA Guidelines acknowledge that mitigation for cumulative impacts may only be achieved through an ordinance or program. It is likely that a regional mechanism such as a Countywide Deficiency Plan could mitigate these multi-jurisdictional cumulative impacts. As such, the payment of impact fees has been identified as a form of possible mitigation for cumulative impacts to intersections that are part of an adopted improvement program.*

2. *Great America Parkway and Patrick Henry Drive - The identified impact could be mitigated to a less than significant level with the addition of a second northbound left-turn lane on Great America Parkway. This improvement would require modifications to the existing median islands and traffic signal equipment.*

3. *Great America Parkway and Mission College Boulevard- The identified impact could be mitigated to a less than significant level with the addition of a fourth southbound through lane.*

4. *Bowers Avenue and Augustine Drive - The identified impact could not be mitigated to a less than significant level. Even with the implementation of mitigation proposed under project conditions, the intersection would still operate at LOS F during the PM Peak Hour under the cumulative condition.*

5. *Bowers Avenue and Central Expressway - The identified impact could be mitigated to a less than significant level with the additional of a third, mixed-flow through lane in both directions on Central Expressway. This could be implemented by removing the existing HOV lane.*

6. *San Tomas Expressway and Monroe Street - The identified impact could be mitigated to a less than significant level with the addition of a second right-turn lane on the westbound approach.*

7. *San Tomas Expressway and Walsh Avenue - The identified impact could be mitigated to a less than significant level with the addition of a second eastbound left-turn lane.*

8. *San Tomas Expressway and Scott Boulevard - The identified impact could be mitigated to a less than significant level with the addition of a second westbound right-turn lane on Scott Boulevard.*

9. *Montague Expressway and De La Cruz Boulevard - The identified impact could not be mitigated to a less than significant level. There are no feasible capacity-enhancing improvements identified at this intersection.*

10. *1st Street and Montague Expressway - The identified impact could be mitigated to a less than significant level with the addition of a fourth westbound through lane on Montague Expressway. This improvement has already been identified in the North San Jose Deficiency Plan.*

11. *Zanker Road and Montague Expressway - The identified impact could be mitigated to a less than significant level by the widening of Zanker Road at its intersection with Montague Expressway to provide second left-turn lanes in both the northbound and southbound directions.*

12. *McCarthy Boulevard/O'Toole Avenue and Montague Expressway - The identified impact could be mitigated to a less than significant level with the construction of a "square-loop" interchange which has been identified by the Comprehensive County Expressway Planning Study as a Tier 1 priority and has also been identified in the North San Jose Deficiency Plan.*

13. *San Tomas Expressway and E1 Camino Real - The identified impact could be mitigated to a less than significant level with the addition of a second eastbound left-turn lane.*

14. *San Tomas Expressway and Benton Street - The identified impact could be mitigated to a less than significant level with the addition of a fourth northbound and southbound through lane. This improvement has been identified by the Comprehensive County Expressway Planning Study as a Tier 1 priority.*

15. *Lawrence Expressway and El Camino Real - The identified impact could be mitigated to a less than significant level with implementation of a separate eastbound right-turn lane.*

Discussion of the 2014 Project: The 2014 Project will generate the same type of cumulative impacts as the 2009 Project, since the 2009 Project includes office and retail development on and directly adjacent to the Site. The 2014 Project will still result in cumulative impacts with regard to air quality, traffic, population and housing, and greenhouse gas, but to a lesser extent than the 2009 Project because of the less intense use, and for the reasons discussed in each substantive area above, including the use of reclaimed water to reduce the use of potable water on the Site.

Finding: The potential cumulative impacts of the 2014 Project are less than those analyzed in the EIR. For reasons stated above, the 2014 Project's potential cumulative impacts remain significant and unavoidable, though substantially less than those of the 2009 Project. Therefore, no new or substantially increased significant impacts will result from the 2014 Project beyond those discussed in EIR. No new mitigation is required.

Appendix A.1 and A.2

Air Quality / Greenhouse Gas Emissions

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
1 Willowbrook Circle, Suite 120
Petaluma, California 94954
Tel: 707-794-0400 *Fax: 707-794-0405*
www.illingworthrodkin.com *illro@illingworthrodkin.com*

April 13, 2014

Carlene Matchniff
Vice President, Project Management, Apartment Development
Irvine Company
690 N. McCarthy Blvd. Suite 100
Milpitas, California 95035

VIA email: cmatchniff@irvinecompany.com

SUBJECT: Evaluation of 2014 Changes to Augustine Bowers Office Park Air Quality Impacts – Santa Clara, CA

Dear Carlene:

This letter provides an assessment of changes to the air quality and greenhouse gas (GHG) emission impacts associated with proposed office and retail development for the proposed Santa Clara Square development. We understand that an EIR was prepared for the Augustine Bowers Office Park project in Santa Clara. That EIR air quality analysis evaluated demolition of the existing structures on the site and the construction of up to 1,969,600 square feet (sf) of office development and 35,000 sf of retail development in four towers. Illingworth & Rodkin, Inc. prepared the air quality analysis of that project that was included in the project EIR[1]. That air quality analysis was prepared following CEQA guidance provided by the Bay Area Air Quality Management District (BAAQMD) available at the time of the analysis[2].

The proposed project will replace the existing buildings located on multiple parcels along Augustine Drive east of Bowers Avenue between Scott Boulevard and US-101 and construct new, higher-density office buildings and a retail complex. The proposed Santa Clara Square development provides for the development of an office campus in two phases, totaling no more than 1,243,300 million square feet of office space, and up to 125,000 square feet of retail space, on the Retail and Office Phases II and III Sites. Including the previously approved Office Phase I development (618,800 square feet of office and 13,000 square feet of accessory retail use), the total development of Santa Clara Square would include up to 2,000,100 square feet of office and retail development, which is 4,500 square feet less than the total development that was approved in the Augustine Bowers project.

---

[1] Illingworth & Rodkin, Inc. 2008. Santa Clara Office Development Project – Santa Clara, CA Air Quality Study. Prepared for David J. Powers & Associates. April 25. Note that this report evaluated a1.975 million square feet of office uses and 40,000 square feet of retail uses.
[2] BAAQMD. 1996, revised 1999. BAAQMD CEQA Guidelines – Assessing Air Quality Impacts of Projects and Plans. December.

Impact 1: Conflict with or obstruct implementation of the applicable air quality plan?

The Augustine Bowers Office Park EIR air quality study identified a significant impact associated with implementation of Clean Air Plan transportation control measures. Mitigation Measure AQ-1 identified measures the project could include to implement TCMs. This mitigation measure would apply to the currently proposed project.

Impact 2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Significant air pollutant emissions were identified for the Augustine Bowers Office Park project. The proposed project would include less office space, but more retail space. Overall, the proposed project would result in less future traffic, when compared to the 2009 approved project. As a result, the project would result in lower emissions. There would be emissions associated with construction and operation of the proposed project

Construction Emissions

Construction emissions were not predicted for the approved Augustine Bowers Office Park project Draft EIR, since the analysis relied upon best management practices recommended by BAAQMD at that time[3]. Since that project was conducted, the City has used average daily emission thresholds developed by BAAQMD in 2010[4]. The California Emissions Estimator Model, Version 2013.2.2 (CalEEMod) was used to predict operational and construction emissions from both the currently proposed Santa Clara Square project and the previously approved 2009 Augustine Bowers Office Park project. Construction emissions were predicted assuming the default construction assumptions that CalEEMod includes. Inputs to the model included the type and size of the projects. CalEEMod defaults to a construction start year of 2015. Note that construction of Phase 1 of the approved project began about October 1, 2013 and is currently under construction. Phase 1 is included in both the approved and proposed project.

For the approved project, inputs to CalEEMod included 1,970 thousand square feet (ksf) of "General Office" commercial use, 35 ksf of "Strip Mall" retail use, 6,496 "Unenclosed Parking Structure with Elevator" and 91 "Parking Lot" parking uses. The total approved project size was input at 30.17 acres. For this project, CalEEMod computed a construction period of 665 days, beginning October 1, 2013 and lasting through April 2016.

The CalEEMod model run for the proposed project included 1,860 thousand square feet (ksf) of "General Office" commercial use, 138 ksf of "Strip Mall" retail use, 5,616 "Unenclosed Parking Structure with Elevator" and 1,149 "Parking Lot" parking uses. The total approved project size was input at 47.59 acres. For this project, CalEEMod computed a construction period of 1,005 days, beginning October 1, 2013 and lasting through August 2017. Currently, the proposed project is planned to be constructed in three phases to build the office portions, while construction of much of the retail portion would occur from 2014 through 2015. Construction is planned to occur continuously through May of 2017, so the CalEEMod default construction schedule appears to be reasonable.

---

[3] BAAQMD. 1996, revised 1999. BAAQMD CEQA Guidelines – Assessing Air Quality Impacts of Projects and Plans. December.
[4] BAAQMD. 2010. CEQA Guidelines Update – Thresholds of Significance. June 2.

Total and average daily emissions are shown in Table 1 for the approved and proposed projects. While the total emissions associated with the approved 2009 project would be less than the currently proposed project, the average daily emissions are forecast to be higher because the approved project would require substantially fewer construction days. The proposed project will be constructed in Phases over a larger area and would require more time to construct, resulting in lower average daily emissions. As described above, the construction schedules are based on the CalEEMod model default construction scenarios, which appear reasonable when compared to plans for constructing the proposed project.

Table 1 Construction Emissions (Approved Project and Proposed Santa Clara Square Project)

Scenario	ROG	NOx	PM10	PM2.5	GHG
Total emissions with Approved Project	37.95 tons	37.51 tons	1.18 tons	1.10 tons	8,002 MT
Average daily emissions with Approved Project	114 lbs/day	113 lbs/day	4 lbs/day	3 lbs/day	--
Total emissions with Proposed Project	37.93 tons	52.67 tons	1.65 tons	1.53 tons	11,882 MT
Average daily emissions with Proposed Project	75 lbs/day	105 lbs/day	3 lbs/day	3 lbs/day	--
Difference in total emissions (Proposed – Approved)	-0.03 tons	15.16 tons	0.47 tons	0.43 tons	3,880 MT
Difference in average daily emissions (Proposed – Approved)	-39 lbs/day	-8 lbs/day	0 lbs/day	0 lbs/day	--

Note: ROG = reactive organic gases, NOx = nitrogen oxides, PM_{10} = respirable particulate matter (i.e., less than 10 micrometers in aerodynamic diameter), $PM_{2.5}$ = fine particulate matter (i.e., less than 10 micrometers in aerodynamic diameter) and GHG = greenhouse gases expressed as equivalent carbon dioxide).

The CalEEMod modeling, presented above, indicates that the change in the daily construction emissions caused by the proposed Santa Clara Square project compared to the Approved Augustine-Bowers project would have emissions below the thresholds currently used by the City to evaluate impacts to regional air quality for projects[5].

Operation

The CalEEMod model was also used to predict annual and average daily emissions from operation of the proposed project. Inputs to the model for the project are the type and size as described above for computation of construction emissions. Model defaults for Santa Clara County along with traffic forecasts were input to the model[6]. The specific traffic data input to the model included the daily trip generation rate with trip adjustments. These adjustments included:

- 2-percent reduction for employment near a major bus stop (applied to office-type trips),
- 10-percent reduction to office-type trips for a required Transportation Demand Management (TDM) program,
- 3- to 6-percent reduction for employment/retail mixed uses (applied to office and retail trips)

[5] The City currently uses thresholds of 54 pounds per day for ROG, NOx and $PM_{2.5}$ exhaust and 82 pounds per day for PM_{10} exhaust. These thresholds are based on average daily emissions that would occur during the construction period.

[6] Fehr & Peers, Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California, April 4, 2014.

The CalEEMod model default assumptions for passby and diverted trips associated with the project were applied to both projects.

The change in annual emissions were computed for both the approved Augustine Bowers Office Park project and the proposed Santa Clara Square project. The change was evaluated by considering the existing land uses that are occupied or would be reoccupied without the approved or proposed projects. Since both projects affect different sized areas, the baseline condition is different for each.

Under the approved Augustine-Bowers project, the baseline condition was assumed to include 450,040 square feet of office type uses. The proposed project would affect a larger area that included 917,040 square feet. These land uses along with the forecasted daily trip generation rates that include trip reductions for nearby bus stops were input to the CalEEMod model.

At this time, the proposed project has identified four standby emergency generators that would be powered by diesel fuel. These include two 500- and two 1,500-horsepower generators that would be operated to provide electrical power in the event of a power outage. As discussed above, these generators would require permits to construct and operate through the BAAQMD permitting process. BAAQMD regulations would limit operation of these generators to 50 hours of operation per year for routine testing and maintenance and impose emissions limits. Annual emissions associated with these generators were computed.

Table 2 shows the emissions for both project scenarios along with the emissions associated with the baseline conditions. Emissions from generators associated with the Proposed Project are included in Table 2. The reduction in emissions that would occur under the proposed Santa Clara Square project are also shown. The effect of the proposed project is shown as the change in emissions when compared to the approved project with baseline conditions taken into account.

Table 2 Operational Emissions (Approved Project and Proposed Santa Clara Square Project)

Scenario	ROG	NOx	PM_{10}	$PM_{2.5}$	GHG
Annual emissions with Approved Project	29.78 tpy	22.67 tpy	16.69 tpy	4.74 tpy	30,989 mtpy
Annual Emissions with Approved Project Baseline	4.84 tpy	7.02 tpy	5.30 tpy	1.50 tpy	8,122 mtpy
Net Increase in Annual Emissions with Approved Project	24.94 tpy	15.65 tpy	11.39 tpy	3.24 tpy	22,867 mtpy
Annual emissions with Proposed Project	33.22 tpy	27.45 tpy	18.49 tpy	5.30 tpy	33,419 mtpy
Annual Emissions with Proposed Project Baseline	8.98 tpy	12.16tpy	9.08 tpy	2.57 tpy	14,990 mtpy
Net Increase in Annual Emissions with Proposed Project	24.24 tpy	15.29 tpy	9.41 tpy	2.73 tpy	18,249 mtpy
Change in Annual Emissions (Proposed Project – Approved Project)	*-0.7 tpy*	*-0.4 tpy*	*-2.0 tpy*	*-0.5 tpy*	*-4,438mtpy*
Net Change in Average daily emissions with Proposed Project	*-4 lbs/day*	*-2 lbs/day*	*-11 lbs/day*	*-3 lbs/day*	--

As shown in Table 2, the proposed project would result in a net decrease in emissions of criteria air pollutants.

Impact 3: Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

As discussed under Impact 2 above, the change in emissions caused by the proposed project would be less than the previously approved project. In addition, the proposed project would have emissions below the significance thresholds previously recommended by BAAQMD and used by the City for evaluating impacts related to ozone and particulate matter. Therefore, the proposed Santa Clara Square project would not contribute substantially to existing or projected violations of those standards. Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of carbon monoxide. Carbon monoxide concentrations associated with the previously approved project were modeled and predicted to be below ambient air quality standards, which would be a less-than-significant impact. The proposed Santa Clara Square project would produce a lower increase in traffic, and thus, lower carbon monoxide concentrations than the approved project.

Impact 4: Expose sensitive receptors to substantial pollutant concentrations?

Construction activity would generate dust and equipment exhausts on a temporary basis. Operation of the project is not anticipated to expose sensitive receptors to Toxic Air Contaminants (TACs) and the project is not expected to include sensitive receptors that could be exposed to nearby air pollution sources (i.e., sources of TACs).

Construction Activity

Construction activity is anticipated to involve demolition of the existing buildings and new office and retail building construction. Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. As indicated under Impacts 2 and 3, the change in emissions would not be considered to contribute substantially to existing or projected air quality violations. Emissions of diesel particulate matter from construction activities could have localized impacts to sensitive receptors. However, sensitive receptors, such as residences, schools or daycare centers, are not identified within 1,000 feet of the project site. As a result, construction of the proposed project would not result in any significant health risks.

To reduce construction impacts associated with fugitive dust, the project should incorporate the BAAQMD-recommended mitigation measures that serve as "Best Management Practices" for reducing PM10 and PM2.5 fugitive dust emissions from construction. Measures to reduce fugitive dust emissions to a less-than-significant level were identified as mitigation measures in the DEIR for the Augustine Bowers Office Park project. These would be expected to apply to the proposed project.

Project Operation

Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. As identified in the DEIR air quality study, the project could include stationary sources (i.e., emergency generators). If such sources are included, they would be subject to BAAQMD permitting and would have to comply with the District's regulations. Sources of air pollutant emissions complying with all applicable BAAQMD regulations would not be considered to result in significant air quality impacts. Stationary sources that are exempt from BAAQMD permit requirements are would also not considered to result in significant impacts. If a permit is required, BAAQMD would review emissions of TACs and, if necessary, conduct a health risk assessment of any sources that have the potential to cause significant health risks. BAAQMD would not issue a permit to a source that results in significant health risks in terms of excess cancer risk of 10 per million or a non-

cancer risk expressed as a Hazard Index greater than 1.0. As previously discussed, the proposed project has identified four standby emergency generators that would be powered by diesel fuel. These generators would require permits to construct and operate through the BAAQMD permitting process. BAAQMD regulations would limit operation of these generators to 50 hours of operation per year for routine testing and maintenance and impose emissions limits.

The proposed project site is near sources of air pollutant emissions that include traffic on U.S. 101 traffic, Bowers Avenue and Scott Boulevard and numerous stationary sources. These are sources of TACs; however, the proposed project, an office and retail project would not include any sensitive receptors.

Impact 5: Create objectionable odors affecting a substantial number of people?

The proposed project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off site by resulting in confirmed odor complaints. The project is not expected to include any sources of significant odors that would cause complaints from surrounding uses.

Impact 6: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The EIR for the Augustine Bowers Office Park project predicted GHG emissions associated with the project using the URBEMIS2007 model. The latest version of the CalEEMod model was used to predict annual operational emissions from the proposed project. Model defaults for Santa Clara County along with traffic forecasts and emissions rates for Silicon Valley Power electricity generation were input to the model. The CalEEMod modeling is based on energy consumption rates that are assumed to be for 2008 Title 24 or earlier standards (i.e., they are based on historical rates for similar built uses). Annual emissions were computed for both the approved Augustine Bowers Office Park project and the proposed Santa Clara Square project. Table 1 provides annual construction emissions expressed in metric tons per year. Table 2 includes the operational GHG emissions for both project scenarios and the baseline scenarios. The CalEEMod modeling indicates that the proposed Santa Clara Tech Center project would result in total construction emissions of 11,882 metric tons of equivalent CO_2 over the construction period, compared to 8,002 metric tons for the approved project. Operational emissions from the proposed project would be 4,438 metric tons of equivalent CO_2 per year lower than the previously approved Augustine Bowers Office Park project. As a result, the proposed project would have substantially lower emissions than the approved Augustine Bowers Office Park project. Project design features related to energy efficiency, which were included in the 2009 Project to reduce GHG emissions and will be included in the proposed project, would further reduce emission from the proposed project. These effects were not accounted for in the modeling presented in this report.

Impact 7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The proposed project would be subject to new requirements under rule making developed at the State and local level regarding greenhouse gas emissions and be subject to local policies that may affect emissions of greenhouse gases, and therefore is not anticipated to conflict with any applicable plan or policy regarding GHGs.

* * *

This concludes our evaluation of changes to the Augustine Bowers Office Park project in Santa Clara. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

James A. Reyff

Digitally signed by James A. Reyff
DN: cn=James A. Reyff, o=Illingworth & Rodkin, Inc., ou, email=jreyff@illingworthrodkin.com, c=US
Date: 2014.04.14 10:01:19 -07'00'

James A. Reyff
Project Scientist
Illingworth & Rodkin

14-023

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
505 Petaluma Boulevard South
Petaluma, California 94952

Tel: 707-766-7700 *Fax: 707-766-7790*
www.illingworthrodkin.com *illro@illingworthrodkin.com*

June 10, 2013

Kerry M. Williams
Vice President, Development
Irvine Company
690 N. McCarthy Blvd. Suite 100
Milpitas, California 95035

VIA email: kewilliams@irvinecompany.com

SUBJECT: Effect of New Title 24 Standards on the Santa Clara Tech Center Project – Santa Clara, CA

Dear Kerry:

The purpose of this letter is to address your question about reductions of greenhouse gas emissions anticipated as a result of new Title 24 standards. We understand that the project is subject to a Mitigation Measure that requires the project reduce energy-related GHG emissions by 10 percent, assuming it meets 2005 Title 24 standards.

At the time of approval, it was assumed that the project would meet 2005 Title 24 standards for energy efficiency. The currently proposed project would have to meet energy efficiency requirements for new 2013 Title 24 standards. The California Energy Commission (CEC) highlights the major energy improvements in the 2013 California Title 24 Building Energy Efficiency Standards as follows:

- High performance windows, sensors, and controls for increasing day light use;
- Advanced lighting controls;
- Solar ready roofs;
- Occupant controlled smart thermostats; and
- Cool roof technologies

The 2008 Title 24 standards are assumed to be more stringent that 2005 standards. According to the CEC, the improvements associated with the 2013 standards are estimated to use 25% less energy than the 2008 standards. The CEC Fact Sheet is attached to this letter. Therefore, meeting the 2013 standards would result in up to 25-percent less energy consumption relative to the 2008 standards. As a result, the project would exceed the mitigation requirements by meeting 2013 Title 24 standards for energy efficiency.

Additionally, the currently proposed project would result in substantially lower GHG emissions than the original project that the mitigation measure applies. Annual emissions were computed for both the approved Augustine Bowers Office Park project and the proposed Santa Clara Tech Center project using the CalEEMod model. The proposed Santa Clara Tech Center project would result in GHG emissions that are 56% lower than the previously approved Augustine Bowers Office Park project.

Sincerely,

James A. Reyff

Digitally signed by James A. Reyff
DN: cn=James A. Reyff, o=Illingworth & Rodkin, Inc., ou, email=jreyff@illingworthrodkin.com, c=US
Date: 2013.06.11 12:15:02 -07'00'

James A. Reyff
Project Scientist
Illingworth & Rodkin

13-068 Attachment

Building Energy Efficiency Standards | FREQUENTLY ASKED QUESTIONS

What are building energy efficiency Standards?

Building energy efficiency standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. These measures (Title 24, Part 6) are listed in the California Code of Regulations.

Why are building Standards important?

Energy efficiency Standards make buildings more comfortable, lower energy costs, and reduce greenhouse gas emissions. The Standards ensure that builders use the most energy efficient technologies and construction.

When did building Standards start?

California's first building energy efficiency Standards went into effect in 1978.

How much will these new Standards add to the cost of a new house?

On average, these Standards add an additional $2,290 to the cost of constructing a new residential building, but will return $6,200 in energy savings over 30 years. In other words, when factored into a 30-year mortgage, the Standards will add approximately $11 per month for the average home, but will save $27 on monthly heating, cooling, and lighting bills.

How much energy will the 2013 Standards save?

The 2013 Standards will use 25% less energy for lighting, heating, cooling, ventilation, and water heating than the 2008 Standards. Additionally, the Standards will save 200 million gallons of water per year (equal to more than 6.5 million wash loads) and avoid 170,500 tons of greenhouse gas emissions per year.

How much have Standards saved?

Since 1978, the California Energy Commission has saved Californians $66 billion in electricity and natural gas savings through energy efficient building and appliance standards.

What are the long term savings?

After 30 years of implementing the standards, California will save nearly 14,000 GWh or enough electricity to power 1.67 million homes.

What policy goals are addressed by the Standards?

Several state energy policy goals drive the design of the current standards: the "Loading Order," which directs California's growing demand must first be met with cost-effective energy efficiency; "Zero Net Energy" (ZNE) goals for new homes by 2020 and commercial buildings by 2030; Governor Brown's Executive Order on Green Buildings; the Green Building Standards Code, and AB 32, which mandates that California reduce its greenhouse gas emissions to 1990 levels by 2020.

What is "Zero Net Energy?"

In 2008, California set bold energy-use reduction goals, targeting zero net energy (ZNE) use in all new homes by 2020 and commercial buildings by 2030. The ZNE goal means new buildings must use a combination of improved efficiency and distributed renewable energy generation to meet 100 percent of their annual energy need.

Who are supporting the Standards?

California Building Industry Association, Natural Resources Defense Council, Pacific Gas & Electric, Southern California Edison, San Diego Gas & Electric, Southern California Gas, Alliance to Save Energy, the American Council for Energy Efficient Economy, Appliance Standards Awareness Project, and Building Code Assistance Project are supporting the energy efficiency Standards.

Why do the Standards need to be updated?

The Energy Commission is required by law to adopt Standards that are cost effective for homeowners over the 30-year lifespan of buildings. The Standards are periodically updated to allow new energy efficient technologies and construction methods for consideration and incorporation. The Standards will save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants and preserve the natural environment.

What buildings are covered by the Standards?

All buildings except hospitals, nursing homes, correctional centers, jails, and prisons are covered.

Who oversees the Standards?

The California Energy Commission is responsible for adopting, implementing and updating energy efficiency building Standards.

Who is responsible for enforcing the Standards?

Typically, the local city or county building department has the authority to verify compliance with applicable codes and standards, including building energy efficiency.

What are some highlights of the Standards?

In addition to simplifying and streamlining compliance documents, other major improvements include:

RESIDENTIAL:

- **Insulated hot water pipes save water and energy and cut the time it takes to get hot water where it is needed**
- **Improved window performance to reduce heat loss in the winter and heat gain in the summer**
- **Whole house fans to cool homes and attics with cool evening air instead of air conditioning**
- **"Solar ready roof" design makes it easier to install solar photovoltaic or solar thermal panels at a future date**

NONRESIDENTIAL:

- **High performance windows, sensors and controls that allow buildings to use "daylighting" to avoid unnecessary use of installed lighting**
- **Efficient process equipment in grocery stores, commercial kitchens, data centers, laboratories, and parking garages**
- **Advanced lighting controls to synchronize light levels with daylight and building occupancy, and provide demand response opportunities**
- **"Solar ready roof" design makes it easier to install solar photovoltaic or solar thermal panels at a future date**
- **Occupant Controlled Smart Thermostats allow an occupant to set and maintain a desired temperature and voluntarily participate in a utility's demand response programs**
- **Cool roof technologies**

Why do the Standards vary by climate zone?

Measures that are cost effective in more extreme climates may not be cost effective in milder climates. Requiring measures by climate zone ensure that a building will have the most energy efficient features for that area.

What are solar ready requirements?

The 2013 Standards require "solar ready roofs" to accommodate future installations of solar photovoltaic panels. Solar ready requirements do not vary by climate zone.

Considering California's economy, is this the right time to adopt Standards?

Since 2010, the Energy Commission has held meetings with more than 45 industry stakeholder groups, as well as 15 public workshops on the draft standards. The Commission recognized current economic times require Standards that significantly reduce energy costs. By providing increased flexibility and multiple options for meeting energy efficiency goals, the Energy Commission and its partners developed reasonable standards that acknowledge the economic challenge facing builders.

When will the Standards be approved?

The 2013 Standards will be considered for adoption by the Energy Commission at its May 31, 2012 public meeting; if approved, they will take effect in January 2014.

How many Climate Zones are there in California?

There are sixteen climate zones in the state.

What is the benefit of installing an Occupant Controlled Smart Thermostat?

Occupant Controlled Smart Thermostats maximizes energy savings by monitoring and controlling energy use more effectively. The occupant can override demand response programs at any time.

Who benefits from the Standards?

The Economy

The Standards contribute to and support a clean energy workforce through statewide training programs.

Builders

The Standards help builders develop buildings that are more comfortable and save homeowners money on utility bills.

Building Owners and Occupants

The Standards provide lower energy costs, more occupant comfort, and higher property values.

Building Science

The Standards support ongoing research and development in energy efficiency.

The Environment

The Standards reduce greenhouse gas emissions and avoids the need to construct new power plants.

How can I learn more about the Standards?

Contact the Energy Commission's Energy Standards Hotline toll-free at (800) 772-3300 or (916) 654-5106 or email us at title24@energy.ca.gov.

Additionally, the Energy Commission's Blueprint newsletter is available at: www.energy.ca.gov/efficiency/blueprint/

Appendix B.1, B.2 and B.3

Biological Resources

ENVIRONMENTAL CONSULTANTS

TECHNICAL REPORT

Santa Clara Square Biological Resources Assessment: Retail Site

Prepared for:

Carlene Matchniff
Irvine Company
690 N. McCarthy Blvd. Suite 100
Milpitas, California 95035

February 4, 2014

The purpose of this Technical Report is provide the results of the biological resources site assessment for the Retail property (Study Area) within the Santa Clara Square project area. The Study Area is located in the City of Santa Clara, Santa Clara County, California and is bounded by Bowers Avenue to the west, Augustine Drive to the north, Scott Boulevard to the south, and the office complex parking lot boundary to the east (see Attachment A). Specifically, this Technical Report addresses the Study Area's potential to support 1) sensitive vegetation and aquatic communities, and 2) habitat sufficient to support special-status plant and wildlife species. The entire Study Area is composed of commercial development. It contains an office complex consisting of six separate structures, which are surrounded by parking lots and landscaping (see Attachment B).

METHODS

On January 27, 2014 WRA Inc. (WRA) conducted a site visit of the Study Area. Prior to the site visit, background literature was reviewed to assess the potential presence of sensitive vegetation types, aquatic communities, and special-status plant and wildlife species including those listed under the federal and/or California Endangered Species Acts. Resources reviewed include aerial photography, the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB; CDFW 2014), the National Wetland Inventory (NWI; USFWS 2014), the California Native Plant Society (CNPS) Online Inventory (2014), USFWS species list for Santa Clara County (2014), and species habitat requirements as noted in available literature (WBWG 2014, Shuford and Gardali 2008).

The Study Area was traversed on foot by a biologist familiar with vegetation and aquatic communities, and special-status species known from Santa Clara County. All plant and wildlife species observed on-site were recorded. Site conditions were documented to assess the potential for special-status plant and wildlife to occur within the Study Area. This assessment was based on the quality, presence, and/or absence of habitat elements necessary to support special-status species.

2169-G East Francisco Blvd., San Rafael, CA 94901 (415) 454-8868 tel (415) 454-0129 fax info@wra-ca.com www.wra-ca.com

RESULTS

Site Description

The 14.2-acre Study Area is situated within urban and commercial development, and is composed entirely of man-made features. Transportation corridors, namely Bowers Avenue and Scott Boulevard, border the site to the west and south, and office complexes similar to that found in the Study Area are present to the north and east. The Study Area contains six structures, four of which are two-story office buildings, one is a single-story office building, and one is a single-story restaurant (see Attachment B). The two-story office building and restaurant both have eaves that overhang the walls. The single-story office building in the southeastern Study Area is generally flat along the walls and roof, and it does not have eaves. The remainder of the Study Area is dominated by paved parking lots with landscape plants along the building perimeters, site boundary and rows of parking spaces.

The surface of the Study Area has been rendered largely impermeable by the construction of office buildings and parking lots. The surface of the entire Study Area has been classified as Urban Land (USDA 2014). This impermeable urban development has also been designed to convey waters away from the site and into the municipal storm drain system. Neither the impenetrable surfaces nor the limited areas of penetrable surface surrounding the landscape areas showed any signs of saturation or inundation.

The landscaped areas are composed of irrigated and maintained ornamental grasses, shrubs and mature trees, with infrequent non-native weeds. Although several species native to California are included in the landscaping, such as coast redwood (*Sequoia sempervirens*), they were intentionally planted and do not constitute a native vegetation community.

Wildlife observed within the Study Area are all non-special-status species adapted to urban environments. Observed species within and/or immediately adjacent to the Study Area included: Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), house finch (*Carpodacus mexicanus*), American crow (*Corvus brachyrhynchos*), turkey vulture (*Cathartes aura*), gull (*Larus* sp.), and (feral) domestic cat. Evidence of bird occupation (whitewash) was also observed under the eaves of several buildings.

Sensitive Vegetation and Aquatic Communities

No sensitive vegetation or aquatic communities were present within the Study Area. As noted above, the site has been designed to move surface water away and prevent ponding anywhere on the site, and no evidence of saturation or inundation were observed during the site visit. Thus, no sensitive aquatic communities are present, and none will likely be permitted to form, within the Study Area. Additionally, the vegetation present within the site is not a native vegetation community, and it is maintained as such, which precludes the growth of native, sensitive vegetation communities throughout the site.

Special-status Plant and Wildlife Species

Special-status Plant Species

No special-status plant species were observed in the Study Area during the site assessment. Of the 64 special-status plant species documented to occur in Santa Clara County (CNPS 2014, CDFW 2014), none have potential to occur within the Study Area. The Study Area is largely

covered by buildings and pavement, and the limited areas that support vegetation have no potential to support special-status plant species due to one or more of the following:

- Specific edaphic conditions, such as soils derived from serpentine or volcanics, are absent;
- Specific hydrologic conditions, such as brackish tidal action, are absent;
- Common associated plant species and vegetation communities are absent;
- The Study Area is below the documented elevation range of the species;
- Lack of a viable seed bank due to historic and contemporary soil alterations;
- Non-native species competition; and
- Regular disturbance (e.g., mowing, landscape maintenance) of the Study Area.

Special-status Wildlife Species

No special-status wildlife species were observed in the Study Area during the site assessment. Fifty special-status wildlife species have been documented in CNDDB and USFWS records for Santa Clara County (CDFW 2014, USFWS 2014). Most of the special-status species known from the vicinity occur in specific, native habitat types that do not occur within the Study Area (e.g., tidal wetlands, serpentine grassland). Based upon the literature review, of the 50 wildlife species documented to occur in the area, all are unlikely or have not potential to occur within the Study Area. The site does not contain any habitat for aquatic-associated species such as fishes, fairy shrimps, frogs or salamanders. It also lacks tidal marsh, grassland, woodland, scrub and riparian habitats, thus excluding associated species which occur elsewhere in Santa Clara County, such as western burrowing owl (*Athene cunicularia*). Burrowing owl habitat requirements include low-stature grassland and small mammal burrows, neither of which is found in the Study Area.

White-tailed kite (*Elanus leucurus*) may occasionally forage in the vicinity of the Study Area, but it is unlikely to nest there due to regular human disturbance. Bat species may occasionally forage through the site, though it is unlikely that maternity roosts would form here because 1) the majority of trees on-site are relatively young and generally lack cavities and suitably complex foliage structures, and 2) buildings on-site are regularly maintained or otherwise disturbed by people.

Though no listed species are likely to occur, some non-special-status native bird species protected under the federal Migratory Bird Treaty Act and analogous CDFW codes have the potential to nest within limited habitats of the Study Area, namely in trees, shrubs and under the eaves of buildings. Non-special-status bird species often occur in association with developed areas. The legal protection of these species includes their eggs and/or chicks during the nesting period.

Other Sensitive Resources

One protected resource was present within the Study Area: mature trees protected in the City of Santa Clara's General Plan. Conservation Policy 5.10.1-P4 of the City's General Plan states that the City will "Protect all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property as well as in the public right-of-way". Several of

these protected tree species were present within the Study Area, as were several trees meeting the specified size threshold. None of the trees in the Study Area are listed on the City of Santa Clara's Heritage Tree Appendix 8.10 of the General Plan.

In addition to City protection, the County of Santa Clara may protect certain trees in the Study Area if any County-designated heritage trees were present, or for "Any tree that was required to be planted or retained by the conditions of approval for any use permit, building site approval, grading permit, architectural and site approval (ASA), design review, special permit or subdivision" (Sec. C16-3 Santa Clara County Tree Preservation Ordinance). The arborist report for the site should specify which trees meet City and County protection requirements.

SUMMARY AND RECOMMENDATIONS

One potentially sensitive resource – trees protected by the City of Santa Clara – was identified within the Study Area. Sensitive vegetation and aquatic communities, as well as special-status plant species are not present and do not have potential to occur within the site. No special-status wildlife species have the potential to occur, though non-special-status avian species protected under the MBTA may nest within the Study Area. The following sections present recommendations to avoid or reduce potential impacts to these sensitive resources.

Sensitive Vegetation and Aquatic Communities

The Study Area has no potential to support sensitive vegetation or aquatic communities. Therefore, there are no further recommendations for these communities, and any future activities within the Study Area have no potential to impact sensitive communities.

Special-status Plant Species

The Study Area has no potential to support special-status plant species documented within Santa Clara County. Therefore, there are no further recommendations for these species, and any future activities within the Study Area have no potential to impact special-status plant species.

Special-status Wildlife Species

No special-status wildlife species have the potential to occur within the Study Area; however, common bird species protected by the Migratory Bird Treaty Act and state codes may be impacted by construction during the bird breeding season, which generally extends from February 1 through August 31. Ideally, the clearing/modification of vegetation and the initiation of new construction should be done in the non-breeding season, i.e., from September 1 through January 31. If these activities are not feasible during the non-breeding season, a qualified biologist should perform pre-construction breeding bird surveys within 14 days of the onset of ground disturbance, building demolition and/or vegetation clearing. The survey area should encompass the project footprint and up to 200 feet surrounding the project footprint. If nesting birds are discovered in the vicinity of planned activities, a buffer area around each active nest should be established until the nest is vacated. The size of the buffer would be dependent on several variables including the particular species involved, its nesting microhabitat, and the anticipated level of disturbance in the area; buffers may be as small as 25 feet for common species, and up to 200 feet for birds of prey.

Other Sensitive Resources

Though no sensitive vegetation or aquatic communities are present, the Study Area does contain protected trees. Cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade may be protected under Santa Clara City and County regulations, and impacts to these trees should be avoided to the extent feasible. The following measures are recommended to avoid, minimize or mitigate impacts to protected trees:

- Trees to remain during construction should be visibly demarcated to ensure impact avoidance;
- A tree removal permit should be obtained from the City of Santa Clara and County of Santa Clara if protected trees (as described above) will be removed; and
- Trees removed during construction should be replaced as per City of Santa Clara policy, which may include on- or off-site replacement at a 2:1 ratio (in accordance with City of Santa Clara General Plan, General Land Use Policy 5.3.1-P10).

Please do not hesitate to contact our office should you have any questions, comments, or concerns.

Sincerely,

Kate Allan

Kate Allan
Wildlife Biologist

Attachments:
A: Figures
B: Site Photographs

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2014. Natural Diversity Database, Wildlife and Habitat Data Analysis Branch. Sacramento, California. Accessed: January 2014.

[CNPS] California Native Plant Society. 2014. Electronic Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society, Sacramento, California.

Shuford, WD and T Gardali (eds). 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and CDFG, Sacramento.

[USFWS] U.S. Fish and Wildlife Service, National Wetlands Inventory (NWI). 2014. National Wetlands Inventory website. U.S. Department of the Interior, USFWS, Washington D.C. Available at: http://www.fws.gov/nwi/. Accessed: January 2014.

[USFWS]. 2014. County Species Lists, Sacramento Fish and Wildlife Service.

[USDA] U.S. Department of Agriculture. Soilweb Earth. http://casoilresource.lawr.ucdavis.edu/soilweb/. Accessed: January 2014.

[WBWG] Western Bat Working Group. 2014. Species accounts. http://www.wbwg.org/speciesinfo/species_accounts/species_accounts.html. Accessed: January 2014.

Attachment A – Figures

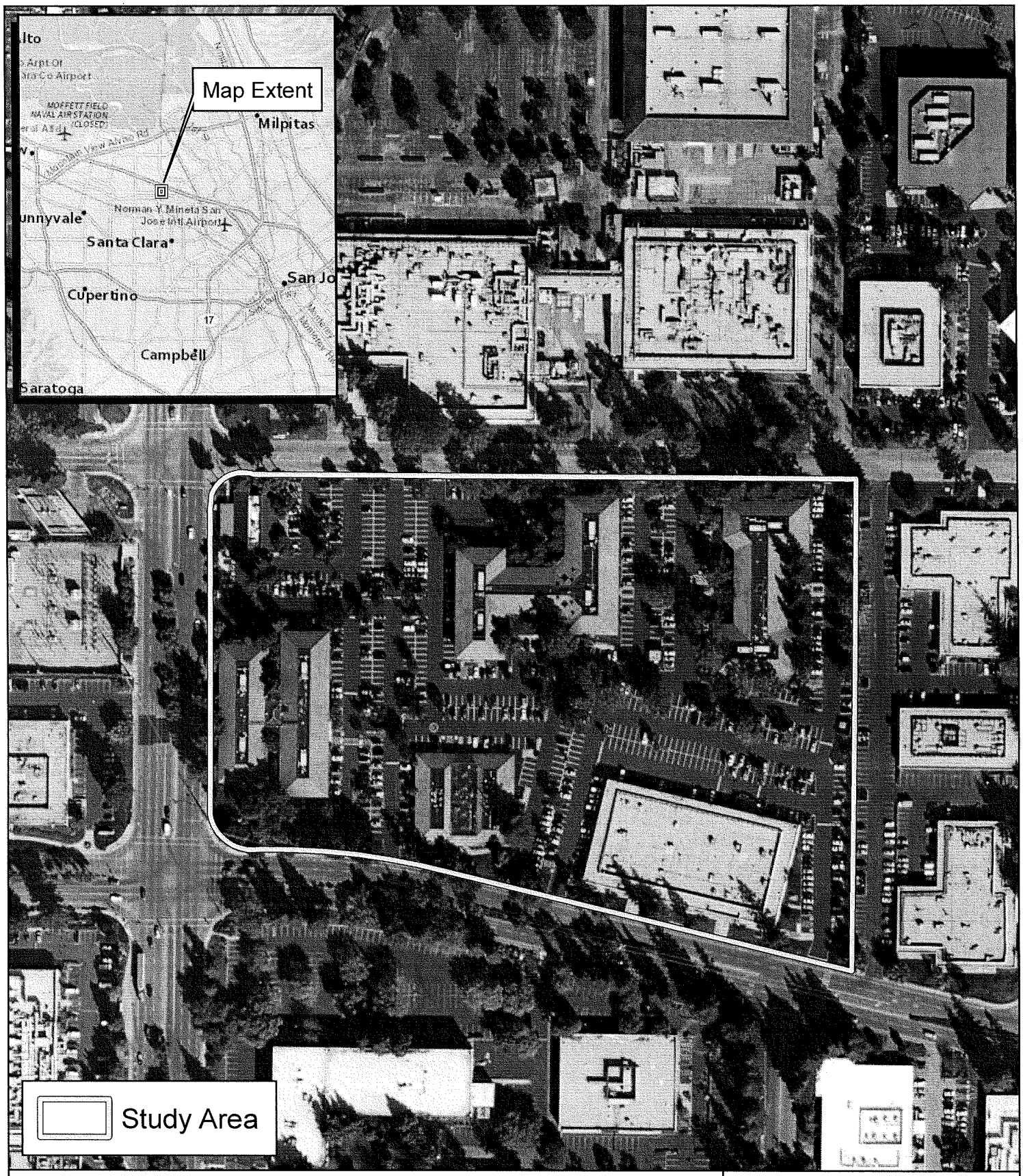


Figure 1. Study Area Location Map: Retail Site

N
W E
S

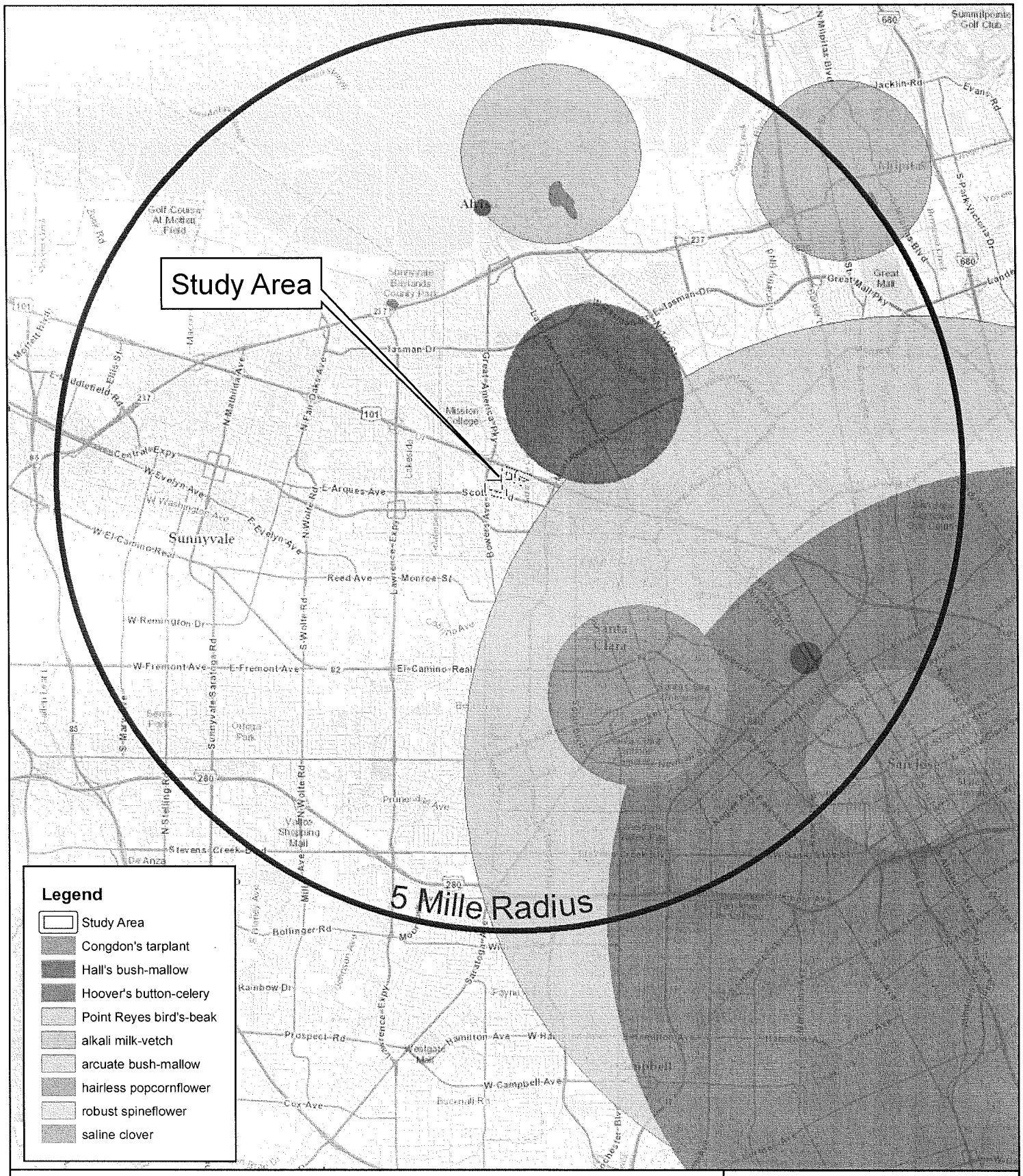
0 200 400
Feet

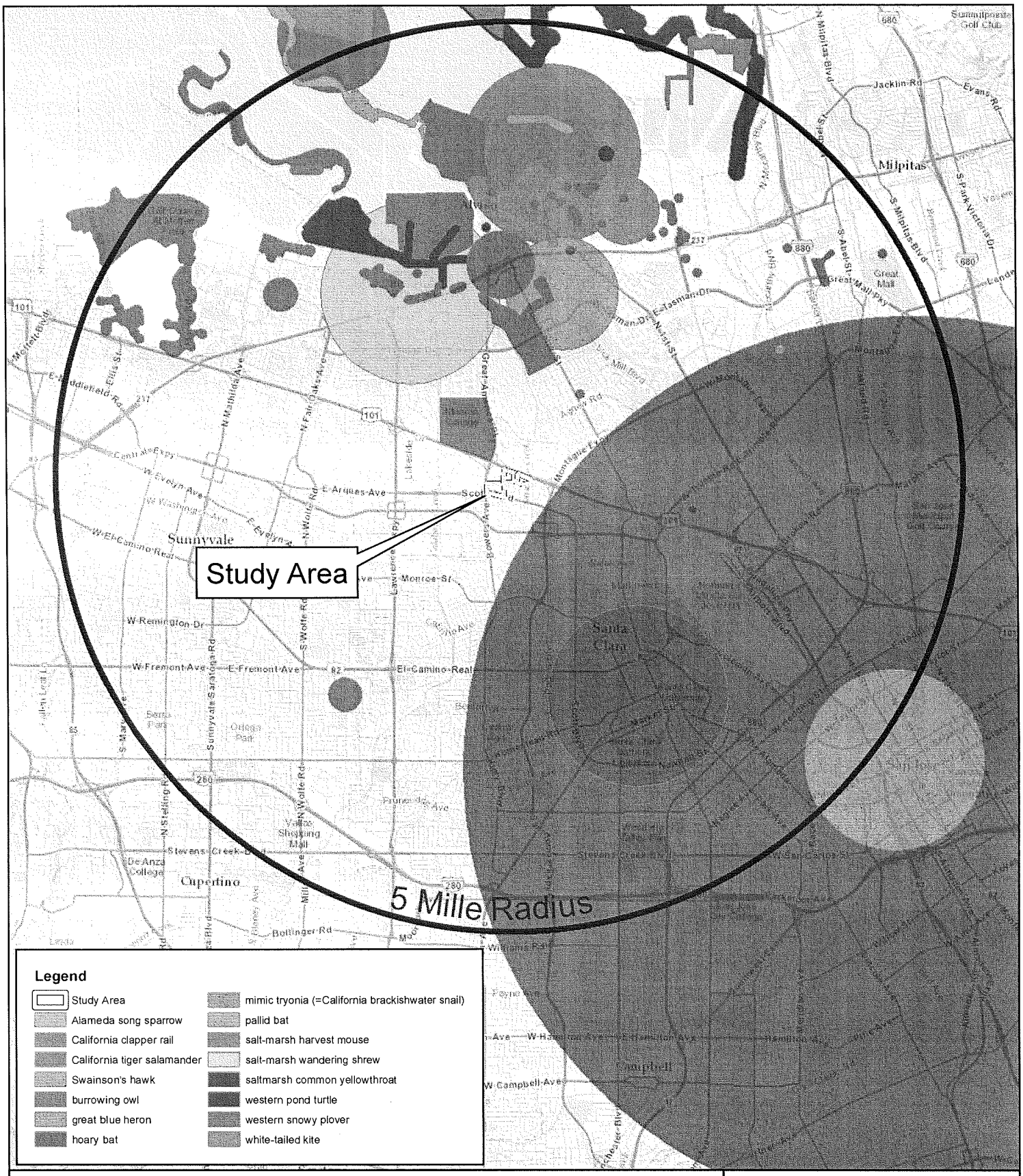
wra
ENVIRONMENTAL CONSULTANTS

Santa Clara Square
Santa Clara County, California

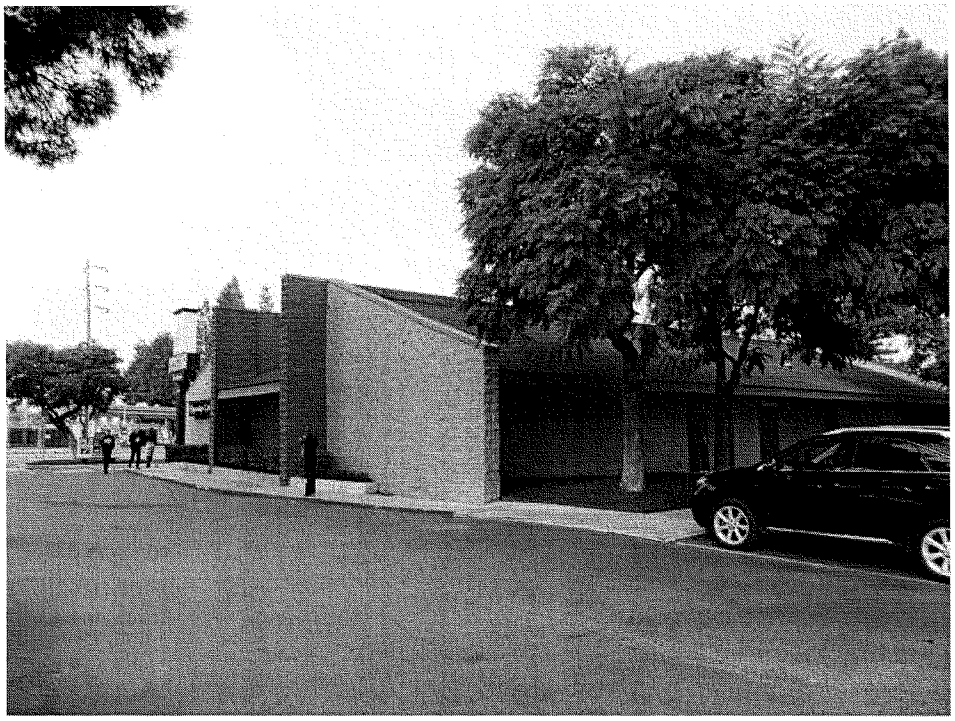
Map Date: January 2014
Map By: Chris Zumwalt
Base Source: ESRI Streaming Imagery

Path: L:\Acad 2000 Files\23000\23013-2\gis\ArcMap\Fig 1 Location Retail Site.mxd


Study Area
5 Mille Radius
Legend
Study Area
Congdon's tarplant
Hall's bush-mallow
Hoover's button-celery
Point Reyes bird's-beak
alkali milk-vetch
arcuate bush-mallow
hairless popcornflower
robust spineflower
saline clover
Sunnyvale
Milpitas
Alviso
Santa Clara
Mission College
Great Mall
Lawrence Expy
Central Expy
El Camino Real
Stevens Creek Blvd
Bollinger Rd
Prospect Rd
Hamilton Ave
W Campbell Ave
Cox Ave
Tasman Dr
Reed Ave
Monroe St
W Fremont Ave
E Fremont Ave
Arques Ave
W Evelyn Ave
E Evelyn Ave
Great America Pkwy
Lakeside Dr
Sunnyvale Baylands County Park
Golf Course At Moffett Field
Ortega Park
Valco Shopping Mall
Rainbow Dr
Jacklin Rd
Evans Rd
Milpitas Blvd
Summitpointe Golf Club
Great Mall Pkwy
Landess Ave
Sunnyvale Saratoga Rd
N Stelling Rd
N Wolfe Rd
S Wolfe Rd
N Mathilda Ave
N Fair Oaks Ave
Lakeside Dr
Bowers Ave
Saratoga Ave
Lawrence Expy
Mill Ave
Pruneridge Ave
W Remington Dr
Muldoon Ave
Hollenbeck Ave
Cypress Ave
Hillsdale Ave
Payne
Campbell
Bucknall Rd
Chelsea Blvd
Lockheed Blvd
Moffett Blvd
Ellis St
Mathilda Ave
Fair Oaks Ave
Wolfe Rd
Lawrence Expy
Bowers Ave
Great America Pkwy
Lakeside Dr
Tasman Dr
Central Expy
W Evelyn Ave
W Washington Ave
E Evelyn Ave
W El Camino Real
Reed Ave
Monroe St
W Remington Dr
W Fremont Ave
E Fremont Ave
El Camino Real
Stevens Creek Blvd
Bollinger Rd
Prospect Rd
Hamilton Ave
W Campbell Ave
Cox Ave
Tasman Dr
Great Mall Pkwy
Jacklin Rd
Evans Rd
Milpitas Blvd
Landess Ave
Lawrence Expy
Central Expy
Lakeside Dr
Great America Pkwy
Bowers Ave
Saratoga Ave
Mill Ave
Pruneridge Ave


Study Area
5 Mille Radius
Legend
Study Area
Alameda song sparrow
California clapper rail
California tiger salamander
Swainson's hawk
burrowing owl
great blue heron
hoary bat
mimic tryonia (=California brackishwater snail)
pallid bat
salt-marsh harvest mouse
salt-marsh wandering shrew
saltmarsh common yellowthroat
western pond turtle
western snowy plover
white-tailed kite
Milpitas
Sunnyvale
Santa Clara
Cupertino
Campbell
Great Mall
Vallco Shopping Mall
De Anza College
Jacklin Rd
Evans Rd
E Tasman Dr
Great Mall Pkwy
Montague Expy
Lawrence Expy
W Evelyn Ave
E Arques Ave
W El Camino Real
Monroe St
W Remington Dr
W Fremont Ave
E Fremont Ave
El Camino Real
Stevens Creek Blvd
Bollinger Rd
W Campbell Ave
N Mathilda Ave
N Fair Oaks Ave
N Wolfe Rd
S Wolfe Rd
Lakeside
Great Mall Blvd
Alpine Rd
N Milpitas Blvd
S Milpitas Blvd
S Abel St
S Park Victoria Dr
Summitpointe Golf Club
Ortega Park
Santa Park
Wilmington Park
Hamilton Ave
W Hamilton Ave
Campbell Ave
Bascom Ave
Moorpark Ave
Prune Ave
Lawrence Rd
Kifer Rd
Lafayette St
Mission Blvd
Fremont Blvd
Mowry Ave
Alameda
Mission Blvd
Fremont Blvd
Mowry Ave
Alameda
Chester Blvd
Lawrence Rd
Kifer Rd
Lafayette St

Attachment B – Site Photographs



Top: One of four, two-story office buildings surrounded by parking lot and landscaping.

Bottom: Restaurant building in the northwest Study Area.

Photographs taken January 27, 2014

wra

ENVIRONMENTAL CONSULTANTS

Top: Eaves of one office building showed signs of bird use and possible nesting.

Bottom: Single-story building in the southeastern Study Area.

Photographs taken January 27, 2014

wra
ENVIRONMENTAL CONSULTANTS

ENVIRONMENTAL CONSULTANTS

TECHNICAL REPORT

Santa Clara Square Biological Resources Assessment: Phase II Site

Prepared for:

Carlene Matchniff
Irvine Company
690 N. McCarthy Blvd. Suite 100
Milpitas, California 95035

February 4, 2014

The purpose of this Technical Report is to provide the results of the biological resources site assessment for the Phase II property (Study Area) within the Santa Clara Square project area. The Study Area is located in the City of Santa Clara, Santa Clara County, California and is bounded by U.S. 101 to the north, Augustine Drive to the south, and office complexes to the east and west (see Attachment A). Specifically, this Technical Report addresses the Study Area's potential to support 1) sensitive vegetation and aquatic communities, and 2) habitat sufficient to support special-status plant and wildlife species. The entire Study Area is composed of commercial development. It contains an office complex consisting of three separate structures, which are surrounded by parking lots and landscaping (see Attachment B).

METHODS

On January 27, 2014 WRA Inc. (WRA) conducted a site visit of the Study Area. Prior to the site visit, background literature was reviewed to assess the potential presence of sensitive vegetation types, aquatic communities, and special-status plant and wildlife species including those listed under the federal and/or California Endangered Species Acts. Resources reviewed include aerial photography, the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB; CDFW 2014), the National Wetland Inventory (NWI; USFWS 2014), the California Native Plant Society (CNPS) Online Inventory (2014), USFWS species list for Santa Clara County (2014), and species habitat requirements as noted in available literature (WBWG 2014, Shuford and Gardali 2008).

The Study Area was traversed on foot by a biologist familiar with vegetation and aquatic communities, and special-status species known from Santa Clara County. All plant and wildlife species observed on-site were recorded. Site conditions were documented to assess the potential for special-status plant and wildlife to occur within the Study Area. This assessment was based on the quality, presence, and/or absence of habitat elements necessary to support special-status species.

2169-G East Francisco Blvd., San Rafael, CA 94901 (415) 454-8868 tel (415) 454-0129 fax info@wra-ca.com www.wra-ca.com

RESULTS

Site Description

The 9.19-acre Study Area is situated within urban and commercial development, and is composed entirely of man-made features. A major transportation corridors, namely U.S. 101, borders the site to the north, and office complexes similar to that found in the Study Area are present to the south, east and west. The Study Area contains three structures, each of which is generally flat along the walls and roof, and do not have eaves (see Attachment B). The remainder of the Study Area is dominated by paved parking lots with landscape plants along the building perimeters, site boundary and rows of parking spaces.

The surface of the Study Area has been rendered largely impermeable by the construction of office buildings and parking lots. The surface of the entire Study Area has been classified as Urban Land (USDA 2014). This impermeable urban development has also been designed to convey waters away from the site and into the municipal storm drain system. Neither the impenetrable surfaces nor the limited areas of penetrable surface surrounding the landscape areas showed any signs of saturation or inundation.

The landscaped areas are composed of irrigated and maintained ornamental grasses, shrubs and mature trees, with infrequent non-native weeds. Although several species native to California are included in the landscaping, such as coast redwood (*Sequoia sempervirens*), they were intentionally planted and do not constitute a native vegetation community.

Wildlife observed within the Study Area are all non-special-status species adapted to urban environments. Species present within or adjacent to the Study Area during the site visit included: Anna's hummingbird (*Calypte anna*), western scrub jay (*Aphelocoma californica*), American robin (*Turdus migratorius*), and gull (*Larus* sp.). Several old bird nests were also observed in landscape trees within the Study Area.

Sensitive Vegetation and Aquatic Communities

No sensitive vegetation or aquatic communities were present within the Study Area. As noted above, the site has been designed to move surface water away and prevent ponding anywhere on the site, and no evidence of saturation or inundation were observed during the site visit. Thus, no sensitive aquatic communities are present, and none will likely be permitted to form, within the Study Area. Additionally, the vegetation present within the site is not a native vegetation community, and it is maintained as landscape features which precludes the growth of native, sensitive vegetation communities throughout the site.

Habitat Sufficient to Support Special-status Plant and Wildlife Species

Special-status Plant Species

No special-status plant species were observed in the Study Area during the site assessment. Of the 64 special-status plant species documented to occur in Santa Clara County (CNPS 2014, CDFW 2014), none have potential to occur within the Study Area. The Study Area is largely covered by buildings and pavement, and the limited areas that support vegetation have no potential to support special-status plant species due to one or more of the following:

- Specific edaphic conditions, such as soils derived from serpentine or volcanics, are absent;

- Specific hydrologic conditions, such as brackish tidal action, are absent;
- Common associated plant species and vegetation communities are absent;
- The Study Area is below the documented elevation range of the species;
- Lack of a viable seed bank due to historic and contemporary soil alterations;
- Non-native species competition; and
- Regular disturbance (e.g., mowing, landscape maintenance) of the Study Area.

Special-status Wildlife Species

No special-status wildlife species were observed in the Study Area during the site assessment. Fifty special-status wildlife species have been documented in CNDDB and USFWS records for Santa Clara County (CDFW 2014, USFWS 2014). Most of the special-status species known from the vicinity occur in specific, native habitat types that do not occur within the Study Area (e.g., tidal wetlands, serpentine grassland). Based upon the literature review, of the 50 wildlife species documented to occur in the area, all are unlikely or have not potential to occur within the Study Area. The site does not contain any habitat for aquatic-associated species such as fishes, fairy shrimps, frogs or salamanders. It also lacks tidal marsh, grassland, woodland, scrub and riparian habitats, thus excluding associated species which occur elsewhere in Santa Clara County, such as western burrowing owl (*Athene cunicularia*). Burrowing owl habitat requirements include low-stature grassland and small mammal burrows, neither of which is found in the Study Area.

White-tailed kite (*Elanus leucurus*) may occasionally forage in the vicinity of the Study Area, but it is unlikely to nest there due to regular human disturbance. Bat species may occasionally forage through the site, though it is unlikely that maternity roosts would form here because 1) the majority of trees on-site are relatively young and generally lack cavities and suitably complex foliage structures, and 2) buildings on-site are regularly maintained or otherwise disturbed by people.

Though no listed species are likely to occur, some non-special-status native bird species protected under the federal Migratory Bird Treaty Act and analogous CDFW codes have the potential to nest within limited habitats of the Study Area, namely in trees, shrubs and under the eaves of buildings. Non-special-status bird species often occur in association with developed areas. The legal protection of these species includes their eggs and/or chicks during the nesting period.

Other Sensitive Resources

One protected resource was present within the Study Area: mature trees protected in the City of Santa Clara's General Plan. Conservation Policy 5.10.1-P4 of the City's General Plan states that the City will "Protect all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property as well as in the public right-of-way". Several of these protected tree species were present within the Study Area, as were several trees meeting the specified size threshold. None of the trees in the Study Area are listed on the City of Santa Clara's Heritage Tree Appendix 8.10 of the General Plan.

In addition to City protection, the County of Santa Clara may protect certain trees in the Study Area if any County-designated heritage trees were present, or for "Any tree that was required to be planted or retained by the conditions of approval for any use permit, building site approval, grading permit, architectural and site approval (ASA), design review, special permit or subdivision" (Sec. C16-3 Santa Clara County Tree Preservation Ordinance). The arborist report for the site should specify which trees meet City and County protection requirements.

SUMMARY AND RECOMMENDATIONS

One potentially sensitive resource – trees protected by the City of Santa Clara – was identified within the Study Area. Sensitive vegetation and aquatic communities, as well as special-status plant species are not present and do not have potential to occur within the site. No special-status wildlife species have the potential to occur, though non-special-status avian species protected under the MBTA may nest within the Study Area. The following sections present recommendations to avoid or reduce potential impacts to these sensitive resources.

Sensitive Vegetation and Aquatic Communities

The Study Area has no potential to support sensitive vegetation or aquatic communities. Therefore, there are no further recommendations for these communities, and any future activities within the Study Area have no potential to impact sensitive communities.

Special-status Plant Species

The Study Area has no potential to support special-status plant species documented within Santa Clara County. Therefore, there are no further recommendations for these species, and any future activities within the Study Area have no potential to impact special-status plant species.

Special-status Wildlife Species

No special-status wildlife species have the potential to occur within the Study Area; however, common bird species protected by the Migratory Bird Treaty Act and state codes may be impacted by construction during the bird breeding season, which generally extends from February 1 through August 31. Ideally, the clearing/modification of vegetation and the initiation of new construction should be done in the non-breeding season, i.e., from September 1 through January 31. If these activities are not feasible during the non-breeding season, a qualified biologist should perform pre-construction breeding bird surveys within 14 days of the onset of ground disturbance, building demolition and/or vegetation clearing. The survey area should encompass the project footprint and up to 200 feet surrounding the project footprint. If nesting birds are discovered in the vicinity of planned activities, a buffer area around each active nest should be established until the nest is vacated. The size of the buffer would be dependent on several variables including the particular species involved, its nesting microhabitat, and the anticipated level of disturbance in the area; buffers may be as small as 25 feet for common species, and up to 200 feet for birds of prey.

Other Sensitive Resources

Though no sensitive vegetation or aquatic communities are present, the Study Area does contain protected trees. Cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade may be protected under Santa Clara City and County regulations, and impacts to these trees

should be avoided to the extent feasible. The following measures are recommended to avoid, minimize or mitigate impacts to protected trees:

- Trees to remain during construction should be visibly demarcated to ensure impact avoidance;
- A tree removal permit should be obtained from the City of Santa Clara and County of Santa Clara if protected trees (as described above) will be removed; and
- Trees removed during construction should be replaced as per City of Santa Clara policy, which may include on- or off-site replacement at a 2:1 ratio (in accordance with City of Santa Clara General Plan, General Land Use Policy 5.3.1-P10).

Please do not hesitate to contact our office should you have any questions, comments, or concerns.

Sincerely,

Kate Allan

Kate Allan
Wildlife Biologist

Attachments:
A: Figures
B: Site Photographs

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2014. Natural Diversity Database, Wildlife and Habitat Data Analysis Branch. Sacramento, California. Accessed: January 2014.

[CNPS] California Native Plant Society. 2014. Electronic Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society, Sacramento, California.

Shuford, WD and T Gardali (eds). 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and CDFG, Sacramento.

[USFWS] U.S. Fish and Wildlife Service, National Wetlands Inventory (NWI). 2014. National Wetlands Inventory website. U.S. Department of the Interior, USFWS, Washington D.C. Available at: http://www.fws.gov/nwi/. Accessed: January 2014.

[USFWS]. 2014. County Species Lists, Sacramento Fish and Wildlife Service.

[USDA] U.S. Department of Agriculture. Soilweb Earth. http://casoilresource.lawr.ucdavis.edu/soilweb/. Accessed: January 2014.

[WBWG] Western Bat Working Group. 2014. Species accounts. http://www.wbwg.org/speciesinfo/species_accounts/species_accounts.html. Accessed: January 2014.

Attachment A – Figures

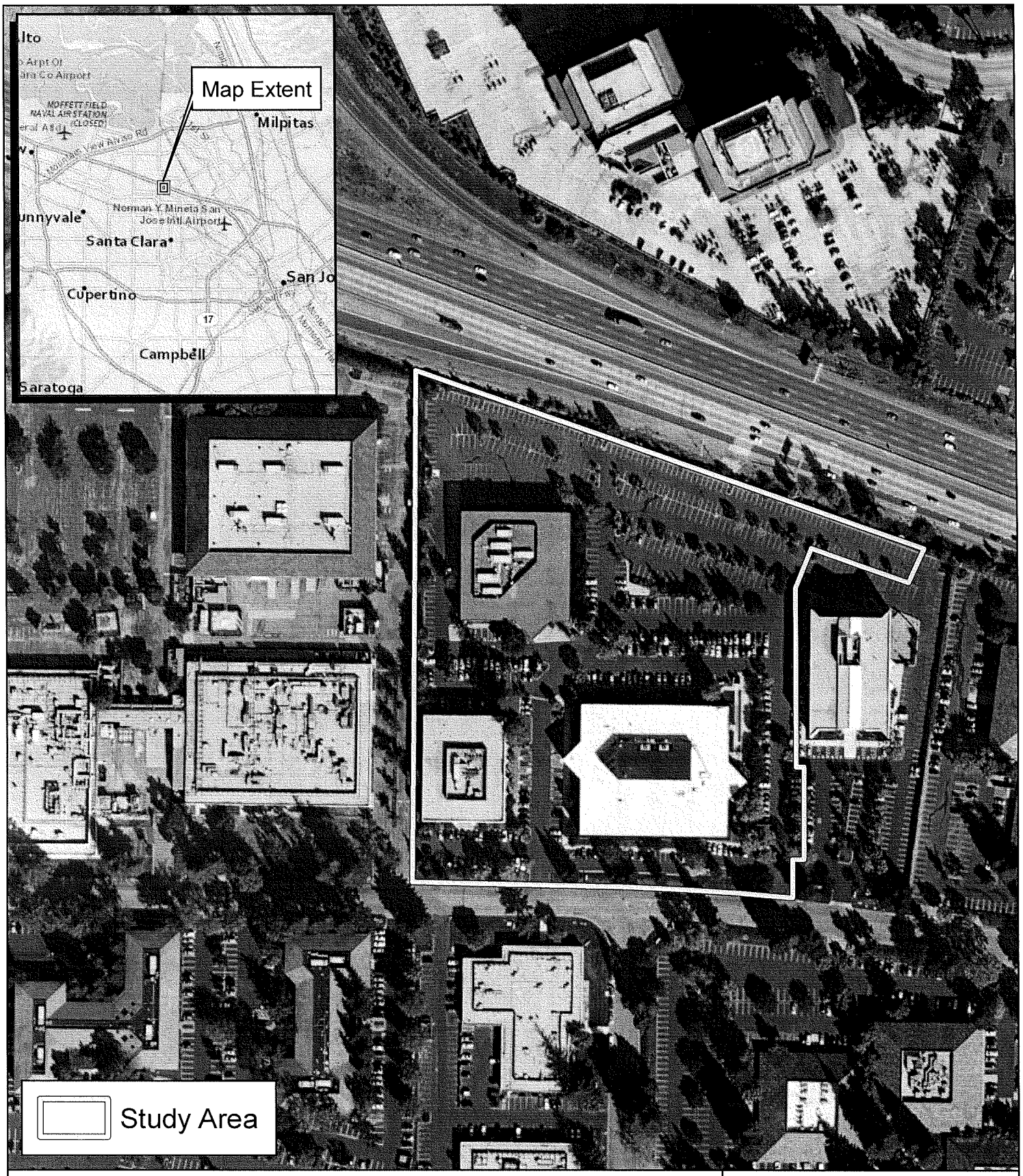


Figure 1. Study Area Location Map: Phase II

N
W E
S

0 200 400
Feet

wra
ENVIRONMENTAL CONSULTANTS

Santa Clara Square
Santa Clara County, California

Map Date: January 2014
Map By: Chris Zumwalt
Base Source: ESRI Streaming Imagery

Path: L:\Acad 2000 Files\23000\23013-2\gis\ArcMap\Fig 1 Location Phase II.mxd

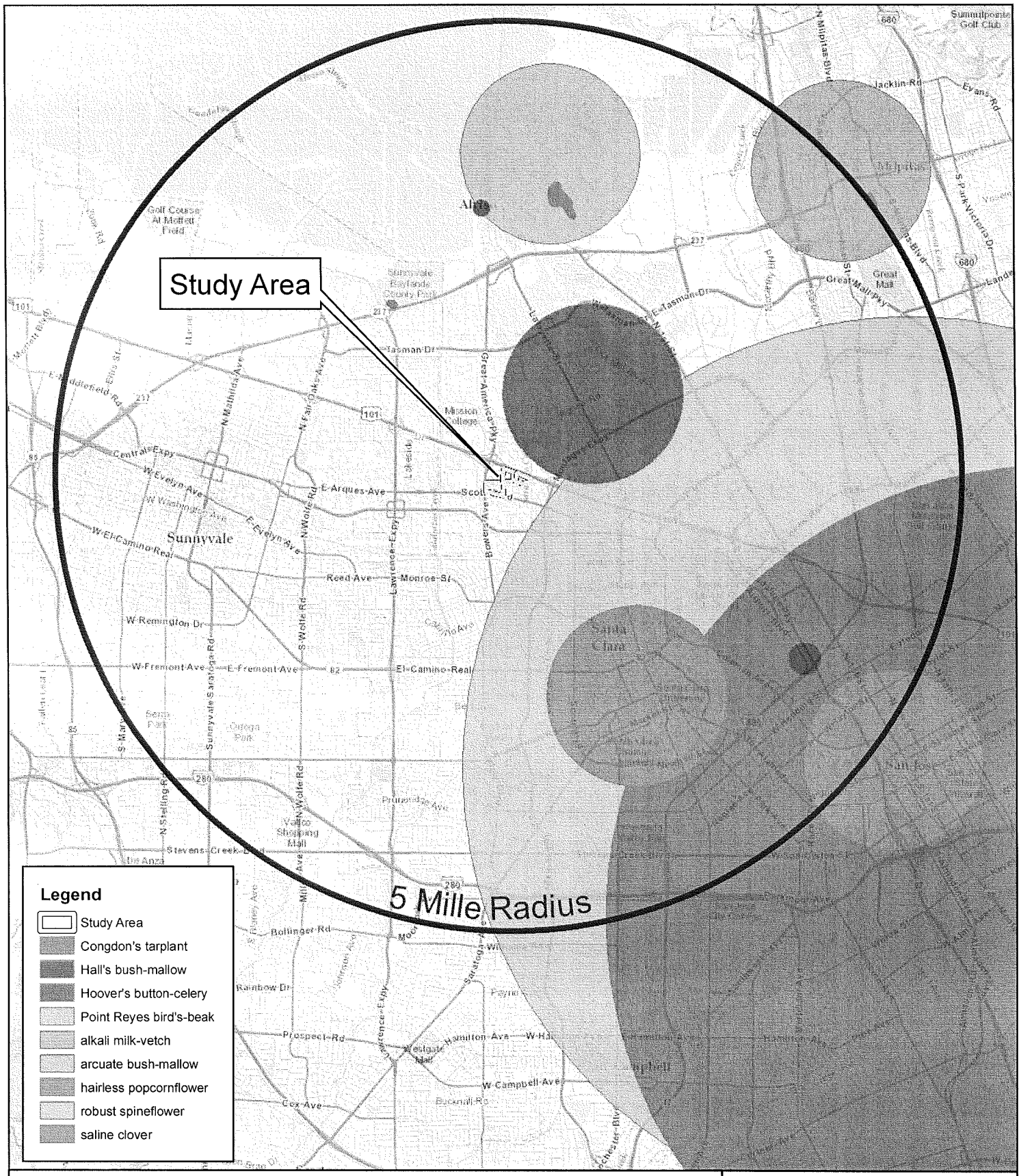


Figure 2. CNDDB Plant Occurrences within 5 Miles of the Study Area

Santa Clara Square
Santa Clara County, California

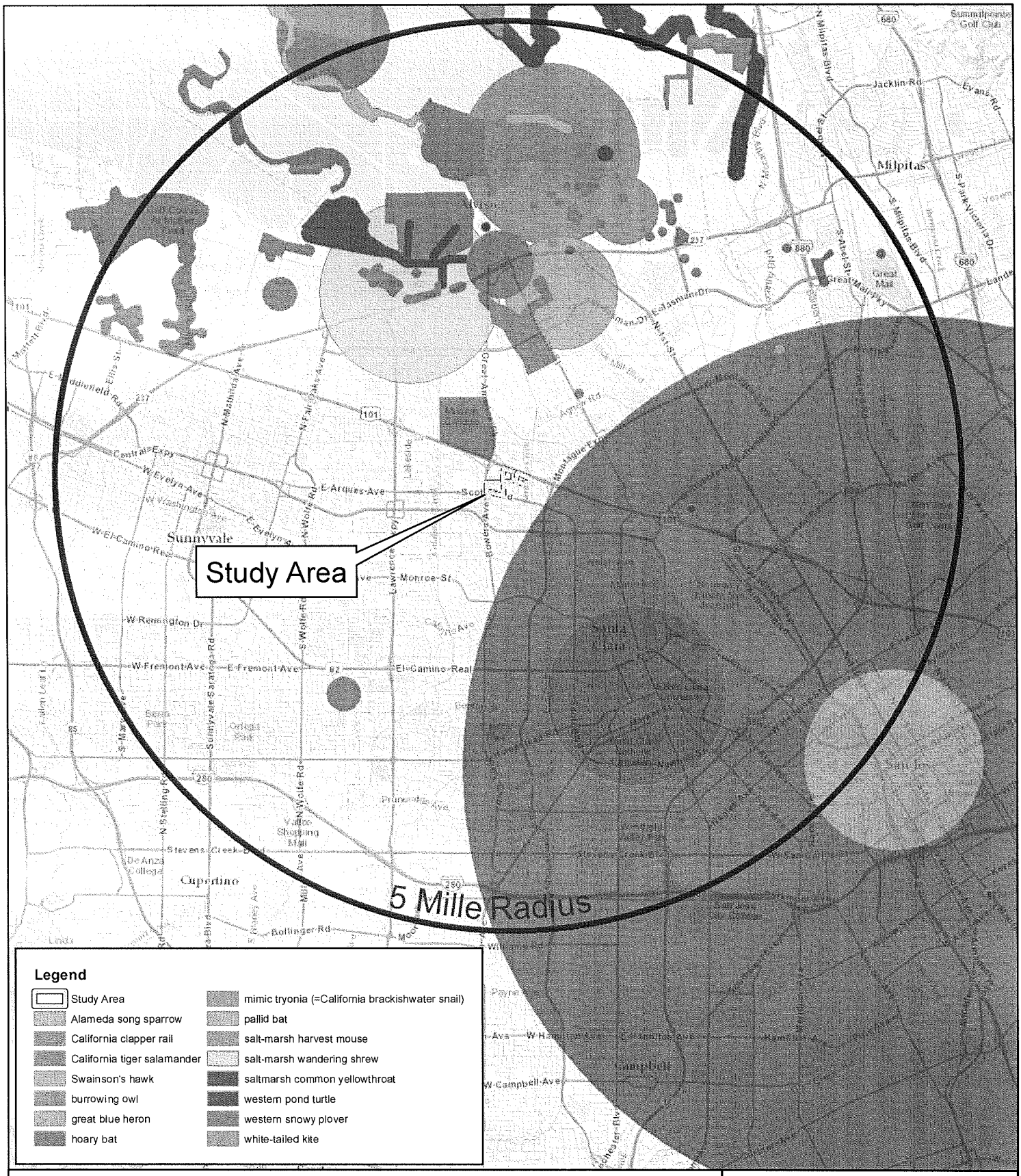
N
W E
S

0 1.5 3
Miles

wra
ENVIRONMENTAL CONSULTANTS

Map Date: January 2014
Map By: Chris Zumwalt
Base Source: ESRI World Topo

Path: L:\Acad 2000 Files\23000\23013-2\gis\ArcMap\Fig 2 CNDDB plants.mxd


Study Area
5 Mille Radius
Legend
Study Area
Alameda song sparrow
California clapper rail
California tiger salamander
Swainson's hawk
burrowing owl
great blue heron
hoary bat
mimic tryonia (=California brackishwater snail)
pallid bat
salt-marsh harvest mouse
salt-marsh wandering shrew
saltmarsh common yellowthroat
western pond turtle
western snowy plover
white-tailed kite
Milpitas
Sunnyvale
Santa Clara
Cupertino
Campbell
Great Mall
Lawrence
Lafayette
Central Expy
El Camino Real
Stevens Creek Blvd
Bollinger Rd
Moorpark Ave
Prunedale Ave
Valley Shopping Mall
De Anza College
Sunnyvale Saratoga Rd
N Wolfe Rd
S Wolfe Rd
Mathilda Ave
Fremont Ave
Remington Dr
Evelyn Ave
Arques Ave
Monroe St
Jacklin Rd
Evans Rd
Tasman Dr
Montague Expy
Great America Pkwy
Abel St
Milpitas Blvd
Park Victoria Dr
Hamilton Ave
Campbell Ave
Payne
Ava
Lincoln Ave
Hedding St
Bowers Ave
Lafayette St
Mathilda Ave
Fair Oaks Ave
Sunnyvale Golf Course
Summitpointe Golf Club
Great Mall
Santa Clara Square
Lawrence Station
Lafayette Station
Santa Clara Station
Sunnyvale Station
Lockheed Martin
Moffett Field
Ames Research Center
Shoreline Amphitheatre
Google
Apple Inc
Facebook
Yahoo!
Intel
Cisco
Microsoft
Hewlett Packard
Adobe
Symantec
Juniper Networks
Sun Microsystems
Yahoo!
Intel
Cisco
Microsoft
Hewlett Packard
Adobe
Symantec
Juniper Networks
Sun Microsystems
Google
Apple Inc
Facebook

Attachment B – Site Photographs

Top: Representative buildings and non-native landscaping in the southwestern Study Area.

Bottom: Development and landscaping with several protected trees in the northwestern Study Area.

Photographs taken January 27, 2014

wra
ENVIRONMENTAL CONSULTANTS

Top: Parking lot lined with protected redwood trees and US 101 to the north.

Bottom: Remnants of an old bird nest present in a landscape tree directly outside an office building.

Photographs taken January 27, 2014

wra

ENVIRONMENTAL CONSULTANTS

ENVIRONMENTAL CONSULTANTS

TECHNICAL REPORT

Santa Clara Square Biological Resources Assessment: Phase III Site

Prepared for:

Carlene Matchniff
Irvine Company
690 N. McCarthy Blvd. Suite 100
Milpitas, California 95035

February 4, 2014

The purpose of this Technical Report is to inform you of the results of the biological resources site assessment for the Phase III property (Study Area) within the Santa Clara Square project area. The Study Area is located in the City of Santa Clara, Santa Clara County, California and is bounded by U.S. 101 to the north, Augustine Drive to the south, an office complex to the west, and the San Tomas Aquino Creek Trail to the east (see Attachment A). Specifically, this Technical Report addresses the Study Area's potential to support 1) sensitive vegetation and aquatic communities, and 2) habitat sufficient to support special-status plant and wildlife species. The entire Study Area is composed of commercial development. It contains an office complex consisting of three structures, which are surrounded by parking lots and landscaping (see Attachment B).

METHODS

On January 27, 2014 WRA Inc. (WRA) conducted a site visit of the Study Area. Prior to the site visit, background literature was reviewed to assess the potential presence of sensitive vegetation types, aquatic communities, and special-status plant and wildlife species including those listed under the federal and/or California Endangered Species Acts. Resources reviewed include aerial photography, the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB; CDFW 2014), the National Wetland Inventory (NWI; USFWS 2014), the California Native Plant Society (CNPS) Online Inventory (2014), USFWS species list for Santa Clara County (2014), and species habitat requirements as noted in available literature (WBWG 2014, Shuford and Gardali 2008).

The Study Area was traversed on foot by a biologist familiar with vegetation and aquatic communities, and special-status species known from Santa Clara County. All plant and wildlife species observed on-site were recorded. Site conditions were documented to assess the potential for special-status plant and wildlife to occur within the Study Area. This assessment was based on the quality, presence, and/or absence of habitat elements necessary to support special-status species.

2169-G East Francisco Blvd., San Rafael, CA 94901 (415) 454-8868 tel (415) 454-0129 fax info@wra-ca.com www.wra-ca.com

RESULTS

Site Description

The 7.65-acre Study Area is situated within urban and commercial development, and is composed entirely of man-made features. A major transportation corridor, namely U.S. 101, borders the site to the north, and office complexes similar to that found in the Study Area are present to the south and west. To the east, the site is bordered by a berm on which the San Tomas Aquino Creek Trail is located; San Tomas Aquino Creek is located east of the trail, approximately 50 feet from the Study Area boundary. The Study Area contains three structures, all of which are two-story office buildings with eaves that overhang the walls (see Attachment B). The remainder of the Study Area is dominated by paved parking lots with landscape plants The surface of the Study Area has been rendered largely impermeable by the construction of office buildings and parking lots. The surface of the entire Study Area has been classified as Urban Land (USDA 2014). This impermeable urban development has also been designed to convey waters away from the site and into the municipal storm drain system. Neither the impenetrable surfaces nor the limited areas of penetrable surface surrounding the landscape areas showed any signs of saturation or inundation.

The landscaped areas are composed of irrigated and maintained ornamental grasses, shrubs and mature trees, with infrequent non-native weeds. Although several species native to California are included in the landscaping, such as coast redwood (*Sequoia sempervirens*), they were intentionally planted and do not constitute a native vegetation community.

Wildlife observed within the Study Area are all non-special-status species adapted to urban environments. Species present within or adjacent to the Study Area during the site visit included: Anna's hummingbird (*Calypte anna*) and western scrub jay (*Aphelocoma californica*).

Sensitive Vegetation and Aquatic Communities

No sensitive vegetation or aquatic communities were present within the Study Area. As noted above, the site has been designed to move surface water away and prevent ponding anywhere on the site, and no evidence of saturation or inundation were observed during the site visit. Thus, no sensitive aquatic communities are present, and none will likely be permitted to form, within the Study Area. Additionally, the vegetation present within the site is not a native vegetation community, and it is maintained as such, which precludes the growth of native, sensitive vegetation communities throughout the site.

As noted above, San Tomas Aquino Creek is located approximately 50 feet east of the Study Area, and it is considered a sensitive aquatic community. Although it is located outside the project footprint, the creek may receive surface water from the Study Area via storm drains, and it has therefore been included in this assessment. The San Tomas Aquino Creek has been channelized and altered from its native state, though it still supports native plant species and several native fish species. Historic records have documented steelhead (*Oncorhynchus mykiss*) in this creek; however, recent surveys have shown that steelhead have not occupied the creek in recent years, and they are considered absent (Leidy et al. 2005).

Special-status Plant and Wildlife Species

Special-status Plant Species

No special-status plant species were observed in the Study Area during the site assessment. Of the 64 special-status plant species documented to occur in Santa Clara County (CNPS 2014,

CDFW 2014), none have potential to occur within the Study Area. The Study Area is largely covered by buildings and pavement, and the limited areas that support vegetation have no potential to support special-status plant species due to one or more of the following:

- Specific edaphic conditions, such as soils derived from serpentine or volcanics, are absent;
- Specific hydrologic conditions, such as brackish tidal action, are absent;
- Common associated plant species and vegetation communities are absent;
- The Study Area is below the documented elevation range of the species;
- Lack of a viable seed bank due to historic and contemporary soil alterations;
- Non-native species competition; and
- Regular disturbance (e.g., mowing, landscape maintenance) of the Study Area.

The adjacent San Tomas Aquino Creek is channelized and highly disturbed, and it is unlikely to support special status plant species for the reasons listed above.

Special-status Wildlife Species

No special-status wildlife species were observed in the Study Area during the site assessment. Fifty special-status wildlife species have been documented in CNDDB and USFWS records for Santa Clara County (CDFW 2014, USFWS 2014). Most of the special-status species known from the vicinity occur in specific, native habitat types that do not occur within the Study Area (e.g., tidal wetlands, serpentine grassland). Based upon the literature review, of the 50 wildlife species documented to occur in the area, all are unlikely or have not potential to occur within the Study Area. The site does not contain any habitat for aquatic-associated species such as fishes, fairy shrimps, frogs or salamanders. It also lacks tidal marsh, grassland, woodland, scrub and riparian habitats, thus excluding associated species which occur elsewhere in Santa Clara County, such as western burrowing owl (*Athene cunicularia*). Burrowing owl habitat requirements include low-stature grassland and small mammal burrows, neither of which is found in the Study Area.

White-tailed kite (*Elanus leucurus*) may occasionally forage in the vicinity of the Study Area, but it is unlikely to nest there due to regular human disturbance. Bat species may occasionally forage through the site, though it is unlikely that maternity roosts would form here because 1) the majority of trees on-site are relatively young and generally lack cavities and suitably complex foliage structures, and 2) buildings on-site are regularly maintained or otherwise disturbed by people.

Though no listed species are likely to occur, some non-special-status native bird species protected under the federal Migratory Bird Treaty Act and analogous CDFW codes have the potential to nest within limited habitats of the Study Area, namely in trees, shrubs and under the eaves of buildings. Non-special-status bird species often occur in association with developed areas. The legal protection of these species includes their eggs and/or chicks during the nesting period.

The adjacent San Tomas Aquino Creek is highly disturbed and surrounded by dense urban development, and thus it provides poor habitat for special status wildlife species. In particular, steelhead, which historically occurred here, are now absent (Leidy et al. 2005). Although the creek provides poor quality habitat for sensitive species, it does support a limited amount of native fish and wildlife species.

Other Sensitive Resources

One protected resource was present within the Study Area: mature trees protected in the City of Santa Clara's General Plan. Conservation Policy 5.10.1-P4 of the City's General Plan states that the City will "Protect all healthy cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade on private and public property as well as in the public right-of-way". Several of these protected tree species were present within the Study Area, as were several trees meeting the specified size threshold. None of the trees in the Study Area are listed on the City of Santa Clara's Heritage Tree Appendix 8.10 of the General Plan.

In addition to City protection, the County of Santa Clara may protect certain trees in the Study Area if any County-designated heritage trees were present, or for "Any tree that was required to be planted or retained by the conditions of approval for any use permit, building site approval, grading permit, architectural and site approval (ASA), design review, special permit or subdivision" (Sec. C16-3 Santa Clara County Tree Preservation Ordinance). The arborist report for the site should specify which trees meet City and County protection requirements.

SUMMARY AND RECOMMENDATIONS

One potentially sensitive resource – trees protected by the City of Santa Clara – was identified within the Study Area. Sensitive vegetation and aquatic communities, as well as special-status plant species are not present and do not have potential to occur within the site. No special-status wildlife species have the potential to occur, though non-special-status avian species protected under the MBTA may nest within the Study Area. The following sections present recommendations to avoid or reduce potential impacts to these sensitive resources.

Sensitive Vegetation and Aquatic Communities

The Study Area has no potential to support sensitive vegetation or aquatic communities. Therefore, there are no further recommendations for these communities within the Study Area.

Although it is not anticipated that project activities would impact San Tomas Aquino Creek, any alteration of the berm that separates the creek from the Study Area or work which could cause sediment or other objects to be discharged into the creek should be avoided. Additionally, best management practices should be implemented to prevent the spill of petrochemicals or other pollutants within the Study Area as they could potentially enter the creek via the storm drain system. Although not anticipated, if project activities have the potential to fill or pollute any portion of the creek, permits from the U.S. Army Corps of Engineers and Regional Water Quality Control Board should be obtained prior to project initiation.

Special-status Plant Species

The Study Area has no potential to support special-status plant species documented within Santa Clara County. Therefore, there are no further recommendations for these species, and any future activities within the Study Area have no potential to impact special-status plant species.

Special-status Wildlife Species

No special-status wildlife species have the potential to occur within the Study Area; however, common bird species protected by the Migratory Bird Treaty Act and state codes may be impacted by construction during the bird breeding season, which generally extends from February 1 through August 31. Ideally, the clearing/modification of vegetation and the initiation of new construction should be done in the non-breeding season, i.e., from September 1 through January 31. If these activities are not feasible during the non-breeding season, a qualified biologist should perform pre-construction breeding bird surveys within 14 days of the onset of ground disturbance, building demolition and/or vegetation clearing. The survey area should encompass the project footprint and up to 200 feet surrounding the project footprint. If nesting birds are discovered in the vicinity of planned activities, a buffer area around each active nest should be established until the nest is vacated. The size of the buffer would be dependent on several variables including the particular species involved, its nesting microhabitat, and the anticipated level of disturbance in the area; buffers may be as small as 25 feet for common species, and up to 200 feet for birds of prey.

Other Sensitive Resources

Though no sensitive vegetation or aquatic communities are present, the Study Area does contain protected trees. Cedars, redwoods, oaks, olives, bay laurel and pepper trees of any size, and all other trees over 36 inches in circumference measured from 48 inches above-grade may be protected under Santa Clara City and County regulations, and impacts to these trees should be avoided to the extent feasible. The following measures are recommended to avoid, minimize or mitigate impacts to protected trees:

- Trees to remain during construction should be visibly demarcated to ensure impact avoidance;
- A tree removal permit should be obtained from the City of Santa Clara and County of Santa Clara if protected trees (as described above) will be removed; and
- Trees removed during construction should be replaced as per City of Santa Clara policy, which may include on- or off-site replacement at a 2:1 ratio (in accordance with City of Santa Clara General Plan, General Land Use Policy 5.3.1-P10).

Please do not hesitate to contact our office should you have any questions, comments, or concerns.

Sincerely,

Kate Allan

Kate Allan
Wildlife Biologist

Attachments:
A: Figures
B: Site Photographs

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2014. Natural Diversity Database, Wildlife and Habitat Data Analysis Branch. Sacramento, California. Accessed: January 2014.

[CNPS] California Native Plant Society. 2014. Electronic Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society, Sacramento, California.

Leidy, RA, GS Becker, BN Harvey. 2005. Historical distribution and current status of steelhead/rainbow trout *(Oncorhynchus mykiss)* in streams of the San Francisco Estuary, California. Center for Ecosystem Management and Restoration, Oakland, CA.

Shuford, WD and T Gardali (eds). 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and CDFG, Sacramento.

[USFWS] U.S. Fish and Wildlife Service, National Wetlands Inventory (NWI). 2014. National Wetlands Inventory website. U.S. Department of the Interior, USFWS, Washington D.C. Available at: http://www.fws.gov/nwi/. Accessed: January 2014.

[USFWS]. 2014. County Species Lists, Sacramento Fish and Wildlife Service.

[USDA] U.S. Department of Agriculture. Soilweb Earth. http://casoilresource.lawr.ucdavis.edu/soilweb/. Accessed: January 2014.

[WBWG] Western Bat Working Group. 2014. Species accounts. http://www.wbwg.org/speciesinfo/species_accounts/species_accounts.html. Accessed: January 2014.

Attachment A – Figures

Figure 1. Study Area Location Map: Phase III

N
W E
S

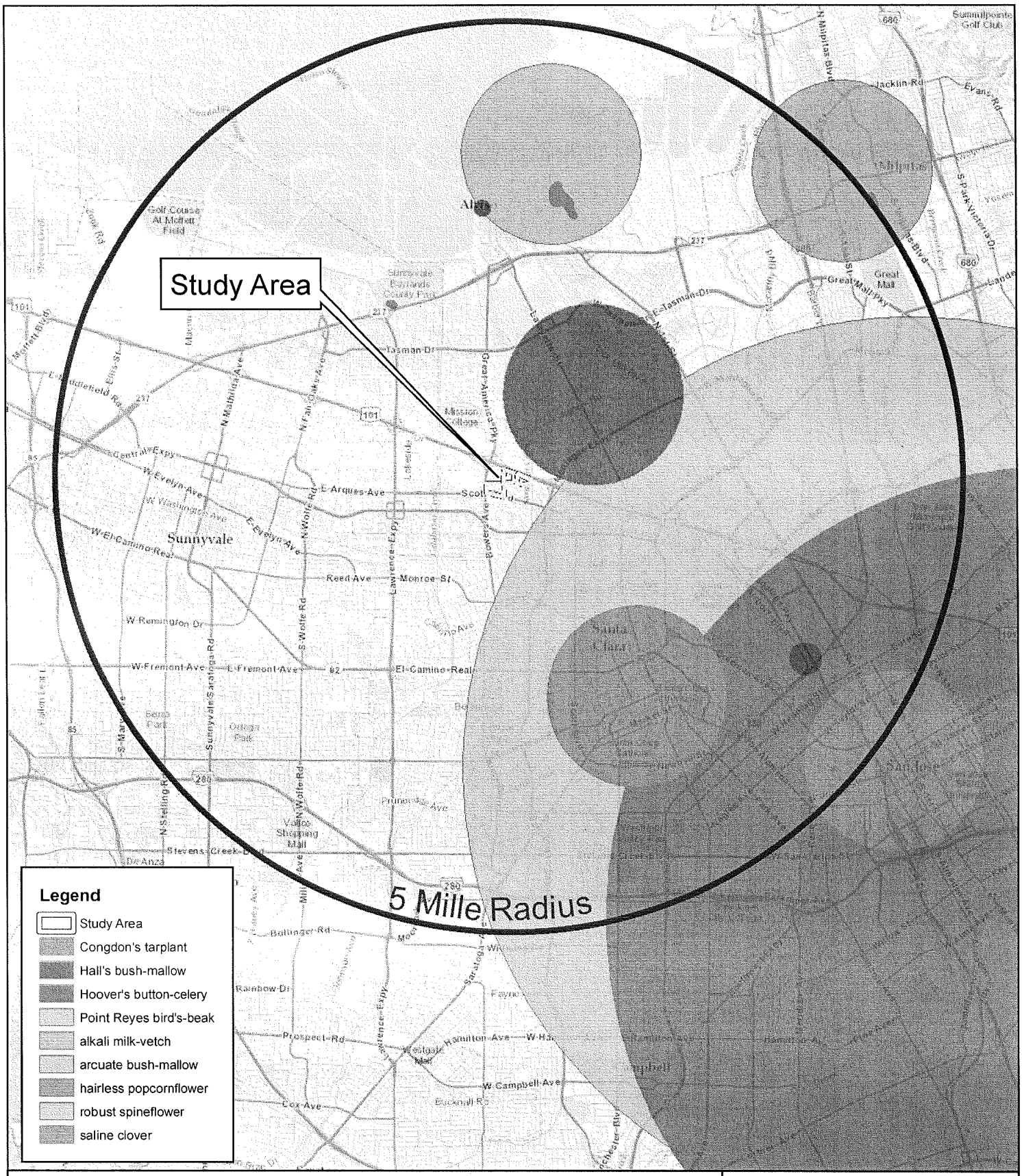
0 200 400
Feet

wra
ENVIRONMENTAL CONSULTANTS

Santa Clara Square
Santa Clara County, California

Map Date: January 2014
Map By: Chris Zumwalt
Base Source: ESRI Streaming Imagery

Path: L:\Acad 2000 Files\23000\23013-2\gis\ArcMap\Fig 1 Location Phase III.mxd


Study Area
5 Mille Radius
Legend
Study Area
Congdon's tarplant
Hall's bush-mallow
Hoover's button-celery
Point Reyes bird's-beak
alkali milk-vetch
arcuate bush-mallow
hairless popcornflower
robust spineflower
saline clover
Sunnyvale
Santa Clara
Milpitas
Alviso
Mission College
Great Mall
Valco Shopping Mall
Golf Course At Moffett Field
Stevens Creek Blvd
El Camino Real
Lawrence Expy
Tasman Dr
Central Expy
Bollinger Rd
Prospect Rd
Hamilton Ave
W Campbell Ave
Cox Ave
Rainbow Dr
Saratoga Sunnyvale Rd
Great America Pkwy
Lakeside
Reed Ave
Monroe St
W Remington Dr
W Fremont Ave
E Fremont Ave
Scott Blvd
E Arques Ave
W Evelyn Ave
E Evelyn Ave
N Wolfe Rd
S Wolfe Rd
N Mathilda Ave
Fair Oaks Ave
Moffett Blvd
Ellis St
Jackin Rd
Evans Rd
S Park Victoria Dr
Great Mall Pkwy
Milpitas Blvd
Hillview Dr
Summitpointe Golf Club
Stevens Creek Reservoir
Bernardo Ave
Prunedale Ave
Fayne
Westgate Mall
Eucknall Rd
Chester Rd
Lawrence Expy
Saratoga Sunnyvale Rd
Mary Ave
Mill Ave
Fair Oaks Ave
Wolfe Rd
Stelling Rd
Sunnyvale Saratoga Rd
Lakeside
Great America Pkwy
Tasman Dr
Central Expy
Mathilda Ave
Ellis St
Moffett Blvd
Milpitas Blvd
Jackin Rd
Evans Rd
S Park Victoria Dr
Great Mall Pkwy
Hillview Dr
Stevens Creek Blvd

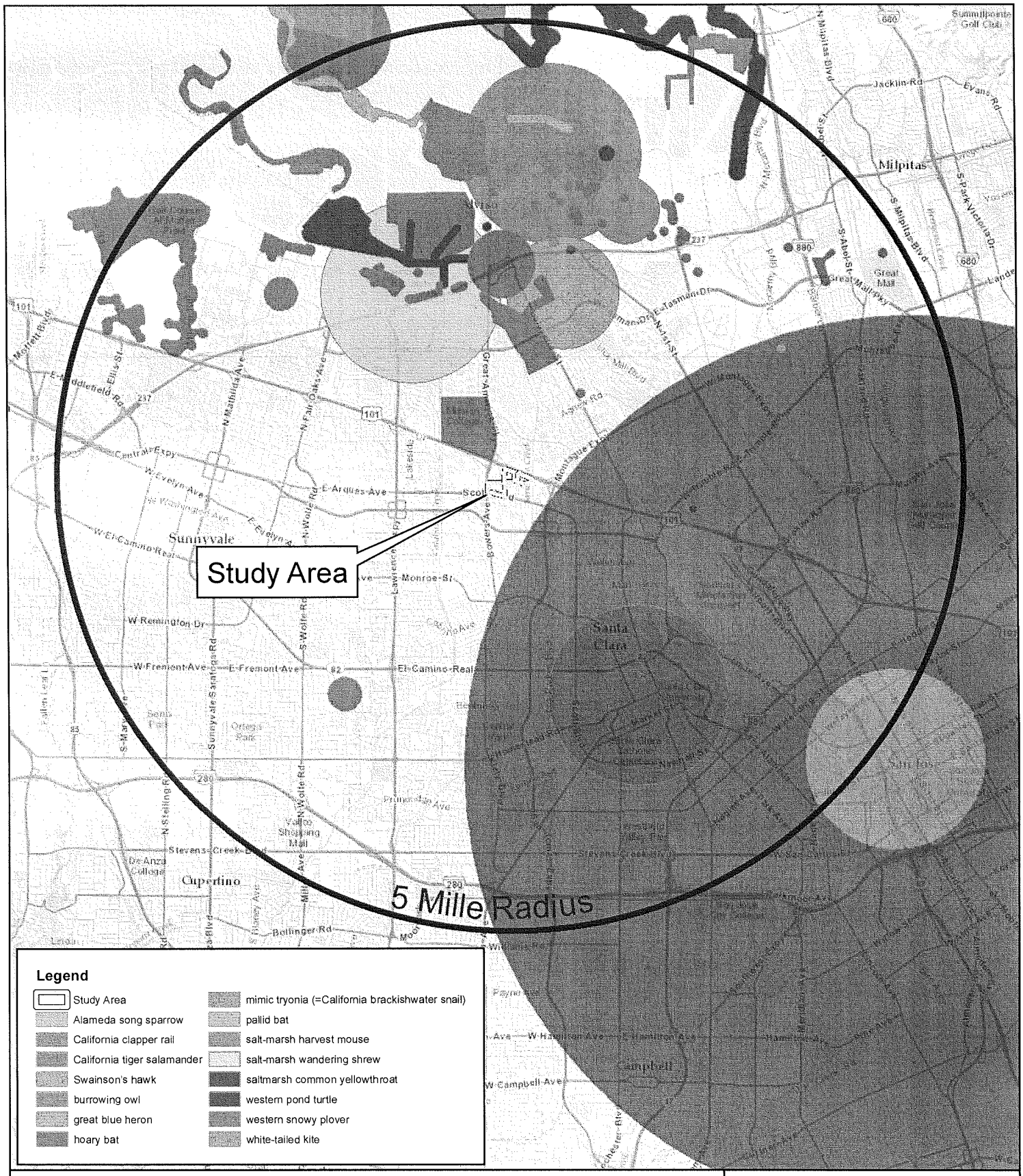


Figure 3. CNDDB Wildlife Occurrences within 5 Miles of the Study Area

N
W E
S

Santa Clara Square
Santa Clara County, California

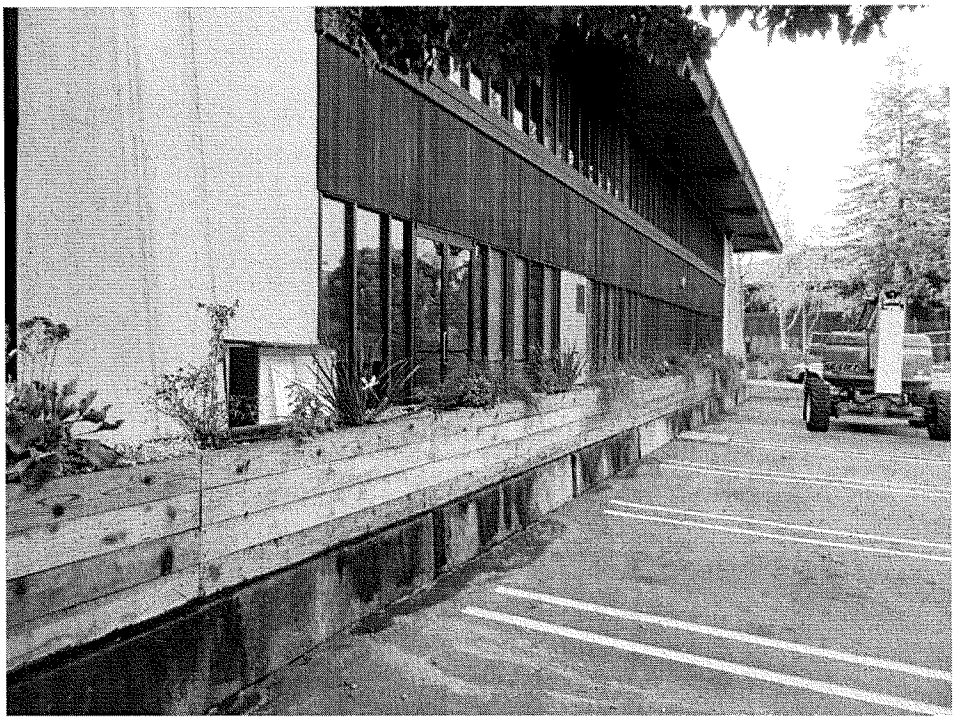
0 7,400 14,800
Feet

wra
ENVIRONMENTAL CONSULTANTS

Map Date: January 2014
Map By: Chris Zumwalt
Base Source: ESRI World Topo

Path: L:\Acad 2000 Files\23000\23013-2\gis\ArcMap\Fig 2 CNDDB wildlife.mxd

Attachment B – Site Photographs



Top: Representative office building, parking lot and landscaping in the northwestern Study Area.

Bottom: Office building with eaves and landscaping in the northwestern Study Area.

Photographs taken January 27, 2014

wra

ENVIRONMENTAL CONSULTANTS

Top: A berm (in background) and pedestrian walk way separates the Study Area from San Tomas Aquino Creek.

Bottom: Development in the northeastern Study Area with protected trees in the background.

Photographs taken January 27, 2014

wra
ENVIRONMENTAL CONSULTANTS

Appendix C

Cultural Resources

February 12, 2014

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 210
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Ms. Carlene Matchniff
Vice President, Project Management
Apartment Development
IRVINE COMPANY
690 N. McCarthy Blvd
STE 100
Milpitas, CA 95035

RE: Archaeological Literature and Archival Search for Phases 2 and 3
Santa Clara Square, Bowers Avenue and Augustine Drive, City of Santa Clara

Dear Ms. Matchniff

Please let this letter stand as Basin Research Associates' report of an archaeological records search, a limited literature review, and consultation with the Native American Heritage Commission for the proposed Phases 2 and 3, *Santa Clara Square Community Plan, Bowers Avenue and Augustine Drive, City of Santa Clara, Santa Clara County.* This review was completed to determine if significant cultural resources under the California Environmental Quality Act (CEQA) might be affected by the proposed action.

PROJECT LOCATION AND DESCRIPTION

The components of the proposed project involve three discontiguous but near parcels located just south of US 101/Bayshore Freeway and all east of Bowers Avenue and west of San Tomas Aquino Channel (United States Geological Survey [hereafter USGS], Milpitas, Calif. 1980, 7.5' quadrangle topographic map, T 6S R 1W, part unsectioned and part Section 28) [Figs. 1-3]. The project proposes to develop retail and office space on the three parcels [Fig. 4]. [1] One parcel covering 14.15 acres and proposed for retail use is within the project area of the Augustine-Bowers Office Park Project approved in March 2009 by the City of Santa Clara. The other two parcels are not included.

---

1. APN 216-045-036 and -037, 9.91 AC; APN 216-045-006, 7.65 AC; and, APN-045-011, -014, -019, -027 and -028, 14.15 AC.

RESEARCH PROTOCOLS

An expedited prehistoric and historic site record and literature search was completed by the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park (CHRIS/NWIC File No. 13-1113 dated February 4, 2014 by Hagel).

The literature review by Basin Research Associates included the *Historic Properties Directory* for Santa Clara County (CAL/OHP 2012a) and list of *California Historical Resources* (CAL/OHP 2013) with the most recent updates of the National Register of Historic Places; California Historical Landmarks; and, California Points of Historical Interest as well as other evaluations of properties reviewed by the State of California Office of Historic Preservation. Other sources included: *California History Plan* (CAL/OHP 1973); *California Inventory of Historic Resources* (CAL/OHP 1976); *Five Views: An Ethnic Sites Survey for California* (CAL/OHP 1988); *Archaeological Determinations of Eligibility* (CAL/OHP 2012b); *Historic Civil Engineering Landmarks of San Francisco and Northern California* (ASCE 1977); list of *Historic Civil Engineering Landmarks* (ASCE 2013), and, other lists and maps (see References Cited and Consulted).

INDIVIDUALS, AGENCIES AND GROUPS

The Native American Heritage Commission (NAHC) was contacted for a search of the *Sacred Lands Inventory* on file with the Commission (Busby 2014). No other agencies, departments or local historical societies were contacted for this letter report.

RESEARCH FINDINGS

This report was prepared to identify potentially significant archaeological, Native American, or built environment resources listed or eligible for the California Register of Historical Resources (CRHR) within or adjacent to the proposed project.

RECORDS SEARCH RESULTS (CHRIS/NWIC File No. 13-1113)

No prehistoric, combined prehistoric/historic or historic sites have been recorded or reported in or adjacent the project or within 0.25 mile of the project.

Five known cultural resources compliance reports on file at the CHRIS/NWIC include the project and/or adjacent areas (Hylkema 1995/S-18367; Baker 1998/S-22570; Busby 1999/S-23105; Holson et al. 2002/S-25173; and, Basin Research Associates 2009/S-37218). All are negative for resources within and adjacent to the project.

One report completed for the Augustine-Bowers Office Park (Holman & Associates 2007) is not on file with the CHRIS/NWIC. The summary in the Draft EIR (City of Santa Clara 2008, Section 4.7) noted no recorded resources within the project boundaries and assigned a moderate to high sensitivity for buried prehistoric resources due to the proximity of Calabazas and Saratoga creeks. Implementation of City policies for archaeological resources and project specific mitigation measures were recommended to reduce any potential cultural resources impacts to less than significant with mitigation.

ARCHAEOLOGICAL SENSITIVITY

The project area is located northwest of the *City of Santa Clara Archeologically Sensitive Boundaries* (City of Santa Clara Planning Division (SC/PD) 1997) and the *Boundaries of Identified Archaeological Sensitive Area* (SC/PD 1999) and/or Architecturally or Historically Significant Properties in the *City of Santa Clara 2010-2035 General Plan* (SC/PD 2010:Table 8.9-1, Figures 8.9-1 and -2). Holman (2007) assigned a moderate to high sensitivity for buried prehistoric resources due to the proximity of Calabazas and Saratoga creeks as archaeological research has determined that sites are often found within 0.25 miles of flowing water in the Santa Clara Valley.

NATIVE AMERICAN RESOURCES - Prehistoric

None of the known Native American shell mound sites were located in or adjacent to the project (e.g., Whitney 1873; Nelson ca. 1912). The CHRIS/NWIC records search was negative for the project and area adjacent to the project (File No. 13-1113).

NATIVE AMERICAN RESOURCES - Ethnographic

The aboriginal inhabitants of the project vicinity belonged to a group known as the *Tamyen* (*Tamien*) - a tribelet of the *Ohlone* who occupied the central Santa Clara Valley in the *San Bernardino* District (i.e., the area located west of Mission Santa Clara; Kroeber 1925:465; Levy 1978:485; Hylkema with Van Bueren 1995:36, Map 6; Milliken 1995:229, Map 5; 256; Milliken 2006:27, Fig. 5).

No known Native American villages, trails, traditional use areas or contemporary use areas have been identified in, adjacent or near the project (e.g., Elsasser 1986:48, Table 4, Fig. 10; CAL/OHP 1988; Shoup and Milliken 1999:Fig. 2).

The NAHC search of the *Sacred Lands Inventory* ". . . failed to indicate the presence of Native American cultural resources in the immediate project area" (Pilas-Treadway 2014).

HISTORIC PERIOD RESOURCES

The Spanish philosophy of government in northwestern New Spain was directed at the founding of presidios, missions, and secular towns with the land held by the Crown (1769-1821). The later Mexican Period (1822-1848) policy stressed individual ownership of the land (Hart 1987).

Hispanic Era

No known Hispanic Period resources - dwellings or features (e.g., corrals, orchards, roads, etc.) - have been identified in or adjacent to the proposed project .Early Spanish expeditions likely followed aboriginal trails and none of these trails/routes can be definitively placed in the general project area. The 1769 Gaspar de Portola and Father Juan Crespi expedition route is mapped west of the route taken by Sergeant Jose Francisco Ortega who branched off from the main expedition. His route followed the southern portion of San Francisco Bay well to the north of the project area. He later rejoined the main expedition near San Francisquito Creek in San Mateo County. The 1772 route taken by Captain Pedro Fages did not pass through the present-day City

of Santa Clara while the Juan Bautista de Anza National Historic Trail (1776) appears to follow the approximate alignment of US Highway 101 north of the project site (Beck and Haase 1974:#17; Milliken 1995:33, Map 3; Brown 1994:2, Fig. 1.1.; USNPS 1995).

Most of the project is within ungranted lands although the far northern part of the project area is located within the southwestern corner of the *Rancho Ulistac.* This rancho, bounded by Saratoga Creek on the west was granted to Native Americans named Marcello Pio and Cristobal in 1845 by Governor Pico for approximately 2219 acres. The land was sold in 1850 to Jacob D. Hoppe and patented to his heirs in 1868 for 2,217.09 acres. The project area was probably used for grazing cattle as the export of tallow and hides was a major economic pursuit of the Santa Clara Valley and California during the Hispanic Period (Freeman and Reed 1857-1866; Hendry and Bowman 1940:872-873, Map of Santa Clara County; Arbuckle and Rambo 1968:36; USGS Milpitas, Calif. 1980).

American Era

The American Period in the Santa Clara Valley is characterized by an influx of Euro-Americans and rapid growth which overwhelmed the Hispanic residents and their economic/cultural traditions which centered on missions, presidios, and ranchos. In the mid-19th century, most of the rancho and pueblo lands in California were subdivided as the result of population growth, the American takeover, and the confirmation of property titles throughout the state. The initial explosion in population was associated with the Gold Rush (1848), followed later by the construction of the transcontinental railroad (1869). Still later, the development of the refrigerator railroad car (ca. 1880s), used for the transport of agricultural produce to distant markets, had a major impact on population growth (Broek 1932; Hart 1987).

The town of Santa Clara grew up around the secularized Mission Santa Clara. The town was primarily an American creation and not a direct successor to the Mission pueblo. Santa Clara was a favorable location on account of environmental factors, the presence of former Mission lands and buildings, and roads to San Francisco and San Jose (e.g., *El Camino Real*, The Alameda).

No recorded American Era resources were identified in the project as part of the CHRIS/NWIC records search conducted for the proposed project.

Historic Map Review (Selected)

The *Creek & Watershed Map of* Milpitas & North San Jose shows Saragota Creek passing through the north central parcel and underground culverts/storm drains along part of the periphery of all three project components (Sowers and Thompson 2005).

The 1851 General Land Office (GLO) survey plat for Township 6 South Range 1 West updated to 1866 (US/BLM 1851-1866) shows a number of cultural features in the general study area in addition to "Campbell's or Sanjon Creek" including a north-south "Road" that conforms to the approximate alignment of present-day Bowers Avenue.

Healey's 1866 *Official Map of the County of Santa Clara* has various rancho boundaries, major roads, rail road routes, as well as the locations of isolated farms/ranches and schematic city grids

throughout the county . This map appears to show the alignment of a north-south road from Alviso south to the isolated square shaped "Enwright Tract" (Enright) that appears to have been just east of Bowers Road (just south of present-day Kifer Road/Central Expressway.

Thompson and West's 1876 *Historical Atlas of Santa Clara County* maps "Coffin Road" which conforms to approximate alignment of present-day Bowers Avenue and a number of irregularly shaped parcels which show buildings within the project. The parcel bounded by Coffin Road and "SanJon or Campbell Creek" consisted of 100 acres owned by S.I. Jamison (?), presumably planted in strawberries (e.g., as labeled on the parcel south). Two ca. 1876 parcels on the east side of the creek included the project: a 33-acre parcel owned by S.N. Putnam within the boundaries of *Rancho Ulistac* and a 26-acre parcel owned by G.M. Brown on south side of southern boundary of *Rancho Ulistac*. The various buildings shown on the Thompson and West (1876) map may represent farmsteads.

The 1899 USGS San Jose topographic quadrangle map shows an unnamed road east from Coffin Road north of present-day Augustine Drive and a north-south road just west of "Campbell Creek" terminating at this road. Three buildings, presumably farmsteads, clustered at the junction of the two roads.

The 1943 War Dept. topographic map is very similar, but shows US Highway 101/Bayshore Highway north of the project.

The 1961 USGS San Jose topographic quadrangle is similar to the earlier 1943 topographic map. Two buildings were present on the south side of the unpaved road on the west side of Saratoga Creek while another two buildings, one on either side of a short unpaved road along the creek, were present. At the time, the project and vicinity were in orchards.

By 1973, a paved road north of present-day Augustine Drive proceeded from Coffin Road through the central parcel north of Augustine Drive and terminated at Saratoga Creek. At the time a building appears to have been located along the western edge of the parcel along with a cluster of buildings near the creek, though only one on the west side of the creek. The unpaved road south from the paved road on the east side of the creek was flanked by four structures between the creek and unpaved road and a large U-shaped building on the east side of the unpaved road.

By 1980 the previous roads and buildings had been replaced/removed by the current street configuration and contemporary building complexes characteristic of the expanding City of Santa Clara. At the time, "Coffin Road" was yet to be renamed Bowers Avenue (USGS 1899 [surveyed 1895], 1953, 1961, 1973, 1980; US War Dept 1943 [photography 1939]).

Listed Historic Properties

No listed local, state or federal historically or architecturally significant structures, landmarks or points of interest have been identified in or adjacent to the proposed project.

CONCLUSIONS

- The records search conducted by the CHRIS/NWIC was negative for recorded and/or reported resources in or adjacent to the proposed project.
- No known ethnographic, traditional or contemporary Native American resources have been identified in or adjacent to the proposed project.
- No Hispanic Period features have been identified in or adjacent to the project.
- No surviving American Period agricultural resources as noted on historic maps are extant.
- No listed, determined or pending California Register of Historical Resources have been identified in or adjacent to the project area. No other significant or potentially significant local, state or federal cultural resources/historic properties, landmarks, points of interest, etc. have been identified in or adjacent to the project (CHRIS/NWIC File No. 13-1113 with other sources).
- The project appears to be located in an area of low to moderate potential for both prehistoric and historic archaeological resources. Previous subsurface impacts associated with infrastructure improvements and development over the past 50 years appear to have reduced the potential for significant subsurface cultural resources.

SUMMARY AND MANAGEMENT RECOMMENDATIONS

It is the considered opinion of Basin Research Associates, based on a review of pertinent records, maps and other documents that the proposed project can proceed as planned in regard to prehistoric and historic archaeological resources. No subsurface testing for buried archaeological resources appears necessary at this time as development over the past 50 years has probably reduced the potential for significant subsurface cultural resources.

The Augustine-Bowers Office Park Project *Mitigation Monitoring and Reporting Program* approved by the City of Santa Clara in 2009 for the project area requires that a qualified archaeologist be ". . . on site to monitor the initial excavation of native soil once all pavement and engineered soil is removed from the project site. After monitoring the initial excavation, the archaeologist will make recommendations for further monitoring if it is determined that the site has cultural resources. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring will be required." The mitigation measure also provides for protective measures in the event of a discovery of prehistoric and/or historic cultural materials[2]

---

2. Significant prehistoric cultural resources are defined as human burials, features or other clusterings of finds made, modified or used by Native American peoples in the past. The prehistoric and protohistoric indicators of prior cultural occupation by Native Americans include artifacts and human bone, as well as soil discoloration, shell, animal bone, sandstone cobbles, ashy areas, and baked or vitrified clays. Prehistoric materials may include:

   a. Human bone - either isolated or intact burials.
   b. Habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction (e.g., house floors).
   c. Artifacts including chipped stone objects such as projectile points and bifaces;

and protocols for treatment. Native American burials are similarly protected and treated as required by State law and the City of Santa Clara.

It is recommended that this mitigation measure be implemented for the current project.

CLOSING REMARKS

If I can provide any additional information or be of further service please don't hesitate to contact me. Thank you for retaining our firm for the project.

Sincerely,
BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA
Principal

CIB/dmg

REFERENCES CITED AND CONSULTED

American Society of Civil Engineers **(ASCE)**

2013 List of Historic Civil Engineering Landmarks [256 listings; last modified

---

groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and, shell and bone artifacts including ornaments and beads.

d. Various features and samples including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities.
e. Isolated artifacts

Historic cultural materials may include finds from the late 19th through early 20th centuries. Objects and features associated with the Historic Period can include.

a. Structural remains or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.).
b. Trash pits, privies, wells and associated artifacts.
c. Isolated artifacts or isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc.).
d. Human remains.

In addition, cultural materials including both artifacts and structures that can be attributed to Hispanic, Asian and other ethnic or racial groups are potentially significant. Such features or clusters of artifacts and samples include remains of structures, trash pits, and privies.

October 10, 2013]. <http://en.wikipedia.org/wiki/List_of_Historic Engineering_Landmarks> accessed 10/28/2013.

American Society of Civil Engineers, San Francisco **(ASCE)** .
1977 Historic Civil Engineering Landmarks of San Francisco and Northern California. The History and Heritage Committee, San Francisco Section, American Society of Civil Engineers. Pacific Gas and Electric Company.

Arbuckle, Clyde and Ralph Rambo
1968 Santa Clara County Ranchos (cartography and illustrations by Ralph Rambo). The Rosicrucian Press, Ltd., San Jose.

Baker, Suzanne (Archaeological/Historical Consultants)
1998 Archaeological Survey San Tomas Aquino/Saratoga Creek Trail Project, Santa Clara County, California. MS on file, S-22570, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Basin Research Associates, Inc.
2009 Historic Property Survey Report/Finding of Effect [HPSR/FOE] South Bay Water Recycling (SBWR) Stimulus Projects Santa Clara Industrial 3A, City of Santa Clara, Santa Clara County. MS on file, S-37218, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Bean, Lowell John (compiler and editor)
1994 The Ohlone Past and Present: Native Americans of the San Francisco Bay Region. Ballena Press Anthropological Papers 42, Menlo Park.

Beck, W.A. and Y.D. Haase
1974 Historical Atlas of California (Third printing). University of Oklahoma Press, Norman.

Broek, J.O.M.
1932 The Santa Clara Valley, California: A Study in Landscape Changes. N.V.A. Osthoek's Utig. Maatij., Utrecht.

Brown, Alan K.
1994 The European Contact of 1772 and some later Documentation. In The Ohlone Past and Present: Native Americans of the San Francisco Bay Region, pp. 1-42, compiled and edited by Lowell John Bean. Ballena Press Anthropological Papers 42, Menlo Park.

Busby, Colin I. (Basin Research Associates, San Leandro)
1999 Historic Properties Affected or Potentially Affected by the South Bay Water Recycling Program "Package 1" Segments SC 1, SC 3, SC 5, M 2, M 3, M 4, M 5 and SJ/C 1, Cities of Milpitas, San Jose, Santa Clara, and Sunnyvale, Santa Clara County [California - California Environmental Quality Act (CEQA) Addendum]. MS on file, S-23105, CHRIS/NWIC, Sonoma State University, Rohnert Park.

2014 Letter to Ms. Cynthia Gomez, Executive Secretary, Native American Heritage Commission (NAHC), Sacramento. Regarding: Request for Review of Sacred Lands Inventory, *Santa Clara Square, Bowers Avenue and Augustine Drive, City of Santa Clara, Santa Clara County*. Dated January 27, 2014.

California (State of), Department of Parks and Recreation, Office of Historic Preservation **(CAL/OHP)**

1973 The California History Plan. Volume One - Comprehensive Preservation Program. Volume Two - Inventory of Historic Features.

1976 California Inventory of Historic Resources.

1988 Five Views: An Ethnic Sites Survey for California.

1990 California Historical Landmarks.

1992 California Points of Historical Interest. May 1, 1992.

2001a California Environmental Quality Act (CEQA) and Historical Resources. Technical Assistance Series 1.

2001b California State Law and Historic Preservation: Statutes, Regulations and Administrative Policies Regarding Historic Preservation and Protection of Cultural and Historical Resources. Technical Assistance Series 10.

2012a *[Historic Properties Directory]* Directory of Properties in the Historic Property Data file for Santa Clara County (includes *National Register of Historic Places* status codes, *California Historical Landmarks* and *California Points of Historical Interest* listings, etc.). Dated 4/05/2012 [most recent as of 2/-4/2014.]

2012b *Archeological Determinations of Eligibility* for Santa Clara County. Dated 4/05/2012 [most recent as of 2/04/2014.]

2013 [List] California Historical Resources – Santa Clara County [including National Register, State Landmark, California Register, and Point of Interest]. <http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43> accessed 10/28/2013.

Elsasser, A.B.

1978 Development of Regional Prehistoric Cultures. In *California*, edited by R.F. Heizer, Volume 8. Handbook of North American Indians, W.G. Sturtevant, general editor, pp. 37-57. Smithsonian Institution, Washington, D.C.

1986 Review of the Prehistory of the Santa Clara Valley Region, California. Coyote Press Archives of California Prehistory 7, Part I. Coyote Press, Salinas. MS on file, S-7483, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Freeman, J.E. and J. Reed

1857-1866 Plat of the *Rancho Ulistac*. Finally confirmed to heirs of Jacob D. Hoppe. Surveyed by J.E. Freeman, Dep. Surv. August 1857 and by John Reed, Dep. Surv. April 1866. Map on file, #143, California State Office, Bureau of Land Management, Sacramento.

Galvan, P.M.
1967/1968 People of the West: The Ohlone Story. Indian Historian 1(2):9-13.

Google Earth
2014 Aerial view of Irvine Company – *Santa Clara Square, Bowers Avenue and Augustine Drive, City of Santa Clara, Santa Clara County* project area and vicinity. Web accessed 2/2014.

Hagel, Lisa C. (CHRIS/NWIC staff)
2014 Records Search for [Irvine Company] – *Santa Clara Square [Bowers Avenue and Augustine Drive, City of Santa Clara, Santa Clara County*]. CHRIS/NWIC File No. 13 - 1113. Dated February 4, 2014. Copy on file, Basin Research Associates, San Leandro.

Hart, J.D.
1987 A Companion to California (New edition, revised and expanded). University of California Press, Berkeley.

Healey, C.T.
1866 Official Map of the County of Santa Clara. Surveyed and Compiled by Charles T. Healey, Ex-County Surveyor. A. Gensoul, San Francisco, and printed by Britton and Co., San Francisco.

Hendry, G.W. and J.N. Bowman
1940 The Spanish and Mexican Adobe and Other Buildings in the Nine San Francisco Bay Counties, 1776 to about 1850. MS on file, Bancroft Library, University of California, Berkeley.

Holman & Associates
2007 Archaeological Literature Review for Augustine-Bowers Office Park. As cited in City of Santa Clara Augustine-Bowers Office Park, Draft Environmental Impact Statement. Dated December 2008. On file, City of Santa Clara.

Holson, John, Cordelia Sutch and Stephanie Pau (Pacific Legacy) with William Self Associates
2002 Cultural Resources Report for San Jose Local Loops, Level 3 Fiber Optics Project in Santa Clara and Alameda Counties, California. MS on file, S-25173, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Hoover, M.B., H.E. Rensch, E.G. Rensch and W.N. Abeloe
1966 Historic Spots in California (third edition). Stanford University Press, Palo Alto.

Hylkema, Mark (Caltrans District 4, Office of Environmental Planning, South)
1995 Historic Property Survey Report and Finding of No Effect for the Proposed Ramp Metering and HOV Ramp Project, 4-SCL-101 PM 40.0/52.5, EA 132451. Including Archaeological Survey Report Addendum #1. MS on file, S-18367, CHRIS/NWIC, Sonoma State University, Rohnert Park.

2002 Tidal Marsh, Oak Woodlands, and Cultural Florescence in the Southern San Francisco Bay Region. In Catalysts to Complexity: Late Holocene Societies of the California Coast, edited by J.M. Erlandson and T.L. Jones, Perspectives in California Archaeology 6:233-262.

Hylkema, Mark G. with Thad M. Van Bueren (Caltrans District 4, Environmental Planning, South, Oakland)

1995 Archaeological Investigations at the Third Location of Mission Santa Clara de Asis: The Murguia Mission, 1781-181 (CA-SCl-30/H). Caltrans District 4, Environmental Planning, South, Oakland, California. Distributed by Coyote Press, Salinas. MS on file, S-17891, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Irvine Company

2013 Santa Clara Square Master Community Plan Development Area Plan 1 (Irvine Company 2013)

2014 Background Information for *Santa Clara Square, Bowers Avenue and Augustine Drive, City of Santa Clara, Santa Clara County.* On file, Basin Research Associates, San Leandro.

Kroeber, A.L.

1925 Handbook of the Indians of California. Bureau of American Ethnology Bulletin 78. Government Printing Office, Washington, D.C.

Kyle, D.E.

1990 Historic Spots in California (Fourth edition of Hoover, M.B., H.E. Rensch and E.G. Rensch). Stanford University Press, Stanford.

Levy, R.

1978 Costanoan. In *California*, edited by R.F. Heizer, Volume 8. Handbook of North American Indians, W.G. Sturtevant, general editor, pp. 485-497. Smithsonian Institution, Washington, D.C.

Margolin, Malcom

1978 The Ohlone Way: Indian Life in the San Francisco - Monterey Bay Area. Heyday Books, Berkeley.

Milliken, Randall

1995 A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810. Ballena Press Anthropological Papers No. 43.

2006 The Central California Ethnographic Community Distribution Model, Version 2.0, with Special Attention to the San Francisco Bay Area. Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways. Submitted to Caltrans District 4, Oakland. Contract No. 447600 EA No. 04A2098. MS on file, S-32596, CHRIS/NWIC, Sonoma State University, Rohnert Park.

Nelson, Nels C.
1909 Shellmounds of the San Francisco Bay Region. University of California Publications in American Archaeology and Ethnology 7(4).

ca. 1912 "Site location map for Nelson's San Francisco Bay region (ca. 1910)." Manuscript Map in University of California Archaeological Survey Files (as cited in Reports of the University of California Archaeological Survey 75:83).

Pace, P. (compiler and editor)
1975 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.

Pilas-Treadway, Debbie (Native American Heritage Commission) **(NAHC)**
2014 Letter to Mr. Colin I. Busby, Basin Research Associates, San Leandro, CA. Regarding: [Response to Request for Review of Sacred Lands Inventory], *Santa Clara Square Project [Bowers Avenue and Augustine Drive, City of Santa Clara], Santa Clara County*. Dated January 31, 2014.

Santa Clara County Historical Heritage Commission **(SClCoHHC)**
1979 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.

1999 Santa Clara County Heritage Resource Inventory. Santa Clara County Historical Heritage Commission, San Jose.

Santa Clara (City of), Planning and Inspection Department, Planning Division **(SC/PD)**
1997 City of Santa Clara Archeologically Sensitive Boundaries. Dated July 31, 1997.

1999 Boundaries of Identified Archaeological Sensitive Area. Revised April 15, 1999.

2008 Augustine-Bowers Office Park, Draft Environmental Impact Report. Dated December 2008. On file, City of Santa Clara.

2010 City of Santa Clara 2010-2035 General Plan [including 8.9 Historic Preservation and Resource Inventory with Table 8.9-1 Architecturally or Historically Significant Properties and Figure 8.9-1 Architecturally Significant & Historic Places and Figures 8.9-2 with details of Agnew Village and Old Quad Area]. Adopted November 16, 2010.

Shoup, Laurence H. and Randall T. Milliken
1999 Inigo of Rancho Posolmi: The Life and Times of a Mission Indian. Ballena Press Anthropological Papers No. 47.

Sowers, Janet M. and Stephen C. Thompson
2005 Creek & Watershed Map of Milpitas & North San Jose. The Oakland Museum of California, Oakland. 1:25,800 scale.

Thompson and West
1876 Historical Atlas of Santa Clara County, California. Thompson and West, San Francisco (reprinted Smith and McKay, San Jose, 1973).

United States Department of the Interior, Bureau of Land Management **(US/BLM)** [GLO or General Land Office]
1851-1866 Survey Plat. Township No. 6 South, Range No. 1 West, Mount Diablo Meridian.

United States Department of Interior, Geological Survey **(USGS)**
1899 San Jose, Calif. [Quadrangle]. Topographic map, 15-minute series (surveyed in 1895, reprinted 1913).

1961 San Jose, Calif. [Quadrangle]. Topographic map, 15-minute series.

1973 San Jose West, Calif. [Quadrangle]. Topographic map, 7.5-minute series (1961, 1968 and 1973 photorevised).

1980 Milpitas, Calif. [Quadrangle]. Topographic map, 7.5-minute series (1961 photorevised).

1980 San Jose West, Calif. (Quadrangle). Topographic map, 7.5-minute series (1961 photorevised).
United States Geological Survey, Menlo Park.

United States Department of the Interior, National Register of Historic Places, National Park Service **(USNPS)**
1995 Map Supplement for the Comprehensive Management and Use Plan Juan Bautista de Anza National Historic Trail Arizona California. Pacific Great Basin Support Office, National Park Service. [San Francisco].

United States War Department, Corps of Engineers, United States Army **(US Corps)**
1943 San Jose, Calif. [Quadrangle]. Topographic map, 15-minute series. United States Geological Survey, Menlo Park (aerial photography 1939, topography 1942).

Whitney, A.D.
1873 Map of the Region Adjacent to the Bay of San Francisco. State Geological Survey of California. On file San Mateo County Historical Museum and California State Library, Sacramento.

Abbreviations

n.d.	no date	v.d.	various dates
N.P.	no publisher noted	n.p.	no place of publisher noted

The abbreviated phrase "CHRIS/NWIC, Sonoma State University, Rohnert Park" is used for material on file at the California Historical Resources Information System, Northwest Information Center, California State University Sonoma, Rohnert Park.

FIGURES

FIGURE 1	General Project Location
FIGURE 2	Project Location (USGS Milpitas, Calif. 1980 and San Jose West, Calif. 1980)
FIGURE 3	Aerial View of Project Area (Google Earth)
FIGURE 4	Santa Clara Square Master Community Plan Development Area Plan 1 (Irvine Company 2013)

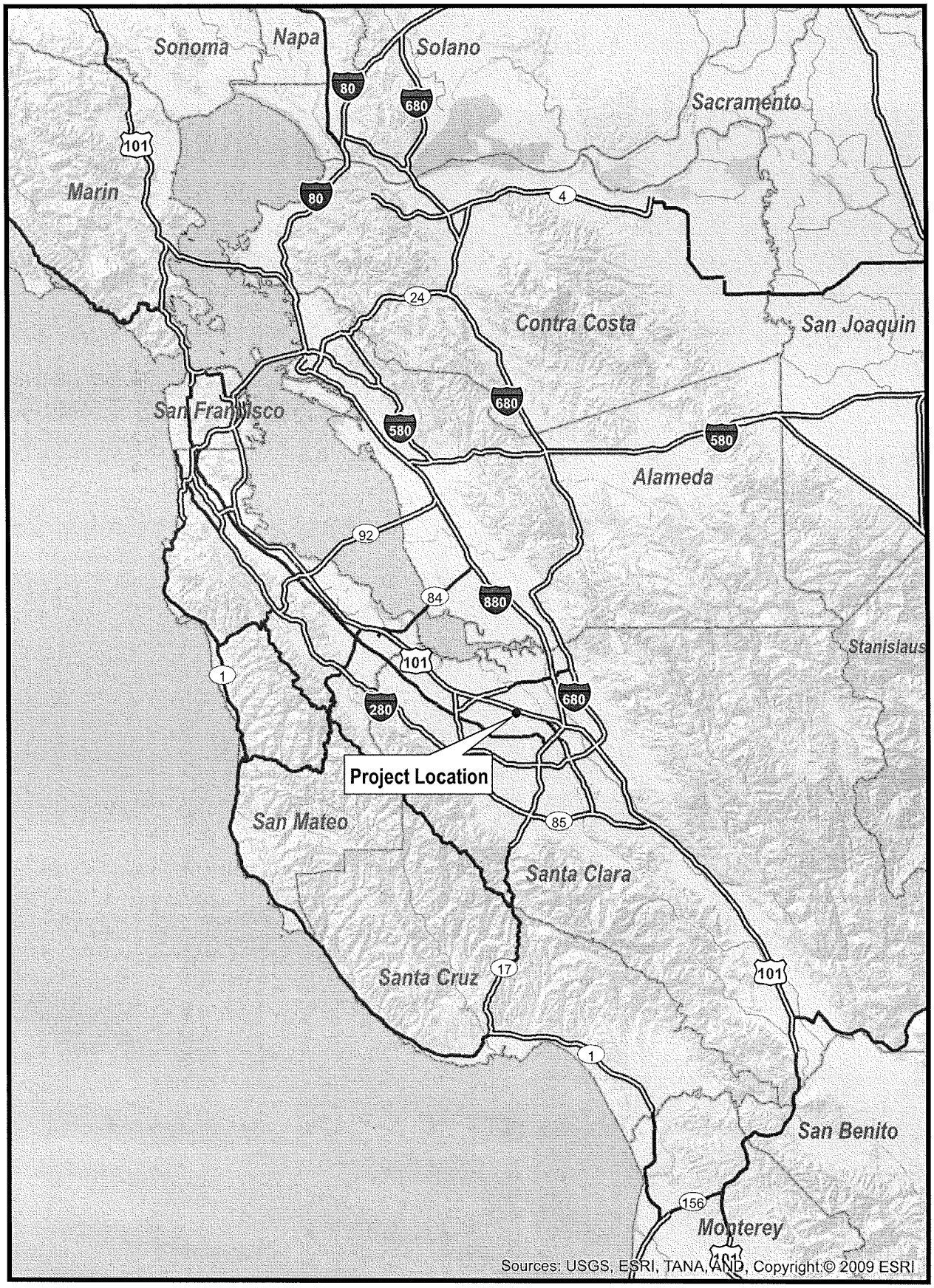


Figure 1: General Project Location

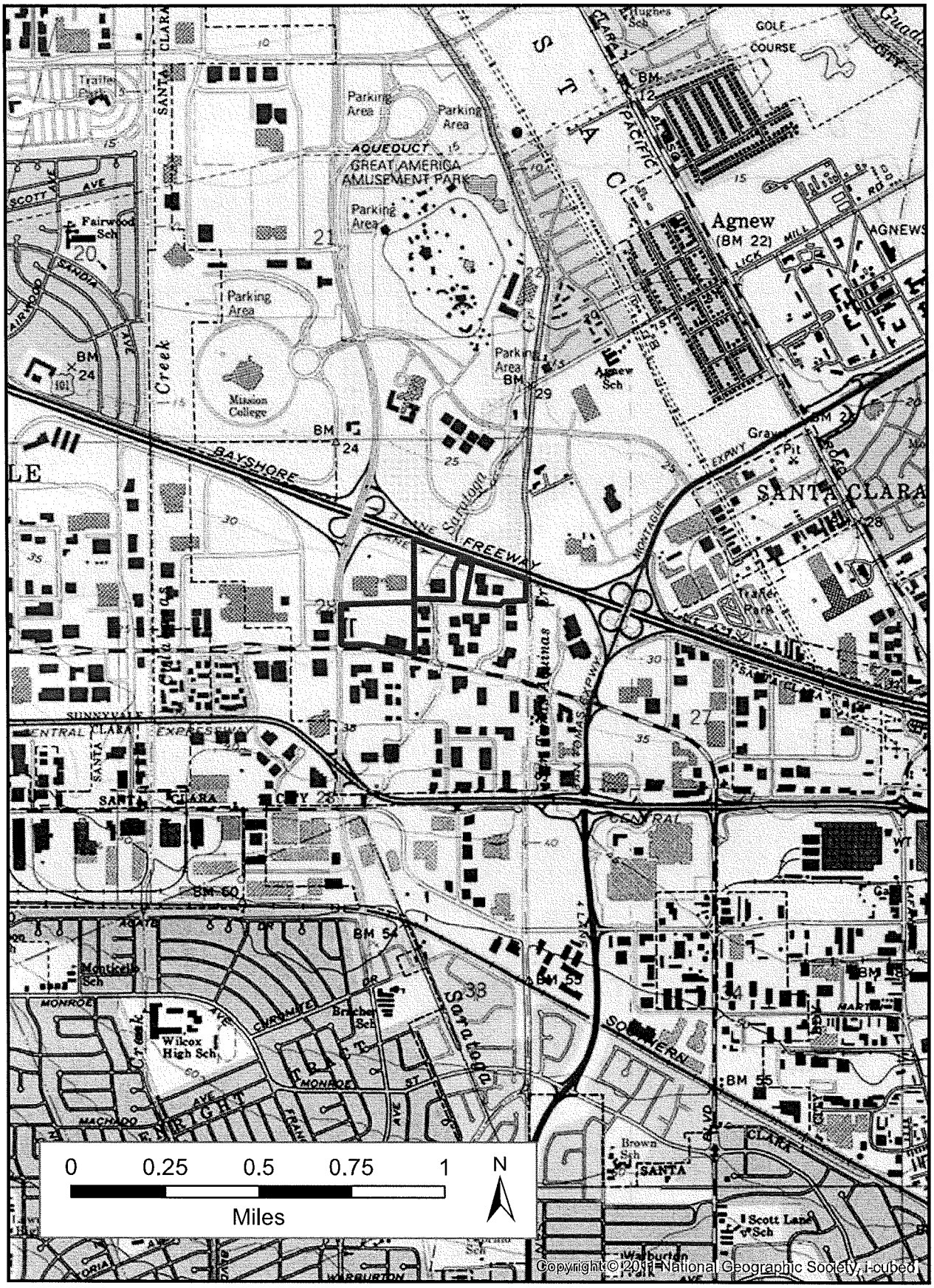


Figure 2: Project Area (USGS Milpitas, Calif. 1980 and San Jose West, Calif. 1980)

Figure 3: Aerial View of Project Area

Appendix D.1 and D.2

Geology and Soils / Mineral Resources

CORNERSTONE
EARTH GROUP

Date:	February 20, 2014
Project No.:	146-6-2
Prepared For:	Ms. Carlene Matchniff **THE IRVINE COMPANY, APARTMENT COMMUNITIES** 690 North McCarthy Boulevard, Suite 100 Milpitas, California 95035
Re:	Geotechnical Consultation Santa Clara Square Feasiblity – Retail Development Augustine Drive and Montgomery Drive Santa Clara, California

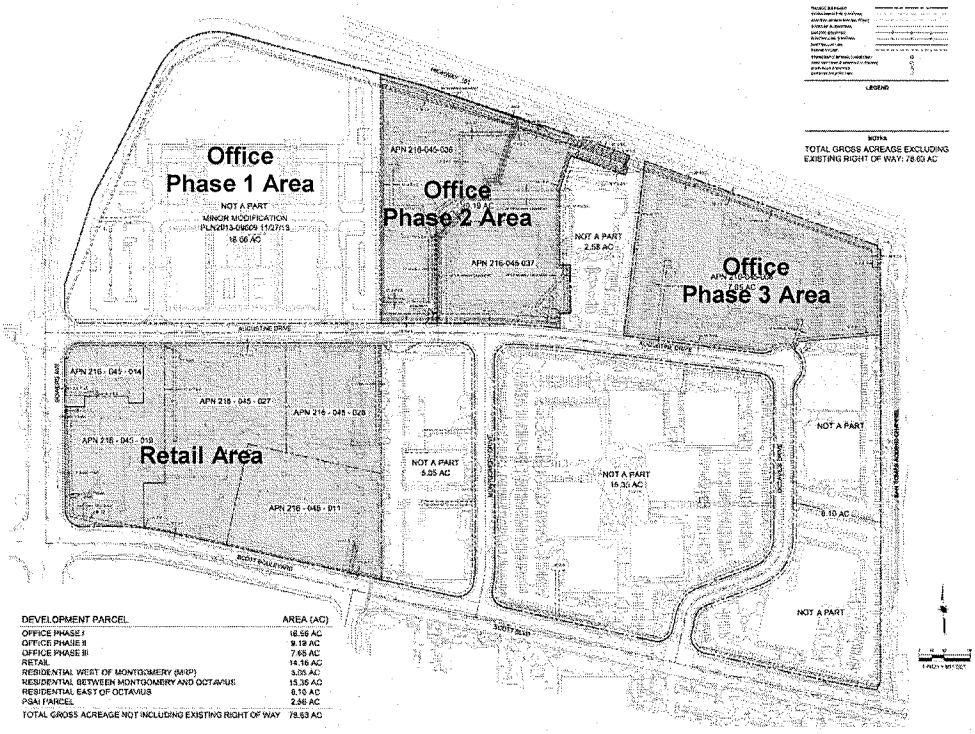
Dear Ms. Matchniff:

As requested, this letter presents the results of our geotechnical feasibility evaluation for the above referenced project, specifically the Retail development portion of the project.

The Project

The project site includes three components: a 14.15-acre Retail phase between Augustine Drive and Scott Boulevard, east of Bowers Avenue; and Office Phase 2 (9.19 acres) and Phase 3 (7.65 acres) located between Augustine Drive and Highway 101 at the intersections of Montgomery Drive and Octavius Drive, respectively.

The Retail component will include one to two level at-grade structures with at-grade parking areas. Office Phases 2 and 3 will likely include six to eight story, at-grade office buildings and likely a four to five level parking structure for each phase.



The overall site is bounded by Highway 101 on the north, the San Tomas Aquino Creek channel on the east, Scott Boulevard to the South, Montgomery Drive and other commercial/office buildings to the west. The Retail area is bounded by Bowers Avenue to the west,

1259 Oakmead Parkway | Sunnyvale, CA 94085
T 408 245 4600 | F 408 245 4620

1270 Springbrook Road, Suite 101 | Walnut Creek, CA 94597
T 925 988 9500 | F 925 988 9501

www.cornerstoneearth.com

Augustine Drive to the north, Scott Boulevard to the south and commercial structures to the east.

Anticipated Site Conditions

As part of our scope of work, we reviewed the geotechnical report you provided for the Office Phase 1 and Retail portions of the site northeast of the intersection of Bowers Avenue and Scott Boulevard. The report is titled, "Preliminary Geotechnical Report, Augustine-Bowers Office Park Development, Santa Clara, California," prepared by Donald E. Banta & Associates, Inc., dated February 8, 2008. In addition, we reviewed the Geology and Soils section of the "Draft Environmental Impact Report, Augustine-Bowers Office Park, City of Santa Clara 2008", as well as geotechnical information for several sites within about a half mile of the site contained in our files.

On February 12, 2014, a site visit was made to observe the conditions of the three project phase areas. The overall site area is relatively level with minor grade changes for surface water drainage to storm drainage facilities. The existing structures consist of one to two story office buildings and at-grade pavements. San Tomas Aquino Creek borders the Office Phase 3 site to the east. Based on rough elevations provided by GoogleEarth, the site grades for the Office Phase 3 area are at about Elevation 28 to 30 feet with the berm/maintenance road at about Elevation 36 feet and the bottom of creek at about Elevation 20 feet. The berm is elevated above the site by about 5 to 8 feet. Site grades for the Retail and Office Phase 2 areas range from about Elevation 28 to 34 feet.

We anticipate that the subsurface conditions will consist of deep alluvial soils. Generally, moderately to highly plastic soils blanket this area of Santa Clara, overlying stiff to very stiff lean clays with interbedded layers of medium dense to dense sands. Based on the review of the Banta report, the sand layers ranged in thickness from several inches to up to about 5 feet. Ground water is anticipated to be at depths of about 8 feet.

The Banta report includes laboratory testing for corrosion potential on one sample collected from the Retail site area, which indicates moderately corrosive to buried metal and non-corrosive relative to buried concrete. Testing we have on other nearby sites, including the site across Bowers to the west of the Retail site, indicates moderately corrosive to corrosive surficial soils with respect to buried metal and non-corrosive to buried concrete.

From discussions with the project team and review of previous air photos, a creek bisected the Office Phase 2 area from south to north, roughly in the middle of the site. This creek was filled in by about 1980, as part of the commercial/office park development. We have no information regarding the creek depths or the clearing and backfill requirements that were employed.

As mentioned, this area of Santa Clara County is underlain by deep alluvial soils and is not known for any recoverable mineral resources. We are in agreement with the discussion in the project EIR document that indicates a Less than Significant Impact.

Anticipated Geologic Hazards

The site is not located within an area zoned by either the State or Santa Clara County as a fault hazard zone. It is within an area zone by both as a potential liquefaction hazard zone.

From review of the Banta report, based on their liquefaction analyses, they estimated about 1 to 4 inches of total seismic settlement. By inspection of the report's CPT logs there are several of the CPTs that we agree will have liquefaction settlements up to about 2 inches. Reviewing the liquefaction results for our other nearby projects, total liquefaction settlements do typically range up to about 2 inches. As these are alluvial deposits, there can be areas with thicker sand deposits and associated higher estimated seismic settlements. Typically, differential seismic settlements are on the order of ½- to 1 inch over distances of 30 to 50 feet. In this area of Santa Clara, we have not encountered sufficiently thick deposits of potentially liquefiable soils at shallow enough depths for ground rupture or sand boil development.

There are likely potentially liquefiable sands within an appropriate depth for lateral spreading to be theoretically possible; however, there have not been reported incidents of lateral spreading during the 1906 San Andreas Earthquake. If such sand layers are present and continuous across portions of the site, mitigation such as a shear key, could be required for the Office Phase 3 area. As the Retail and Office Phase 2 areas are more than 1,600 and 1,000 feet west, respectively, of the creek channel, lateral spreading is judged to be a less than significant concern for those two project areas.

Anticipated Foundation Types

As discussed, the Retail component will include one to two level at-grade structures with at-grade parking areas. We anticipate that the one to two-story retail buildings can be supported on shallow, spread footings designed in accordance with 2013 California Building Code requirements, including the seismic and static differential movements.

Conclusions

Based on our review of the geologic and geotechnical section of the EIR, we are in agreement with those original conclusions. The Retail development is feasible from a geotechnical standpoint provided the following concerns are further evaluated with site-specific investigations:

- Site liquefaction and lateral spreading potential
- Detailed foundation settlement analyses
- Plasticity and expansion potential of the surficial soils

The primary geotechnical concerns are the potential for significant total static and seismic settlements. The retail buildings can likely be supported on shallow spread footings designed to accommodate the differential movements.

Additional site concerns include the moderately to highly plastic soils that blanket the site vicinity. Slabs-on-grade will be required to be supported on an appropriately thick layer of non-expansive fill that can consist of imported material or a lime-treated section of native soils. Footings and turned down slab edges will need to be deepened to address moisture fluctuations within the expansive soils. We anticipate that the soils will also be classified as moderately corrosive to corrosive to buried metal piping. We do not anticipate that there will be soluble salts (chlorides and sulfates) that would attack buried concrete or require the use of Type V cement.

Closure

We hope this provides the information you need at this time. The conclusions presented in this letter have been prepared for the sole use of The Irvine Company, Apartment Communities specifically for the properties along Augustine Drive between Bowers Avenue and Octavius Drive in Santa Clara, California. Our professional services were performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices at this time and location. No warranties are either expressed or implied.

If you have any questions or need any additional information from us, please call and we will be glad to discuss them with you.

Sincerely,

Cornerstone Earth Group, Inc.

Laura C. Knutson, P.E., G.E.
Principal Engineer GE 2652

REGISTERED PROFESSIONAL ENGINEER
LAURA C. KNUTSON
No. 2652
Exp. 6/30/14
GEOTECHNICAL
STATE OF CALIFORNIA

Copies: Addressee (1 by email)

CORNERSTONE
EARTH GROUP

Date:	February 20, 2014
Project No.:	146-6-2
Prepared For:	Ms. Carlene Matchniff **THE IRVINE COMPANY, APARTMENT COMMUNITIES** 690 North McCarthy Boulevard, Suite 100 Milpitas, California 95035
Re:	Geotechnical Consultation Santa Clara Square Feasiblity – Office Phases 2 and 3 Augustine Drive and Montgomery Drive Santa Clara, California

Dear Ms. Matchniff:

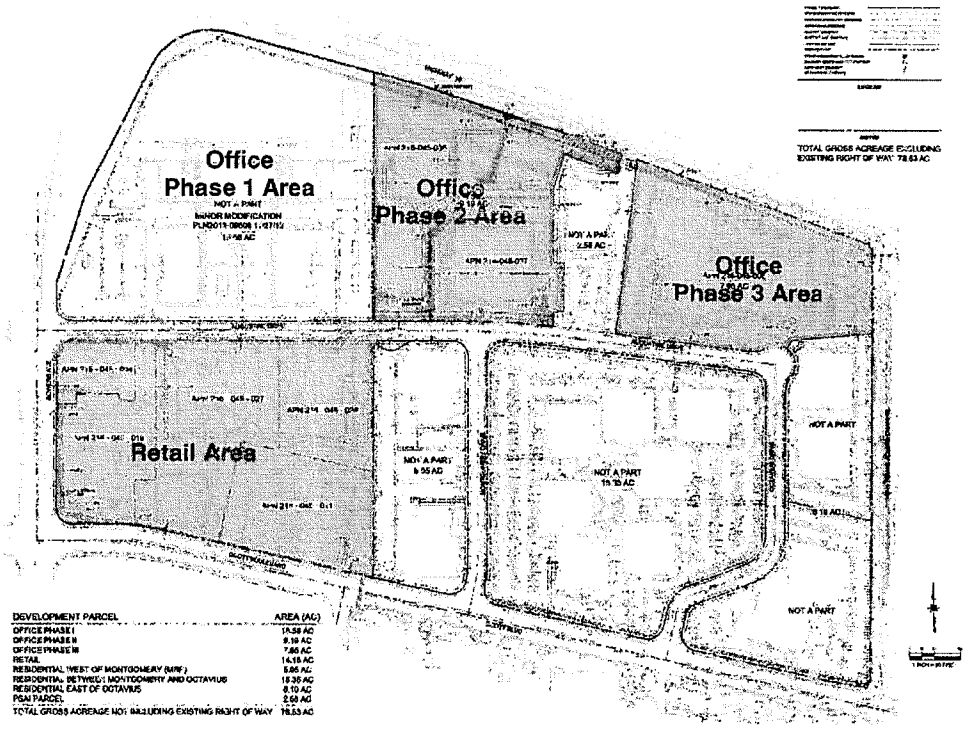
As requested, this letter presents the results of our geotechnical feasibility evaluation for the above referenced project, specifically for the Office Phases 2 and 3 portions of the project.

The Project

The project site includes three components: a 14.15-acre Retail phase between Augustine Drive and Scott Boulevard, east of Bowers Avenue; and Office Phase 2 (9.19 acres) and Phase 3 (7.65 acres) located between Augustine Drive and Highway 101 at the intersections of Montgomery Drive and Octavius Drive, respectively.

The Retail component will include one to two level at-grade structures with at-grade parking areas. Office Phases 2 and 3 will likely include six to eight story, at-grade office buildings and likely a four to five level parking structure for each phase.

The Office Phases 2 and 3 site areas are bounded by Highway 101 on the north, the San Tomas Aquino Creek channel on the east, Augustine Drive to the South, and Office Phase 1 to the west. The commercial property between Phases 2 and 3 is not part of the project site area.



1259 Oakmead Parkway | Sunnyvale, CA 94085
T 408 245 4600 | F 408 245 4620

1270 Springbrook Road, Suite 101 | Walnut Creek, CA 94597
T 925 988 9500 | F 925 988 9501

www.cornerstoneearth.com

Anticipated Site Conditions

As part of our scope of work, we reviewed the geotechnical report you provided for the Office Phase 1 and Retail portions of the site northeast of the intersection of Bowers Avenue and Scott Boulevard. The report is titled, "Preliminary Geotechnical Report, Augustine-Bowers Office Park Development, Santa Clara, California," prepared by Donald E. Banta & Associates, Inc., dated February 8, 2008. In addition, we reviewed the Geology and Soils section of the "Draft Environmental Impact Report, Augustine-Bowers Office Park, City of Santa Clara 2008", as well as geotechnical information for several sites within about a half mile of the site contained in our files.

On February 12, 2014, a site visit was made to observe the conditions of the three project phase areas. The overall site area is relatively level with minor grade changes for surface water drainage to storm drainage facilities. The existing structures consist of one to two story office buildings and at-grade pavements. San Tomas Aquino Creek borders the Office Phase 3 site to the east. Based on rough elevations provided by GoogleEarth, the site grades for the Office Phase 3 area are at about Elevation 28 to 30 feet with the berm/maintenance road at about Elevation 36 feet and the bottom of creek at about Elevation 20 feet. The berm is elevated above the site by about 5 to 8 feet. Site grades for the Retail and Office Phase 2 areas range from about Elevation 28 to 34 feet.

We anticipate that the subsurface conditions will consist of deep alluvial soils. Generally, moderately to highly plastic soils blanket this area of Santa Clara, overlying stiff to very stiff lean clays with interbedded layers of medium dense to dense sands. Based on the review of the Banta report, the sand layers ranged in thickness from several inches to up to about 5 feet. Ground water is anticipated to be at depths of about 8 feet.

The Banta report includes laboratory testing for corrosion potential on one sample collected from the Retail site area, which indicates moderately corrosive to buried metal and non-corrosive relative to buried concrete. Testing we have on other nearby sites, including the site across Bowers to the west of the Retail site, indicates moderately corrosive to corrosive surficial soils with respect to buried metal and non-corrosive to buried concrete.

From discussions with the project team and review of previous air photos, a creek bisected the Office Phase 2 area from south to north, roughly in the middle of the site. This creek was filled in by about 1980, as part of the commercial/office park development. We have no information regarding the creek depths or the clearing and backfill requirements that were employed.

As mentioned, this area of Santa Clara County is underlain by deep alluvial soils and is not known for any recoverable mineral resources. We are in agreement with the discussion in the project EIR document that indicates a Less than Significant Impact.

Anticipated Geologic Hazards

The site is not located within an area zoned by either the State or Santa Clara County as a fault hazard zone. It is within an area zone by both as a potential liquefaction hazard zone.

From review of the Banta report, based on their liquefaction analyses, they estimated about 1 to 4 inches of total seismic settlement. By inspection of the report's CPT logs there are several of

the CPTs that we agree will have liquefaction settlements up to about 2 inches. Reviewing the liquefaction results for our other nearby projects, total liquefaction settlements do typically range up to about 2 inches. As these are alluvial deposits, there can be areas with thicker sand deposits and associated higher estimated seismic settlements. Typically, differential seismic settlements are on the order of ½- to 1 inch over distances of 30 to 50 feet. In this area of Santa Clara, we have not encountered sufficiently thick deposits of potentially liquefiable soils at shallow enough depths for ground rupture or sand boil development.

There are likely potentially liquefiable sands within an appropriate depth for lateral spreading to be theoretically possible; however, there have not been reported incidents of lateral spreading during the 1906 San Andreas Earthquake. If such sand layers are present and continuous across portions of the site, mitigation such as a shear key, could be required for the Office Phase 3 area. As the Office Phase 2 area is more than 1,000 feet west of the creek channel, lateral spreading is judged to be a less than significant concern for that project area.

Anticipated Foundation Types

As discussed, Office Phases 2 and 3 will likely include six to eight story, at-grade office buildings and likely a four to five level parking structure for each phase.

We anticipate that the six to eight-story office buildings will likely either be supported on mat foundations, with or without ground improvement depending on the estimated seismic plus static differential movements, or on deep foundations such as driven, pre-cast piles or drilled displacement augercast piles, designed in accordance with 2013 California Building Code requirements. We understand that the Office Phase 1 structures are designed to be supported on driven pre-cast piles, which are currently being installed.

The parking structures will likely be supported on shallow, spread footings with or without ground improvement depending on the estimated seismic plus static differential movements, or on deep foundations such as driven, pre-cast piles or drilled displacement augercast piles.

Conclusions

Based on our review of the geologic and geotechnical section of the EIR, we are in agreement with those original conclusions with the exception that the Office Phase 3 site could have the potential for lateral spreading, depending on what the detailed liquefaction study reveals. These two project phases are feasible from a geotechnical standpoint provided the following concerns are further evaluated with site-specific investigations:

- Site liquefaction and lateral spreading potential
- Detailed foundation settlement analyses
- Plasticity and expansion potential of the surficial soils

The primary geotechnical concerns are the potential for significant total static and seismic settlements for the office buildings and parking garages, and whether these structures will likely be supported on shallow foundations overlying ground improvement or alternatively, deep foundations.

In addition to the detailed site liquefaction analyses, the lateral spreading potential should be considered for the Office Phase 3 area. There are sand layers present in the nearby sites we reviewed that are within the appropriate depth for lateral spreading to be theoretically possible. If lateral spreading is indicated, mitigation could consist of a series of several rows of grouted columns to create a shear key.

Additional site concerns include the moderately to highly plastic soils that blanket the site vicinity. Slabs-on-grade will be required to be supported on an appropriately thick layer of non-expansive fill that can consist of imported material or a lime-treated section of native soils. Footings and turned down slab edges will need to be deepened to address moisture fluctuations within the expansive soils. We anticipate that the soils will also be classified as moderately corrosive to corrosive to buried metal piping. We do not anticipate that there will be soluble salts (chlorides and sulfates) that would attack buried concrete or require the use of Type V cement.

Closure

We hope this provides the information you need at this time. The conclusions presented in this letter have been prepared for the sole use of The Irvine Company, Apartment Communities specifically for the properties along Augustine Drive between Bowers Avenue and Octavius Drive in Santa Clara, California. Our professional services were performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices at this time and location. No warranties are either expressed or implied.

If you have any questions or need any additional information from us, please call and we will be glad to discuss them with you.

Sincerely,

Cornerstone Earth Group, Inc.

Laura C. Knutson, P.E., G.E.
Principal Engineer GE 2652

REGISTERED PROFESSIONAL ENGINEER
LAURA C. KNUTSON
No. 2652
Exp. 6/30/14
GEOTECHNICAL
STATE OF CALIFORNIA

Copies: Addressee (1 by email)

Appendix E.1, E.2, E.3 and E.4

Hazards and Hazardous Materials

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists

1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax: (650) 552-9012

5 May 2014

Jennifer Hernandez
Holland & Knight LLP
50 California Street, Suite 2800
San Francisco, California 94111

Subject: Potential Release Sites Upgradient of the Santa Clara Square Retail Property, Located in Santa Clara, California
(EKI B30005.03)

Dear Ms. Hernandez:

Erler & Kalinowski, Inc. ("EKI") has recently completed the following Phase I Environmental Site Assessments ("ESAs") for the Santa Clara Square ("SCS") Retail, Office Phase II, and Office Phase III properties:

- *Phase I Environmental Site Assessment, Santa Clara Square Retail, Santa Clara, California,* prepared by Erler & Kalinowski, Inc., dated April 2014;
- *Phase I Environmental Site Assessment, Santa Clara Square Office Phase II, Santa Clara, California,* prepared by Erler & Kalinowski, Inc., dated February 2014; and
- *Phase I Environmental Site Assessment, Santa Clara Square Office Phase III, Santa Clara, California,* prepared by Erler & Kalinowski, Inc., dated February 2014.

These Phase I ESAs included an evaluation and review of available information regarding chemical use and releases in the vicinity of and upgradient of each property. Therefore, these assessments would have identified any known significant releases migrating onto the SCS Retail property.

We are pleased to continue to work with you on this project. Please call if you have any questions or need further assistance.

Very truly yours,

ERLER & KALINOWSKI, INC.

Michelle K. King, Ph.D.
Vice President

Erler &
Kalinowski,
Inc.

Phase I Environmental Site Assessment

Santa Clara Square Retail
Santa Clara, California

Prepared for:

Augustine Bowers II LLC

Prepared by:

Erler & Kalinowski, Inc.
1870 Ogden Drive
Burlingame, California 94010
www.ekiconsult.com

April 2014

EKI B30005.03

Consulting engineers and scientists

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists

1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax: (650) 552-9012

17 April 2014

To Potential Users of Electronic Files:

Erler & Kalinowski, Inc. ("EKI") has provided our CLIENT, Augustine Bowers II LLC, with an electronic copy of the *Phase I Environmental Site Assessment Report, Santa Clara Square Retail, Santa Clara, California*, dated April 2014, including text, figures, and appendices by a compact disk ("CD").

This electronic file is being provided at the request of our CLIENT. The Portable Document Format ("PDF") file on the original CD provided to and for the sole benefit of our CLIENT, constitutes our professional work product. Because the electronic media may be damaged during transfer or altered, the PDF file on the original CD provided to the CLIENT (and retained in EKI's files) shall control where there are any differences between the original CD and subsequent copies of electronic media. EKI makes no warranties, either express or implied, of the merchantability, applicability, compatibility with the recipients' computer equipment or software; of the fitness for any particular purpose for the electronic media; or that the electronic media contains no defect or is virus free.

Reuse of EKI's work product by others or modification and use by others of any document or electronic media prepared by EKI shall be at the party's sole risk.

Sincerely,

ERLER & KALINOWSKI, INC.

Michelle King, Ph.D.
Vice President

Phase I Environmental Site Assessment

Santa Clara Square Retail
Santa Clara, California
(EKI B30005.03)

April 2014

Prepared for:

Augustine Bowers II LLC

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists
1870 Ogden Drive
Burlingame, California 94010
(650) 292-9100
Fax: (650) 552-9012

Erler & Kalinowski, Inc.
Consulting Engineers and Scientists
1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax (650) 552-9012

17 April 2014

Angie Holland
Irvine Company LLC
555 Newport Center Drive
Newport Beach, California 92660

Subject: Phase I Environmental Site Assessment for Property Referred to as Santa Clara Square Retail, Located in Santa Clara, California (EKI B30005.03)

Dear Ms. Holland:

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Augustine Bowers II LLC ("Client") the enclosed report entitled *Phase I Environmental Site Assessment Report, Santa Clara Square Retail, Santa Clara, California*, dated April 2014. EKI's services were performed in accordance with the Project Agreement with The Irvine Company LLC and the associated scope of work, dated 14 February 2014, and the Master Services Agreement ("MSA") between EKI and The Irvine Company LLC, dated 26 November 2012.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR Section 312.10. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

We are pleased to have the opportunity to work with you on this project. Please call if you have any questions or need further assistance.

Very truly yours,

ERLER & KALINOWSKI, INC.

Kathryn Wuelfing
Project Scientist

Michelle K. King, Ph.D.
Vice President / Reviewer

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Santa Clara Square Retail
Santa Clara, California

TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

1 INTRODUCTION 4

1.1 Purpose for Phase I ESA 4
1.2 Reliance on Phase I ESA 4
1.3 Phase I ESA Scope of Work 4

2 GENERAL SITE CHARACTERISTICS 6

2.1 Site Location 6
2.2 Site Description and Current Site Uses 6
2.3 Adjoining Properties 7

3 ENVIRONMENTAL SETTING 8

3.1 Site Geology and Shallow Groundwater Characteristics 8
3.2 Surface Water Characteristics 8

4 HISTORICAL LAND USE INFORMATION 9

4.1 Late 1890s through 1973 9
4.2 1974 Through Present-Day 9
4.3 Facility Tenant Summary 10

5 RESULTS OF KEY PRIOR SITE INVESTIGATIONS 12

5.1 Summary of Findings of Prior Phase I ESA Report (AEC, 2012) 12
5.2 Phase II Subsurface Investigation Reports (EKI, 2013a and 2013b) 13
5.3 Voluntary Cleanup Agreement and Response Plan 14

6 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY 16

6.1 Exterior Observations 16
6.2 Interior Observations 16
6.3 Surrounding Vicinity 18

7 INFORMATION PROVIDED BY OWNER AND USER 19

7.1 Results of Owner Questionnaire 19
7.2 Results of User Questionnaire 19
7.3 Results of Environmental Lien Search 20

8 RESULTS OF REGULATORY AGENCY FILE REVIEWS 21

8.1 Results of EDR Database and Public Records Search for Subject Property 21
8.2 Review of Available Regulatory Agency Files for Subject Property 21
8.3 Off-Site, Upgradient Properties with Reported Chemical Use 23
8.4 Off-Site, Upgradient Properties with Reported Chemical Releases 24

TABLE OF CONTENTS

9 SUMMARY OF PHASE I ESA FINDINGS AND OPINIONS 28

9.1 Summary of Phase I ESA Findings and Opinions 28
9.2 Identified Phase I ESA Data Gaps 30

10 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT 31

11 REFERENCES 32

LIST OF FIGURES

Figure 1 Subject Property Location

Figure 2 Subject Property Setting

LIST OF APPENDICES

Appendix A Historical Sources for Information

Appendix B Selected Photographs Taken During Site Walk-Through

Appendix C EDR Radius Map Report, dated 19 February 2014

Appendix D Owner Questionnaire, User Questionnaire, and EDR Lien Search Report

Appendix E Pertinent Sections of Prior Investigation Reports

Appendix F Resumes for Preparers of Phase I ESA Report

EXECUTIVE SUMMARY

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Augustine Bowers II LLC ("Client" or "Augustine Bowers"), this Phase I Environmental Site Assessment ("ESA") report for the property referred to as the Santa Clara Square ("SCS") Retail property, located at 2620 and 2700 Augustine Drive, 3333 and 3399 Bowers Avenue, and 3281, 3283, 3285, and 3295 Scott Boulevard in Santa Clara, California ("Subject Property"; see Figure 1). The Subject Property is located southeast of the intersection of Bowers Avenue and Augustine Drive, north of Scott Boulevard.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM International ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

The Subject Property comprises 6 buildings situated on approximately 14.18 acres of property in a predominantly commercial/light industrial area of Santa Clara. EKI understands that Irvine Company LLC ("Owner") currently owns the Subject Property and intends to transfer title to, Augustine Bowers II LLC, which plans to redevelop the property into a specialty retail center with a large grocery store, restaurants, and retail shops.

Summary of Phase I ESA Findings and Opinions

The following REC was identified in connection with the performance of this Phase I ESA:

- Results of Phase II shallow soil sampling at the Subject Property indicate that arsenic is present in soil across much of the Subject Property (primarily the southern two-thirds of the property) at concentrations in excess of risk-based California Human Health Screening Levels ("CHHSLs") and background concentrations. Lead, dieldrin, dichlorodiphenyldichloroethane ("DDD"), and dichlorodiphenyldichloroethylene ("DDE") were also detected in shallow soil at concentrations that exceed CHHSLs.

  The Owner is currently working under the oversight of the Department of Toxic Substances Control ("DTSC") to prepare a Response Plan. The Response Plan will (1) address concentrations of arsenic, lead, and other pesticides in shallow soil prior to redevelopment of the Subject Property, and (2) propose soil management procedures to address potentially contaminated soil or subsurface structures, should they be observed during redevelopment.

As discussed below, this finding is consistent with the finding of a previous 2012 Phase I which observed past agricultural uses at the Subject Property.

The following Historical REC ("HREC"), consistent with the Phase I conducted by AEC in 2012, was identified in connection with the performance of this Phase I ESA:

- In 2005, a release of approximately 40 gallons of hydraulic oil occurred from an elevator system in the 2620 Augustine Drive building, resulting from the failure of equipment located in a boring that extended to approximately 19 feet below grade(RWQCB, 2009). This release underwent groundwater remediation under the oversight of the San Francisco Bay Region Regional Water Quality Control Board ("RWQCB") and received closure in 2009. According to the No Further Action letter, "if in the future, the site is to be redeveloped for a more sensitive use and/or the building is demolished, further investigation of the area of the release should be performed to determine if additional remediation is warranted" (RWQCB, 2009).

The following potential on-site environmental issues and findings (i.e., non-RECs or de minimis conditions), consistent with the Phase I conducted by AEC in 2012, were identified in connection with the Phase I ESA performed for the Subject Property:

- Past Subject Property tenants primarily in the 3281-3285 Scott Boulevard building used and stored chemicals on site. Based on available agency records, chemical use by these tenants was limited, and primarily consisted of acids, acetone, methanol, and petroleum-based solvents (e.g., toluene). The earliest records of chemical use or storage available for the property are from 1988 and it is not known what chemicals, if any, were used on the Subject Property during the late 1970s and 1980s. There are no documented or reported releases or any visual or other indication of a release of chemicals to the subsurface on the Subject Property, other than the hydraulic oil release discussed above.

- During the walk-through visual survey, EKI observed minor leakage from hydraulic equipment in the elevator mechanical rooms for the 2620 and 2700 Augustine Drive and 3333 Bowers Avenue buildings, which is currently being managed with absorbent pads. EKI did not observe an apparent pathway from the leakage area to the subsurface (e.g., no significant cracks or floor seams in the areas of concern). While there is a potential that the subsurface may be impacted by the releases observed at this location, the release is minor and being addressed, thus the condition is not classified as a REC.

- Multiple pad-mounted and vaulted electrical transformers are present in the parking lot areas on the Subject Property. No visual indication of oily surface staining around the base of the transformers was observed at the time of the site visit by EKI. Thus, the presence of the transformers on the Subject Property does not constitute a REC.

- According to a prior Phase I ESA (AEC, 2012), suspect asbestos-containing materials ("ACM") have been identified at the Subject Property and an Operations & Maintenance ("O&M") Program exists for the property.

The following potential off-site environmental issue (i.e., non-REC or de minimis condition), consistent with the Phase I conducted by AEC in 2012, was identified in connection with the Phase I ESA performed for the Subject Property:

- Three upgradient chemical release sites with impacts to groundwater are located south and generally upgradient of the Subject Property. One additional release site is located likely cross-gradient to, but in very close proximity (approximately 100 feet) to the Subject Property. Releases include volatile organic compounds ("VOCs") and petroleum hydrocarbons. Two of these sites have been closed by their respective regulatory oversight agency. The remaining two sites have very low concentrations of VOCs remaining in groundwater and are currently being monitored to document natural attenuation of the remaining concentrations.

  A Phase II investigation was performed for the Subject Property. As part of the Phase II investigation, five shallow grab groundwater samples were collected from the southern and western boundaries of the property to the south to assess the potential for on-site migration of VOCs in shallow ground from nearby upgradient properties. Chlorinated VOCs were detected at very low concentrations in two of the five samples. All detected concentrations of VOCs were well below screening criteria for vapor intrusion for both residential and commercial/industrial land use, and California drinking water standards. Gasoline range petroleum hydrocarbons ("TPHg") were not detected in any sample above the laboratory reporting limit. Dissolved Title 22 metals were either not detected above laboratory reporting limits or were detected at concentrations below drinking water standards.

  Given the case closure status of two of these properties and results of the Phase II grab groundwater sampling, which do not reveal any significant impacts to ground water, upgradient groundwater sources do not represent an off-site REC.

1 INTRODUCTION

EKI is pleased to present to Augustine Bowers this Phase I ESA report for the Subject Property, referred to as the SCS Retail property located at 2620 and 2700 Augustine Drive, 3333 and 3399 Bowers Avenue, and 3281, 3283, 3285, and 3295 Scott Boulevard in Santa Clara, California (see Figures 1 and 2). The Subject Property is located southeast of the intersection of Bowers Avenue and Augustine Drive, north of Scott Boulevard.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of ASTM *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-13 (published on 1 November 2013), and the requirements issued by the U.S. EPA Final EPA AAI Rule. The ASTM 1527-13 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs.

EKI's services were performed in accordance with the Master Services Agreement ("MSA") between EKI and Irvine Company LLC, dated 26 November 2012, and the associated scope of work, dated 29 January 2014.

1.1 Purpose for Phase I ESA

The purpose of the Phase I ESA was to identify RECs for the Subject Property as defined in ASTM E1527-13. EKI understands that Irvine Company LLC currently owns the Subject Property and intends to transfer title to, Augustine Bowers II LLC, which will redevelop the property into a specialty retail center.

1.2 Reliance on Phase I ESA

This report is for the sole benefit, use, and reliance of Augustine Bowers II LLC and Irvine Company LLC. Unless specifically authorized in writing in an agreement acceptable to EKI in its reasonable discretion, reliance on this report by any other entity is not permitted or authorized. Reliance on the information contained in this report by any third party without authorization by EKI does not make such entity a third party beneficiary of EKI's work product. Any such unauthorized reliance on, modification of, or use of this report, including any of its information or conclusions, will be at such third party's sole risk. The "User" of this Phase I ESA report, as defined by ASTM E1527-13 and as accepted under the Final U.S. EPA AAI Rule, is Augustine Bowers II LLC.

1.3 Phase I ESA Scope of Work

EKI performed the following tasks as part of this Phase I ESA:

- Reviewed available historical land use information for the Subject Property and surrounding area, e.g., historical aerial photographs and historical topographic maps provided by Environmental Data Resources, Inc. ("EDR") (see Appendix A);

- Reviewed documents and information for the Subject Property provided by Owner including a Phase I ESA conducted in 2012 (AEC, 2012), a Phase II subsurface investigation and a supplemental soil sampling investigation conducted in 2013 (EKI, 2013a and EKI, 2013b);

- Purchased and reviewed a regulatory agency database report for the Subject Property and surrounding area prepared by EDR, dated 19 February 2014 (referred to as EDR Radius Map Report; see Appendix C);

- Submitted requests for publicly-available files for the Subject Property from the City of Santa Clara Building Department, the City of Santa Clara Fire Department, Hazardous Materials Division, Bay Area Air Quality Management District ("BAAQMD"), DTSC, and Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB");

- Reviewed environmental reports prepared for nearby upgradient reported chemical release sites available on-line through the State of California Water Resources Control Board ("SWRCB") GeoTracker website, the DTSC Envirostor website, and the U.S. EPA Superfund website;

- Purchased and reviewed an Environmental Lien Search report for the Subject Property, prepared by EDR, dated 7 February 2014 (see Appendix D);

- Reviewed the Owner and User Questionnaire's provided by the Client (see Appendix D); and

- Performed a walk-through visual survey of the Subject Property on 17 February 2014 to observe the current site setting (see photographs in Appendix B).

2 GENERAL SITE CHARACTERISTICS

2.1 Site Location

The Subject Property is located southeast of the intersection of Bowers Avenue and Augustine Drive, north of Scott Boulevard in Santa Clara, California (see Figure 1). The neighborhood consists primarily of office and light industrial buildings.

2.2 Site Description and Current Site Uses

The Subject Property is approximately 14.18 acres in size. The Assessor's Parcel Numbers ("APNs") for the Subject Property are 216-45-011, 216-45-014, 216-45-019, 216-45-027, and 216-45-028.

Six buildings are currently located on the Subject Property (see Figure 2). Many of the tenant spaces are currently occupied. The buildings were built over a period of 7 years, from 1974 through 1981.

The 2620 Augustine Drive building, located in the northeastern portion of the Subject Property, was built in 1981 and is a two-story office building of approximately 50,000 square feet. The building is currently occupied by about 17 different tenants, who use the building as office space.

The 2700 Augustine Drive building, located in the northern central portion of the Subject Property, was built in 1979 and is a two-story office building of approximately 59,000 square feet. The building is currently occupied by about 24 different tenants, who use the building as office space.

The 3281-3285 Scott Boulevard building, located in the southeastern portion of the Subject Property, was built in 1974 and is a one-story building of approximately 48,000 square feet. The building is currently occupied by two tenants. The western third of the building is occupied by Hoya Corporation, a maker of optic products, which uses the facility for primarily office uses. The eastern two-thirds of the building is occupied by YesVideo, a company that converts old photographs and videos to newer formats.

The 3295 Scott Boulevard building, located in the southern central portion of the Subject Property, was built in 1979 and is a one-story office building of approximately 18,000 square feet. The building is currently configured with 2 separate tenant spaces, only one of which is occupied. Sandbox Suites, a shared office workspace company, occupies approximately half the building; the other half is vacant and configured as office space.

The 3333 Bowers Avenue building, located in the southwestern portion of the Subject Property, was built in 1977 and is a two-story office building of approximately 57,000 square feet. The building is currently occupied by about 26 different tenants, who use the building as office space. The building has two sections that are joined in the center by a central lobby area.

The 3399 Bowers Avenue building, located in the northwestern portion of the Subject Property, was built in 1975 and is a one-story building of approximately 6,500 square feet. The building is currently occupied by Specialty's Bakery, which uses the facility as a bakery and restaurant.

Additional information on the Subject Property is discussed in the Site Walk-through section of this report (see Section 6).

The Subject Property is currently owned by Irvine Company LLC.

2.3 Adjoining Properties

The Subject Property is bounded to the north by Augustine Drive, to the west by Bowers Avenue, to the east by the adjacent property known as the Montgomery Research Park, and to the south by Scott Boulevard. Buildings in the immediate vicinity of the Subject Property are primarily office and industrial buildings, including several multi-tenant office parks. A Shell service station, a McDonalds, and an empty lot under construction are located near the intersection of Augustine Drive and Bowers Avenue.

3 ENVIRONMENTAL SETTING

3.1 Site Geology and Shallow Groundwater Characteristics

The Subject Property is located in the Santa Clara Valley, which is part of a long, northwest-southeast-trending structural depression within the central Coast Ranges of California located between the San Andreas fault to the west and the Hayward and Calaveras faults to the east. According to the *Quaternary Geologic Map of the Milpitas Quadrangle, Alameda and Santa Clara Counties, California,* (USGS, 1989), the Subject Property is underlain by flood basin and natural levee deposits of the Holocene era, primarily associated with depositional environments of two main drainages, the Guadalupe River and Coyote Creek.

The subsurface geology encountered during the Phase II investigation (EKI, 2013a) performed in Spring 2013 for the Subject Property and the property to the north included a sequence of clays, silts, and silty sand layers in the upper 15 feet. Groundwater was generally encountered in a silty sand layer encountered between 15 feet and 20 feet below ground surface. Based on measurements made in 2005 on an upgradient site as part of routine groundwater monitoring requirements, the shallow groundwater flow gradient in the general area of the Subject Property is to the north-northeast (Shaw, 2006).

3.2 Surface Water Characteristics

The majority of the Subject Property is covered with buildings and asphalt-paved parking areas. Thus, the majority of rain water that falls on the Subject Property flows over impervious surfaces to storm drain inlets located throughout the paved areas on the property. Surface water in small landscaped areas located throughout the property likely infiltrates into the ground.

4 HISTORICAL LAND USE INFORMATION

Information on historical uses of the Subject Property and vicinity was obtained primarily from the following sources:

- Review of historical aerial photographs provide by EDR for selected years between 1939 and 2012;
- Review of historical USGS topographic maps provided by EDR for selected years between 1899 and 1980;
- Review of publicly available information for the Subject Property provided by the City of Santa Clara Building Department and the City of Santa Clara Fire Department;
- Review of historical City Directory information provided by EDR for selected years between 1980 and 2012; and
- Review of additional documents provided by Client.

According to EDR, Sanborn Fire Insurance maps for the Subject Property are not available. See Attachment A for historical aerial photographs, topographic maps and City directory search provided by EDR.

4.1 Late 1890s through 1973

On the topographic map dated 1899, the Subject Property and surrounding areas are depicted on the map as vacant.

On the available 1939 through 1968 aerial photographs and topographic maps, the Subject Property and adjoining properties to the north, east, and south are in use as orchards and Saratoga Creek is located just east of the Subject Property. One structure, likely a farmhouse, is located north of the Subject Property. The area west of the property has a few structures and appears to be in agricultural use (row crops).

On the topographic maps, the current Bowers Avenue is labeled as Coffin Road. The road which is now Highway 101 is shown on the 1939 aerial photograph, north of the Subject Property.

4.2 1974 Through Present-Day

On the 1974 aerial photograph, the Subject Property and surrounding properties to the north, east and south are no longer in orchard use and are vacant, e.g., no structures or apparent agricultural use. The property to the west across Bowers Avenue also no longer appears to be in agricultural use. Ground disturbing activities are apparent in the general area of the Subject Property and it appears that construction of on- and off-ramps from Bowers Avenue to Highway 101 is underway. Saratoga Creek is no longer visible south of Highway 101, and the area where the creek ran has been graded.

The 1980 topographic map shows the Subject Property developed with the 3281-3285 Scott Boulevard, 3333 Bowers Avenue, and the 3399 Bowers Avenue buildings. The 1982 aerial photograph shows the Subject Property developed with those and the remaining three buildings that currently exist onsite. The surrounding areas are developed with structures. The freeway on-and off-ramps to Highway 101 northwest of the Subject Property are also observed.

No obvious significant changes in land use or configuration of the Subject Property setting are noted on available aerial photographs from 1993 through 2012.

4.3 Facility Tenant Summary

Most of the buildings on the Subject Property are office buildings, with a history of hundreds of former tenants that very likely used the buildings' space for office uses (i.e., 2620 Augustine Drive, 2700 Augustine Drive, and 3333 Bowers Avenue).

The 3399 Bowers Avenue building was built as a restaurant space, which served as a Denny's restaurant until approximately 2007 when it was converted to the Specialty's Bakery that occupies the space currently.

The 3281-3285 Scott Boulevard and 3295 Scott Boulevard buildings were originally built as industrial buildings, rather than multi-tenant office buildings. According to City Directory information obtained from EDR, the following potential industrial and/or research & development tenants are listed for the two more industrial Subject Property buildings. The earliest listings available for the Subject Property were from 1980. The specific activities conducted by the tenants cannot be known from review of the EDR City Directory report. These tenants may have used or stored chemicals at the Subject Property.

Company	Years Listed (Earliest, Latest)
3281 Scott Boulevard	
Liconix Inc.	1991, 1996
3283 Scott Boulevard	
Sitesmith	2001
Cosel USA Inc	1996
Metal Graphics	1985
3285 Scott Boulevard	
Sourceselect Inc.	2008
Dynafundyventure	2001
Marubeni International Electronic Corp	1985, 1996
Americana Floor Coverings	1980

Company	Years Listed (Earliest, Latest)
3295 Scott Boulevard	
100 KSS American Inc.	1996
200 Project Consultants	1996
ACC Microelectronics Corp	1991
Cal Comp	1991
Mitsumi Techology Inc.	1991
Tandem Computers	1985, 1986

5 RESULTS OF KEY PRIOR SITE INVESTIGATIONS

Based on information provided by the Owner, several environmental assessments have been performed on the Subject Property, including a Phase I ESA conducted in 2012 (AEC, 2012) and a Phase II investigation and supplemental soil sampling performed in 2013 (EKI, 2013a and 2013b). A summary of select prior investigations is presented below. Pertinent sections of select reports are included in Appendix E of this report.

5.1 Summary of Findings of Prior Phase I ESA Report (AEC, 2012)

The Owner provided to EKI a copy of a Phase I ESA report for the Subject Property prepared by Advanced Environmental Concepts, Inc., (AEC, 2012). Key findings of the AEC Phase I ESA report are presented below:

- The Subject Property was in agricultural use before development of the property from 1974 through 1981.
- Based on review of Santa Clara Fire Department records, AEC indicated that DPSS Laser, Inc., a former occupant of the 3281 Scott Boulevard space, generated waste solvent and waste hydrochloric acid.
- AEC described a prior Phase I ESA for the property conducted in 2007 by EMG.[1] According to AEC, EMG concluded that "Groundwater contamination has been discovered in the area of the Project as a result of numerous spills/leaks from various sites since the 1980s. However, all of these spills/leaks have been undergoing environmental remediation and the various sites have been subject to period reviews in five (5) year intervals. The responsible parties have been identified, and the Project is not included. No further action or investigation is warranted."
- According to AEC, EMG also noted suspect ACM in all of the buildings and recommended continued implementation of the existing ACM Program.
- AEC identified one HREC for the Subject Property. In December 2005, there was a release of hydraulic oil to the subsurface from an elevator in the 2620 Augustine Drive building. The groundwater in this area was remediated under RWQCB oversight, and in 2007 the RWQCB issued a no-further-action letter for the release site. The RWQCB stated that "If in the future, the site is to be redeveloped for a more sensitive use and/or the building is demolished, further investigation of the area of the release should be performed to determine if additional remediation is warranted." AEC concurred with the recommendation of the RWQCB for further investigation and remediation should the existing building be demolished.
- AEC identified the presence of "numerous high tech properties" near the Subject Property that have had releases of solvents to subsurface soil and groundwater along with active service station sites. AEC noted that the prior releases of chlorinated solvents and/or hydrocarbons and oxygenates have been well-documented and the suspect sites have been issued letters of "no further action" by the regulatory agency providing oversight or are subject to remediation coupled with periodic monitoring. In order to evaluate the potential impacts to the Subject Property from offsite sources,

[1] This Phase I ESA, reportedly conducted for the Subject Property by EMG in January 2007, was not provided to EKI for review.

AEC recommended that a soil and groundwater investigation, including grab groundwater sampling, be implemented around the southern and western perimeter of the parking lot to identify if offsite contaminates have migrated onto the Subject Property.

- With the exception of the HREC and the offsite groundwater releases mentioned above, AEC concluded that there are no RECs for the Subject Property.

5.2 Phase II Subsurface Investigation Reports (EKI, 2013a and 2013b)

In March 2013, EKI performed a Phase II subsurface investigation at the Site including sampling of soil gas and shallow soil. A supplemental shallow soil investigation was performed in May and June 2013. The Phase II investigations were performed for the Subject Property and the property to the north across Augustine Drive, which is approximately 16.55 acres in size and is currently vacant and undergoing remediation under DTSC oversight in accordance with a Response Plan dated January 2014 (EKI, 2014). Key findings of the Phase II investigations are presented below:

- In March 2013, based on the findings of the 2012 AEC Phase I, five shallow grab groundwater samples were collected from the southern and southwestern property boundaries to assess the potential for on-site migration of VOCs in shallow ground from nearby upgradient properties, including the former Applied Materials #1 and Hewlett Packard/Avantek sites (see Section 8.4). Chlorinated VOCs were detected at very low concentrations in two of the five samples. The maximum detected concentration was for trichlorofluoromethane ("Freon 11") at 8.3 micrograms per liter ("ug/L"). All detected concentrations of VOCs were well below screening criteria for vapor intrusion for both residential and commercial/industrial land use, and California drinking water standards. TPHg was not detected in any sample above the laboratory reporting limit. Dissolved Title 22 metals were either not detected above laboratory reporting limits or were detected at concentrations below drinking water standards.

  Although very low concentrations of VOCs are migrating onto the Subject Property, these results, which are below drinking water standards and residential screening levels for vapor intrusion from groundwater, indicate that upgradient groundwater sources pose a less than a significant risk to the Subject Property and a less than significant risk from vapor intrusion to the current or future occupants of the property.

- Eight soil gas samples were collected from soil vapor probes on the Subject Property, to assess potential vapor intrusion risks to future building occupants by volatile chemicals. Very low concentrations of several chlorinated and petroleum-related VOCs were detected well below screening criteria for both residential and commercial/industrial land uses, including RWQCB ESLs and the CHHSLs (RWQCB, 2013; Cal-EPA, 2010).[2] Based on these results and the grab

[2] Residential screening criteria were used in this assessment to evaluate the results for unrestricted land use because development approvals for the Subject Property include a day care center as a conditional use.

groundwater sampling results the very low concentrations of VOCs in soil gas and groundwater do not pose a significant vapor intrusion risk at the Subject Property.

- In March 2013, EKI performed a Phase II subsurface investigation at the Subject Property that included the collection of 12 two-point composite shallow soil samples from the Site, which were analyzed for arsenic, lead, and organochlorine pesticides (EKI, 2013a). In May and June 2013, EKI collected an additional 22 shallow soil samples from the Subject Property to further investigate the extent of arsenic and pesticides in soil (EKI, 2013b). All 22 samples were analyzed for arsenic, and five samples were analyzed for organochlorine pesticides.

  The results of these investigations indicate that arsenic is present in soil across much of the Subject Property, primarily the southern two-thirds of the property, at concentrations in excess of risk-based CHHSLs and background concentrations (15 out of the 34 discreet and composite samples analyzed contained arsenic above the background concentration of 17 milligrams per kilogram ("mg/kg")). Elevated concentrations of lead were also detected onsite, with 2 out of 12 samples analyzed for lead containing concentrations exceeding risk-based CHHSLs for residential land use. Concentrations of select organochlorine pesticides (dieldrin, DDE, and DDD) were also detected above risk-based CHHSLs for residential land use. Specifically, out of 17 samples analyzed, 2 soil samples exceeded the residential CHHSL for dieldrin, 3 samples exceeded the residential CHHSL for DDE, and 2 samples exceeded the residential CHHSL for DDD. One detection of dieldrin was also detected above its risk-based CHHSL for commercial land use. The elevated lead and organochlorine pesticide concentrations appear to correlate well with soil containing elevated concentrations of arsenic.

- Four samples of baserock from the Subject Property were submitted for laboratory analysis for asbestos and metals indicative of serpentine rock in order to evaluate the potential use of serpentine rock as base rock material at the Subject Property when it was initially developed.

  The laboratory analysis confirmed that the base rock observed on the Subject Property is not serpentine and does not contain asbestos. The detected metals concentrations are consistent with greenstone and typical Santa Clara Valley-derived soils, not serpentine, and do not contain metals at concentrations above CHHSLs.

5.3 Voluntary Cleanup Agreement and Response Plan

Based on analytical results for shallow soil sampling performed as part of the Phase II investigations summarized above, the Owner submitted a "Request for Agency Oversight of a Brownfield site" in March 2014 to the DTSC. The DTSC has been established as the oversight agency for the Subject Property. As a result of this correspondence, the Owner is entering into an oversight agreement under the California Land Reuse and Revitalization Act of 2004, California Health and Safety Code Section 25395.60 et seq. ("CLRRA"). The Subject Property is suitable for redevelopment as a retail center with an anchor grocery store, following soil remediation.

In accordance with this agreement, a Response Plan is currently being prepared (1) to address concentrations of arsenic, lead, and organochlorine pesticides in shallow soil prior to redevelopment of the Subject Property, (2) to propose soil management procedures to address potentially contaminated soil and subsurface structures, should they be observed during redevelopment, and (3) to assess petroleum hydrocarbon concentrations in soil in the vicinity of the historic hydraulic oil leak after building demolition.

6 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY

On 27 February 2014, Kat Wuelfing of EKI conducted a visual reconnaissance of the Subject Property. Ms. Wuelfing is an Environmental Professional as defined in 40 CFR Section 312.10, and as accepted by ASTM 1527-13 (see resume in Appendix F). Access to the buildings was provided by Mr. George Gomez, building engineer for the Owner. Mr. Cory Chung, project manager with MPA, Inc. (and a representative on behalf of Client) was also present for most of the site walk-through.

Observations of the Subject Property and adjoining areas are discussed below. Selected photographs taken during the walk-through of the Subject Property are presented in Appendix B of this report.

6.1 Exterior Observations

The Subject Property consists of 6 buildings situated on an approximately 14.2 acre roughly rectangular-shaped property. The buildings are distributed across the Subject Property with large parking lot areas in between. The 3281-3285 Scott Boulevard building appears to be a concrete tilt-up construction. All other buildings appear to be of the same general construction, although each of a different size and shape.

A small workshop/shed is located in the parking lot area between the 2700 and 2620 Augustine Drive buildings. This workshop is used by Mr. Gomez for storage of tools and maintenance-related chemicals including paints, metal polish, adhesives, paint thinner, and gasoline. Gasoline and spray-cans are stored in a dedicated chemical storage cabinet.

Numerous transformers are present throughout the property, in parking lot areas. Some of the transformers are labeled "Non-PCB" and no staining was observed beneath or around any of the transformers. No pole-mounted transformers were observed in the area of the Subject Property. Signage denoting the location of a nitrogen gas pipeline owned by Air Products is present along the southern property boundary, running down Scott Boulevard. Storm drains are present throughout the property in parking lot areas.

No chemical storage was observed in the exterior areas of the property at the time of the site walk-through.

6.2 Interior Observations

The 2620 Augustine Drive, 27000 Augustine Drive, and 3333 Bowers Avenue buildings are large multi-tenant office buildings. EKI did not access all tenant spaces in these buildings, however all observed were consistent with typical office use (e.g., attorneys offices, CPAs, sales offices, etc.). Several spaces were configured with electronic-type testing laboratory spaces, however no significant chemical use or manufacturing was observed in any area of the Subject Property. Numerous transformers are located in electrical rooms throughout the property. Many are labeled "dry type" and no staining was observed beneath any.

2620 Augustine Drive
The 2620 Augustine Drive building, located in the northeastern portion of the Subject Property, was built in 1981 and is a two-story office building of approximately 50,000 square feet. The building is currently occupied by about 17 different tenants, who use the building as office space. The hydraulic equipment in the elevator mechanical room in this building appeared to have some minor leaks.[3] Absorbent pads were placed on the room's floor beneath the equipment and appeared to have some oily material on it. Some staining is present on the cement floor but does not appear to indicate a substantial release within the room, and no significant path from the floor to the subsurface below (e.g., crevices in the slab) was observed.

2700 Augustine Drive
The 2700 Augustine Drive building, located in the northern central portion of the Subject Property, was built in 1979 and is a two-story office building of approximately 59,000 square feet. The building is currently occupied by about 24 different tenants, who use the building as office space. The hydraulic equipment in the elevator mechanical room in this building appeared to have some minor leaks. Absorbent pads were placed on the room's floor beneath the equipment and appeared to have some oily material on it. Some staining is present on the cement floor but does not appear to indicate a substantial release within the room, and no significant path from the floor to the subsurface below (e.g., crevices in the slab) was observed.

3281-3285 Scott Boulevard
The 3281-3285 Scott Boulevard building, located in the southeastern portion of the Subject Property, was built in 1974 and is a one-story building of approximately 48,000 square feet. The building is currently occupied by two tenants. The western third of the building is occupied by Hoya Corporation, a maker of optic products, which uses the facility for primarily office uses. The eastern two-thirds of the building are occupied by YesVideo, a company that converts old photographs and videos to newer formats.

A large shipping, receiving, and storage area is present along the northern portion of the Hoya tenant space. Two small locked chemical storage cabinets are present in this area, labeled as containing acetone, alcohol reagent, multi-purpose oil, flat protective enamel, Pre-Cote #33 blue protective coating, and Cargille refractive index liquid.

3295 Scott Boulevard
The 3295 Scott Boulevard building, located in the southern central portion of the Subject Property, was built in 1979 and is a one-story office building of approximately 18,000 square feet. The building is currently configured with 2 separate tenant spaces, only one of which is occupied. Sandbox Suites, a shared office workspace company, occupies approximately half the building; the other half is vacant and configured as office space.

[3] The release of approximately 40 gallons of hydraulic oil discussed in Section 8.2.1 occurred in the hydraulic jack, which was located in a boring that extended 15 feet below the bottom of the elevator pit (about 19 feet below grade) equipment located (RWQCB, 2009). This area beneath the elevator pit was not observed by EKI during the site walk-through.

3333 Bowers Avenue
The 3333 Bowers Avenue building, located in the southwestern portion of the Subject Property, was built in 1977 and is a two-story office building of approximately 57,000 square feet. The building has two sections that are joined in the center by a central lobby area. The building is currently leased to about 26 different tenants, although some of these tenants sublet to additional tenants, so the building effectively houses on the order of 70 individual tenant spaces. The hydraulic equipment in the elevator mechanical room in this building appeared to have some minor leaks. Absorbent pads and a metal catch pan were placed on the room's floor beneath the equipment and appeared to have some oily material on it. A round rust-colored stain was observed in the corner of one of the building's electrical rooms. According to Mr. Gomez, this was from a previous water heater; a relatively new-looking water heater is currently present on a stand above the stained area.

During the site-walk, Nano-Optic Devices LLC was in the process of moving out of Suite 190. Equipment being moved included an industrial-sized air compressor, electro-static discharge testing system, and electronic laboratory-type equipment. No chemicals were observed in the tenant space.

3399 Bowers Avenue
The 3399 Bowers Avenue building, located in the northwestern portion of the Subject Property, was built in 1975 and is a one-story building of approximately 6,500 square feet. The building is currently occupied by Specialty's Bakery, which uses the facility as a bakery and restaurant. The facility includes large ovens and mixing equipment and a walk-in refrigeration unit.

6.3 Surrounding Vicinity

The Subject Property is bounded to the north by Augustine Drive, to the south by Scott Boulevard, to the west by Bowers Avenue, and to the east by commercial buildings. A drive-by inspection was conducted to observe properties in the surrounding vicinity.

The buildings in the immediate vicinity of the Subject Property to the east and south are primarily office buildings. West of the Subject Property is a gas station, a City of Santa Clara electrical substation, and an office building. The property to the north (the Santa Clara Technology Campus 1 site) was vacant and undergoing construction at the time of the site walk.[4]

No obvious monitoring wells or evidence of remediation equipment were observed on properties near the Subject Property during the drive-by inspection.

[4] The Santa Clara Technology Campus 1 ("SCTC 1") site is approximately 16.55 acres in size is currently vacant and undergoing remediation under DTSC oversight in accordance with a Response Plan dated January 2014 (EKI, 2014).

7 INFORMATION PROVIDED BY OWNER AND USER

7.1 Results of Owner Questionnaire

Mr. Dean Kirk, Vice President of Environmental Affairs with Irvine Company LLC completed a Phase I ESA questionnaire for the Subject Property. The completed questionnaire, dated 25 February 2014, is included in Attachment C of this report. A summary of answers by Mr. Kirk to key questions in the questionnaire is presented below.

- Mr. Kirk has been familiar with the Subject Property for approximately one and a half years.
- Mr. Kirk indicates prior uses at the Subject Property were agricultural and office.
- Mr. Kirk indicates no chemicals are used or stored at the Subject Property.
- Mr. Kirk is not aware of any current or former USTs or ASTs on the property.
- Mr. Kirk is noted a past hydraulic fluid leak from an elevator at 2620 Augustine Drive, the cleanup of which was overseen by the RWQCB, and referred to the AEC Phase I and EKI Phase II reports for more information.
- Mr. Kirk is aware of arsenic and legacy pesticides present in soil at the Subject Property, consistent with the Subject Property's past agricultural use.
- Mr. Kirk noted that prior asbestos survey has been conducted and referenced the AEC Phase I for more information.

Mr. Kirk's responses regarding his knowledge about current and prior chemical use or releases is based on previous environmental reports prepared for the Subject Property, specifically, the *Phase I Environmental Site Assessment for Silicon Valley Corporate Center – Phase II* (AEC, 2012) and *Results of Phase II Subsurface Investigation, Santa Clara Technology Campus, Bowers Avenue, Augustine Drive, and Scott Boulevard, Santa Clara, California* (EKI, 2013a).

7.2 Results of User Questionnaire

Mr. Chase Gilmore with Augustine Bowers II LLC, the User of this Phase I ESA report, completed a User questionnaire for the Subject Property, dated 25 February 2014, a copy of which is included in Appendix D. The questionnaire is consistent with the User Questionnaire suggested in Appendix X3 of ASTM E1527-13 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,* published on 1 November 2013. A summary of the responses by Mr. Gilmore to the questionnaire is presented below.

7.2.1 Environmental Liens

According to Mr. Gilmore, to his knowledge, there are no environmental cleanup liens filed or recorded against the Subject Property. This is consistent with the EDR Database and public records search for the Subject Property.

7.2.2 Activity and Land Use Limitations

According to Mr. Gilmore, to his knowledge, there are no activity and land use limitations (i.e., engineering or institutional controls) in place on the Subject Property.

7.2.3 Specialized Knowledge or Experience

Mr. Gilmore indicated that he has no specialized knowledge or experience related to the Subject Property.

7.2.4 Commonly Known or Reasonably Ascertainable Information

Mr. Chase referenced that information pertaining to past chemical use and releases on the Subject Property is solely based on the recent environmental investigation reports, specifically *Phase I Environmental Site Assessment for Silicon Valley Corporate Center – Phase II* (AEC, 2012) and *Results of Phase II Subsurface Investigation, Santa Clara Technology Campus, Bowers Avenue, Augustine Drive, and Scott Boulevard, Santa Clara, California* (EKI, 2013a).

7.3 Results of Environmental Lien Search

EKI purchased from EDR an Environmental Lien Search report for the Subject Property parcels (APNs 216-45-011, 216-45-014, 216-45-019, 216-45-027, and 216-45-028). A copy of the EDR Lien Search report, dated 16 September 2013, is included in Appendix D of this Phase I ESA report. According to the Lien Search report, there are no environmental cleanup liens or activity and use limitations ("AULs") filed or recorded against the Subject Property.

8 RESULTS OF REGULATORY AGENCY FILE REVIEWS

To identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, i.e., known or potential contamination of soil or groundwater, or reported chemical use, EKI contracted with EDR to perform a search of available, selected federal, state, and local environmental regulatory agency databases. EDR performed a search for the Subject Property and properties located within selected radii of the Subject Property. A copy of the resulting "EDR report" prepared by EDR is provided in Appendix C. Refer to the radius map report for a complete list of the federal, state, and tribal databases searched.

8.1 Results of EDR Database and Public Records Search for Subject Property

According to the EDR report, one or more of the Subject Property addresses are listed on specific regulatory agency databases as follows:

- Cal Comp Santa Clara Field Svc (3295 Scott Boulevard, Suite 200): Resource Conservation and Recovery Act ("RCRA") – Small Quantity Generator, Facility Index System/Facility Registry System ("FINDS"), dated 1987;
- Santa Clara Office Center III (2620 Augustine Drive): California Spills, Leaks, Investigation, and Cleanup ("SLIC") – Case Closed, dated 2009;
- City of Santa Clara/Silicon Valley (3281 Scott Boulevard): California Hazardous Materials Information Reporting System ("CA HAZNET") dated 2001; and
- Metal Graphics Laboratories, Inc. (3283 Scott Boulevard): RCRA Non-Generator, No longer regulated, FINDS, dated 1986.

These above-listed regulatory agency databases reflect documented current and historical use and storage of chemicals at the Subject Property, as well as off-site disposal of hazardous wastes from the Subject Property.

8.2 Review of Available Regulatory Agency Files for Subject Property

EKI submitted requests to the following environmental regulatory and public agencies to review available files regarding the Subject Property:

- DTSC
- RWQCB
- City of Santa Clara Fire Department, Hazardous Materials Division
- City of Santa Clara Building Department
- BAAQMD
- Online database searches (California State Water Resources Control Board ("SWRCB"), DTSC, and Santa Clara County Department of Environmental Health ("SCCDEH"))

No files were received from for the Subject Property from the DTSC, BAAQMD, or SCCDEH. The City of Santa Clara Building Department and Fire Department provided files to EKI and RWQCB records were available on the SWRCB Geotracker website.

Copies of the files are included in Appendix A of this report. Brief summaries of the available file information reviewed by EKI are presented below.

8.2.1 Review of RWQCB Files

The Subject Property address of 2620 Augustine Drive is listed SWRCB's Geotracker website as a closed cleanup program site. According to available records, in December 2005, there was a release of approximately 40 gallons of hydraulic oil from an elevator hydraulic system at the 2620 Augustine Drive building. A groundwater extraction well was installed and over 200,000 gallons of groundwater pumped from the well. Extraction ceased in November 2007 because there was no longer any measurable separate phase layer of oil. A sample was collected from saturated zone soil beneath the elevator pit slab where the release occurred, and analyzed for polychlorinated biphenyls ("PCBs") and total petroleum hydrocarbons in the diesel range ("TPHd") and in the motor oil range ("TPHmo"). The soil sample contained TPHd at a concentration of 680 milligrams per kilogram ("mg/kg") and TPHmo at a concentration of 5,000 mg/kg; PCBs were not detected in the soil sample. The RWQCB issued a No Further Action letter for this case on 24 March 2009 (RWQCB, 2009). According to the No Further Action letter, "if in the future, the site is to be redeveloped for a more sensitive use and/or the building is demolished, further investigation of the area of the release should be performed to determine if additional remediation is warranted."

8.2.2 Review of City of Santa Clara Building Department

City of Santa Clara Building Department records were available for all eight addresses associated with the Subject Property. Permits were issued to Spieker Properties LP, John Arrillaga, Trammel Crow Company, Irvine Company, and various construction/contracting companies. Records indicate that the Subject Property buildings were built from 1974 through 1981 as office, restaurant, and industrial buildings.

Additional building permits of note:

- 2620 Augustine Drive
  - 2007 – architectural review of temporary installation of groundwater remediation equipment inside existing enclosed outdoor patio area
- 3281 Scott Boulevard
  - 2001 – review of hazardous materials closure plan (see discussion of DPSS Laser, Inc./ Liconix in Section 8.2.3 below)

8.2.3 Summary of City of Santa Clara Fire Department, Hazardous Materials Division Files

EKI reviewed files from the City of Santa Clara Fire Department, Hazardous Materials Division for 3281 Scott Boulevard, 3283 Scott Boulevard, and 2700 Augustine Drive.

DPSS Laser, Inc./ Liconix, a laser manufacturing company, formerly leased the 3281 Scott Boulevard space. According to Santa Clara Fire Department records, the DPSS Laser, Inc. facility generated limited quantities (i.e., less than 55 gallons) of waste solvent (methanol) and waste hydrochloric acid and vacated the property in September 2000. A facility

closure plan was filed with the Fire Department a year later in September 2001, although no facility closure report was available in the files.

Metal Graphics Labs Inc., a nameplate manufacturing company, formerly leased the 3283 Scott Boulevard space in the late 1980s through early 1990s. Chemicals used by this facility included petroleum-based solvents, acids, copper compounds, and photopolymer resins. According to available records, quantities on hand were typically less than 55-gallons, although copper sulfate and sulfuric acid and photopolymer resins were used in larger quantities, on the order of 300-600 gallons. No facility closure documentation was available in the files for this facility.

Nantero, a nanotechnology company, formerly leased Suite 178 in the 2700 Augustine Drive building. The only hazardous material identified in the file for this facility was compressed nitrogen.

Copies of selected files are included in Appendix A of this report.

8.3 Off-Site, Upgradient Properties with Reported Chemical Use

Based on the EDR Report and groundwater flow information for the area, the following facilities, which are located in proximity to and within approximately ¼-mile upgradient (to the south-southwest) of the Subject Property, are listed on specific chemical use, storage, or disposal regulatory agency databases.

Building Address	Facility Name
2800 Augustine*	Oakmead Shell
3040 Coronado Dr.	Tanthap Inc
3050 Coronado Blvd.*	Synertek Inc. (Building 1)
3050 Bowers Avenue*	Applied Materials #1
3065 Bowers Ave.	Intel Corporation Bowers Campus
3065 Bowers Ave.	Santa Clara 1 Building (FAB II
3111 Coronado Dr.	Applied Materials
3111 Coronado Dr.	Tempress
3150 Coronado Dr.	Advance Circuit Svc
3151 Coronado Dr.	Chippac Inc.
3151 Coronado Dr.	Rucker & Kolls
3175 Bowers Ave.	Agilent Technologies - Bowers
3175 Bowers Ave.*	Hewlett Packard Co (Avantek)
3240 Scott Blvd.	CTS EMS
3250 Scott Blvd.	Micrel-Synergy Semiconructor
3265 Scott Blvd.	Zeta Laboratories Inc
3300 Scott Blvd.	Applied Materials

The above-listed facilities at the addresses shown are included on regulatory agency databases that reflect use and storage of chemicals, as well as off-site disposal of hazardous wastes. Those facilities listed in the table above with chemical releases reported by EDR (noted with an asterisk "*") are discussed further in the following section.

8.4 Off-Site, Upgradient Properties with Reported Chemical Releases

EKI reviewed potentially relevant information for the reported chemical release sites available on the SWRCB GeoTracker website, the DTSC Envirostor website, or the U.S. EPA Superfund website. The known environmental conditions at the four reported chemical release sites are discussed briefly below.

8.4.1 Shell, 2800 Augustine Drive

The Shell site is located approximately 100 feet west from the northwest corner of the Subject Property, and likely crossgradient to the Subject Property.

According to a No Further Action letter issued by the SCCDEH for this site on 25 August 2009, groundwater at the site had been impacted with petroleum hydrocarbons and methyl tertiary butyl ether ("MTBE"). Although residual concentrations of these chemicals remain in groundwater, the chemical concentration trends indicate contamination is attenuating and does not warrant further action. The most recent groundwater analytical data available collected in 2006 indicates a TPHg concentration of 110 ug/L and a MTBE concentration of 21 ug/L from the well located closest to the Subject Property (at the northwest corner of the Shell site) (Shaw, 2006). The concentration of MTBE detected in groundwater is well below the residential ESL based on the vapor intrusion pathway of 9,900 ug/L. In addition, no petroleum hydrocarbons or related constituents (e.g., benzene) were detected in grab groundwater sample collected at the northwestern corner of the Subject Property (EKI, 2013a).

Conclusion: Based on the low concentrations of petroleum hydrocarbons and MTBE remaining in groundwater at the Shell site in 2006 and continued natural attenuation, petroleum hydrocarbons remaining in groundwater at the Shell site are not likely to impact the Subject Property.

8.4.2 Applied Materials #1, 3050 Bowers Avenue

The Applied Materials site is located approximately 750 feet southwest and potentially upgradient of the Subject Property. This site is a Superfund site under the oversight of the Environmental Protection Agency. Records from the EPA Superfund website contained the information provided below.

The facility has been used to manufacture equipment for the fabrication of semiconductor wafers from 1974 to the present. During the 1970s, VOCs were used as industrial solvents for cleaning and degreasing. Acids, caustics, and other chemicals were also used at the facility. The natural groundwater flow direction beneath the site is to the north towards San Francisco Bay.

Groundwater at the site is contaminated with VOCs. Groundwater monitoring and extraction wells were installed in 1984. Groundwater extraction began in 1985 and continued through 2002 until contaminant concentrations in groundwater approached declining, asymptotic levels. The pump and treat system operation was discontinued in 2002. Chemical attenuation and plume stability monitoring is ongoing.

The fourth Five Year Review Report completed in September 2010 concluded the following: currently, all monitoring data show that the contaminant concentrations continue to decrease, and with the institutional control in place to restrict the use of ground water as a drinking water source, the remedy is considered to be protective of human health and the environment (U.S. EPA, 2010). The fourth Five Year Review Report also indicated that detected concentrations of chemicals of concern in all except for two site wells are below drinking water maximum contaminant levels ("MCLs") in the last annual sampling events (January 2010); two site wells contained 1,1-dichloroethane ("1,1-DCA") at concentrations of 5.8 ug/L and 7.2 ug/L, above the MCL of 5 ug/L. The EPA recommended continued annual monitoring in the four remaining wells.

Conclusion: Based on the available site summary and the results of groundwater sampling along the southern Subject Property boundary (see Section 5.2), VOCs remaining in groundwater from the Applied Materials #1 site are not likely to impact the Subject Property.

8.4.3 Hewlett Packard / Avantek, 3175 Bowers Avenue

The Hewlett Packard/Avantek site is located approximately 700 feet and potentially upgradient of the Subject Property.

According to a No Further Action letter from the RWQCB in 2011, soil and groundwater at the Hewlett Packard/Avantek site were contaminated with VOCs (principally TCE) during the late 1970s as a result of a leaking underground storage tank ("UST"). The UST was removed in 1985 and a groundwater extraction system was installed in 1986. Groundwater was extracted from 1986 through 1998 and the groundwater system was curtailed in 1998. According to the RWQCB, subsequent monitoring showed no evidence of a rebound in VOC concentrations in groundwater. The letter further states that the groundwater chemistry indicates that VOCs are degrading over time and that drinking water goals are expected to be achieved before groundwater at the site would be needed for such purposes. According to the letter, the maximum concentrations of VOCs in groundwater detected during the last monitoring event, in 2006, were 18 ug/L of TCE, 27 ug/L of cis-1,2-dichlorethene ("cDCE") and 2.0 ug/L vinyl chloride, which are above their MCLs of 5 ug/L, 6 ug/L, and 0.5 ug/L, respectively (RWQCB, 2011).

In addition, two USTs (one 750-gallon diesel UST and one 2,000-gallon fuel oil UST) were removed from the site in 1992. The tanks were presumed to have been used prior to the development of the site in 1972. During tank removal, soil surrounding the tanks was observed to be stained and the soil was excavated until confirmation samples resulted in less than 100 mg/kg (approximately 2,000 cubic yards). The RWQCB issued a remedial action completion certificate was issued for the fuel USTs at the Hewlett Packard / Avantek site in February 1997 (RWQCB, 1997).

According to a well closure report, all groundwater monitoring and extraction wells associated with the Hewlett Packard site were destroyed in December 2006 (SECOR, 2007). According to a letter from RWQCB, as of 13 September 2006, the cleanup requirements for the site issued in 1998 (Order No. 98-092) were rescinded.

Conclusion: Based on the most recent available groundwater data, as well as results of groundwater sampling along the southern Subject Property boundary (see Section 5.2), VOCs remaining in groundwater from the Hewlett Packard/ Avantek site are not likely to impact the Subject Property.

8.4.4 Synertek, 3050 Coronado Drive

The Synertek site is located approximately 900 feet southeast and potentially upgradient (likely cross-gradient) of the Subject Property. However, as discussed below, VOCs in groundwater from the Synertek site are not likely migrating onto the Subject Property. The Synertek site is a U.S. EPA NPL (e.g., Superfund) site currently being overseen by the RWQCB, acting as agent to the U.S. EPA. Information on the Synertek chemical release site, discussed below, was available from review of the following technical report, obtained from the GeoTracker website:

- *2013 Groundwater Monitoring and Sampling Report, Former Synertek Building No. 1, 3050 Coronado Drive, Santa Clara, California,* CH2MHill, January 2014 (CH2MHill, 2014)

In 1985, one 200-gallon waste solvent tank and three acid-waste neutralization tanks were removed from the Synertek site. During the tank removals, it was noted that soil and groundwater has been impacted primarily by TCE that had been released from the tanks. Other chemicals detected in the subsurface included, 1,1-dichloeothene ("1,1-DCE"), 1,1-DCA, 1,1,1-trichloroethane ("1,1,1-TCA"), vinyl chloride, and Freon 113. Soil remedial actions were performed at the time of the tank removals. In 1987, Synertek installed and began operation of a groundwater extraction and treatment system to remediate the groundwater impacts. Synertek also installed a series of groundwater monitoring wells to monitor the lateral and vertical extents of the contaminant plume, several of which were installed on the adjacent Park Square property (discussed further below).

In 1999, the groundwater extraction and treatment system was shut-down with approval of the RWQCB, and monitored natural attenuation ("MNA") of the contaminant plume was approved. The monitoring wells have been sampled on roughly a semi-annual basis since shut-down of the groundwater treatment system. In 2005, CH2MHill reported to the RWQCB that the groundwater plume has stabilized and that MNA was being effective. In June 2013, the RWQCB granted Synertek's request for a reduction in sampling frequency of some the wells from semi-annual to annual monitoring. They are currently requesting that the RWQCB also allow number of monitoring wells in the well network be abandoned.

According to the CH2MHill (2014) report, two shallow groundwater monitoring wells are located on the Park Square property, crossgradient to and approximately 340 feet

(MW-34A) and 440 feet (MW-29A) from the eastern Subject Property boundary. According to the CH2MHill (2014) report, the wells were sampled most recently in April 2013. According to the results, TCE was detected in the upgradient well MW-29A at a concentration of 1.6 ug/L but was not detected in the downgradient well MW-34A above the laboratory reporting limit. The reported concentration of TCE is below the current RWQCB ESL based on drinking water standards for TCE of 5 ug/L. 1,1-DCA and 1,1-DCE were also reported in groundwater at MW-29A at concentrations up to 5.9 ug/L and 8.2 ug/L, respectively. These reported concentrations exceed their respective drinking water RWQCB ESLs; however, they are well below their respective RWQCB ESLs for potential vapor intrusion concerns for both residential and commercial uses (Table E-1; RWQCB, 2013). TCE, 1,1-DCA, and 1,1-DCE were not-detected in downgradient well MW-34A during sampling performed in 2013.

Conclusion: Based on the groundwater flow direction in this area, sampling data from upgradient and crossgradient groundwater monitoring wells, and sampling data from the Phase II investigation of the Subject Property, VOCs in groundwater from the Synertek site are not likely migrating onto the Subject Property.

9 SUMMARY OF PHASE I ESA FINDINGS AND OPINIONS

EKI's findings and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs are presented below.

9.1 Summary of Phase I ESA Findings and Opinions

The following REC was identified in connection with the performance of this Phase I ESA:

- Consistent with the Phase I conducted by AEC in 2012, results of Phase II shallow soil sampling at the Subject Property indicate that arsenic is present in soil across much of the Subject Property (primarily the southern two-thirds of the property) at concentrations in excess of risk-based CHHSLs and background concentrations. Lead, dieldrin, DDD, and DDE were also detected in shallow soil at concentrations that exceed CHHSLs.

  The Owner is currently working under the oversight of the DTSC to prepare a Response Plan. The Response Plan will (1) address concentrations of arsenic, lead, and other pesticides in shallow soil prior to redevelopment of the Subject Property, and (2) propose soil management procedures to address potentially contaminated soil or subsurface structures, should they be observed during redevelopment.

The following HREC, consistent with the Phase I conducted by AEC in 2012, was identified in connection with the performance of this Phase I ESA:

- In 2005, a release of approximately 40 gallons of hydraulic oil occurred from an elevator system in the 2620 Augustine Drive building, resulting from the failure of equipment located in a boring that extended to approximately 19 feet below grade (RWQCB, 2009). This release underwent groundwater remediation under the oversight of the RWQCB and received closure in 2009. According to the No Further Action letter, "if in the future, the site is to be redeveloped for a more sensitive use and/or the building is demolished, further investigation of the area of the release should be performed to determine if additional remediation is warranted" (RWQCB, 2009).

The following potential on-site environmental issues and findings (i.e., non-RECs or de minimis conditions), consistent with the Phase I conducted by AEC in 2012, were identified in connection with the Phase I ESA performed for the Subject Property:

- Past Subject Property tenants primarily in the 3281-3285 Scott Boulevard building used and stored chemicals on site. Based on available agency records, chemical use by these tenants was limited, and primarily consisted of acids, acetone, methanol, and petroleum-based solvents (e.g., toluene). The earliest records of chemical use or storage available for the property are from 1988 and it is not known what chemicals, if any, were used on the Subject Property during the late 1970s and 1980s. There are no documented or reported releases or any visual or other

indication of a release of chemicals to the subsurface on the Subject Property, other than the hydraulic oil release discussed above.

- During the walk-through visual survey, EKI observed minor leakage from hydraulic equipment in the elevator mechanical rooms for the 2620 and 2700 Augustine Drive and 3333 Bowers Avenue buildings buildings, which is currently being managed with absorbent pads. EKI did not observe an apparent pathway from the leakage area to the subsurface (e.g., no significant cracks or floor seams in the areas of concern). While there is a potential that the subsurface may be impacted by the releases observed at this location, the release is minor and being addressed, thus the condition is not classified as a REC.

- Multiple pad-mounted and vaulted electrical transformers are present in the parking lot areas on the Subject Property. No visual indication of oily surface staining around the base of the transformers was observed at the time of the site visit by EKI. Thus, the presence of the transformers on the Subject Property does not constitute a REC.

- According to a prior Phase I ESA (AEC, 2012), suspect ACM have been identified at the Subject Property and an O&M Program exists for the property.

The following potential off-site environmental issue (i.e., non-REC or de minimis condition), consistent with the Phase I conducted by AEC in 2012, was identified in connection with the Phase I ESA performed for the Subject Property:

- Three upgradient chemical release sites with impacts to groundwater are located south and generally upgradient of the Subject Property. One additional release site is located likely cross-gradient to, but in very close proximity (approximately 100 feet) to the Subject Property. Releases include VOCs and petroleum hydrocarbons. Two of these sites have been closed by their respective regulatory oversight agency. The remaining two sites have very low concentrations of VOCs remaining in groundwater and are currently being monitored to document natural attenuation of the remaining concentrations.

  A Phase II investigation was performed for the Subject Property. As part of the Phase II investigation, five shallow grab groundwater samples were collected from the southern and western boundaries of the property to the south to assess the potential for on-site migration of VOCs in shallow ground from nearby upgradient properties. Chlorinated VOCs were detected at very low concentrations in two of the five samples. All detected concentrations of VOCs were well below screening criteria for vapor intrusion for both residential and commercial/industrial land use, and California drinking water standards. TPHg was not detected in any sample above the laboratory reporting limit. Dissolved Title 22 metals were either not detected above laboratory reporting limits or were detected at concentrations below drinking water standards.

Given the case closure status of two of these properties and results of the Phase II grab groundwater sampling, which do not reveal any significant impacts to ground water, upgradient groundwater sources do not represent an off-site REC.

9.2 Identified Phase I ESA Data Gaps

According to the Final U.S. EPA AAI Rule, a "data gap" is lack of or inability to obtain information required by the AAI Rule that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases to the Subject Property despite good faith efforts made by the environmental professional.

No potentially significant data gaps were identified in the performance of this Phase I ESA.

10 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT

The Phase I ESA is not an audit of current subject property operations for compliance with hazardous material usage laws or other regulations or operating permit requirements, including occupational health and safety issues regarding occupants of the subject property, wastewater discharge limitations such as National Pollutant Discharge Elimination System ("NPDES") permits, or hazardous waste facility operating permits such as may be required under RCRA or State hazardous waste control laws or regulations.

The assessment by EKI did not include "non-scope considerations" as defined in ASTM Section 13.1.5, such as cultural or historic resources, ecological resources, endangered species, wetlands, drinking water quality, radon, or indoor air quality. This assessment included an evaluation of the Subject Property for the potential for vapor intrusion concerns; however, the evaluation was not intended to conform to ASTM E2600-10 *Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions*.

This ESA did not include an assessment of asbestos, lead paint, PCBs in building materials and equipment, and mold.

The conclusions and recommendations presented herein are our professional opinion and are not a warranty or guaranty as to the presence, absence, or extent of contamination at the Subject Property or of releases from or near the Subject Property. The facts presented herein are based on available information obtained by EKI and represent existing conditions at the Subject Property at the time the information was collected.

EKI's performance of the requirements prescribed by the Final EPA AAI Rule is limited to the processes outlined in the Project Agreement.

11 REFERENCES

ASTM, 2005. *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E 1527-13, American Society for Testing and Materials, November 2013.

AEC, 2012. *Phase I Environmental Site Assessment for Silicon Valley Corporate Center – Phase II,* Advanced Environmental Concepts, Inc., July 2012.

Cal-EPA, 2010. *California Human Health Screening Levels ("CHHSLs"), Use of California Human Health Screening Levels (CHHSLs) in Evaluation of Contaminated Properties,* California EPA, Department of Toxic Substances Control, January 2005 (Updated September 2010).

CH2MHill, 2014. *2013 Groundwater Monitoring and Sampling Report, Former Synertek Building No. 1, 3050 Coronado Drive, Santa Clara, California,* CH2MHill, January 2014.

EKI, 2013a. *Results of Phase II Subsurface Investigation, Santa Clara Technology Campus, Bowers Avenue, Augustine Drive, and Scott Boulevard, Santa Clara, California*, Erler & Kalinowski, Inc., dated 21 June 2013.

EKI, 2013b. *Results of Supplemental Shallow Soil Investigation for Arsenic and Pesticides and Estimation of Impacted Soil Volume, Santa Clara Technology Campus, Bowers Avenue, Augustine Drive, and Scott Boulevard, Santa Clara, California*, Erler & Kalinowski, Inc., dated September 2013.

EKI, 2014. *Final Response Plan, Santa Clara Technology Campus 1, Santa Clara, California,* Erler & Kalinowski, Inc., dated January 2014.

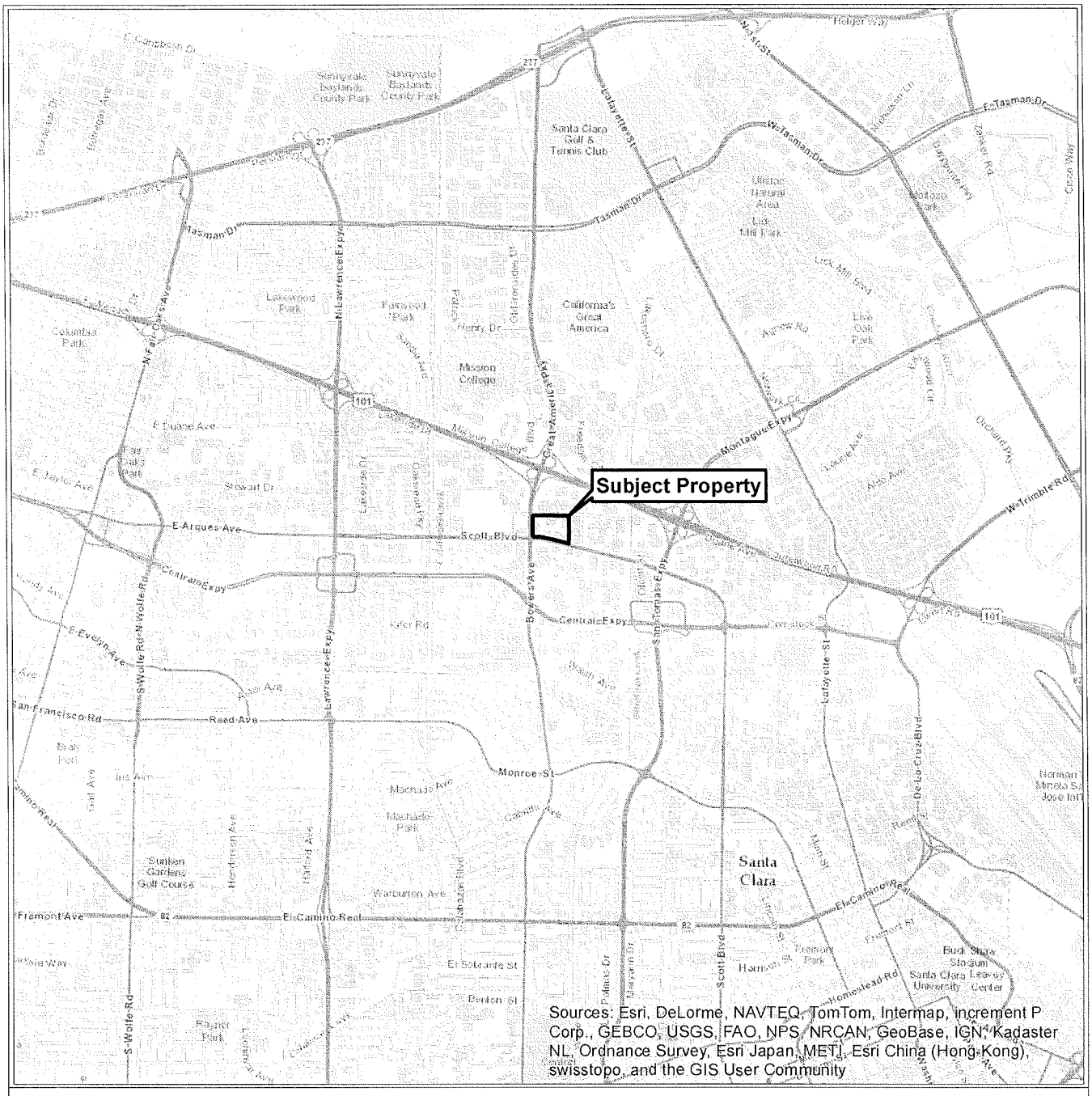
RWQCB, 2009. *No Further Action, Santa Clara Office Center III, 2620 Augustine Drive, Santa Clara, Santa Clara County,* dated 24 March 2009.

Shaw, 2006. *Quarterly Report – First Quarter 2006, Shell-branded Service Station SAP 136074, 2800 Augustine Drive at Bowers Avenue, Santa Clara, California*, 5 May 2006.

U.S. EPA, 2005. *Standard Practice for All Appropriate Inquiries; Final Rule,* 40 CFR, Part 312, U.S. Environmental Protection Agency, 1 November 2005.

U.S. EPA, 2010. *Fourth Five-Year Review Report for applied Materials Bowers Campus, Santa Clara, California,* U.S. Environmental Protection Agency, Region IX, dated September 2010.

USGS, 1989. *Quaternary geologic map of the Milpitas Quadrangle, Alameda and Santa Clara Counties, California, Open-File Report: 89-671*, Helley, E. J. and Wesling, J. R.



Note

1. All locations are approximate.

Source

Basemap source: http://services.arcgisonline.com/ArcGIS/rest/services/Reference/World_Transportation/MapServer

Erler & Kalinowski, Inc.

Subject Property Location

N

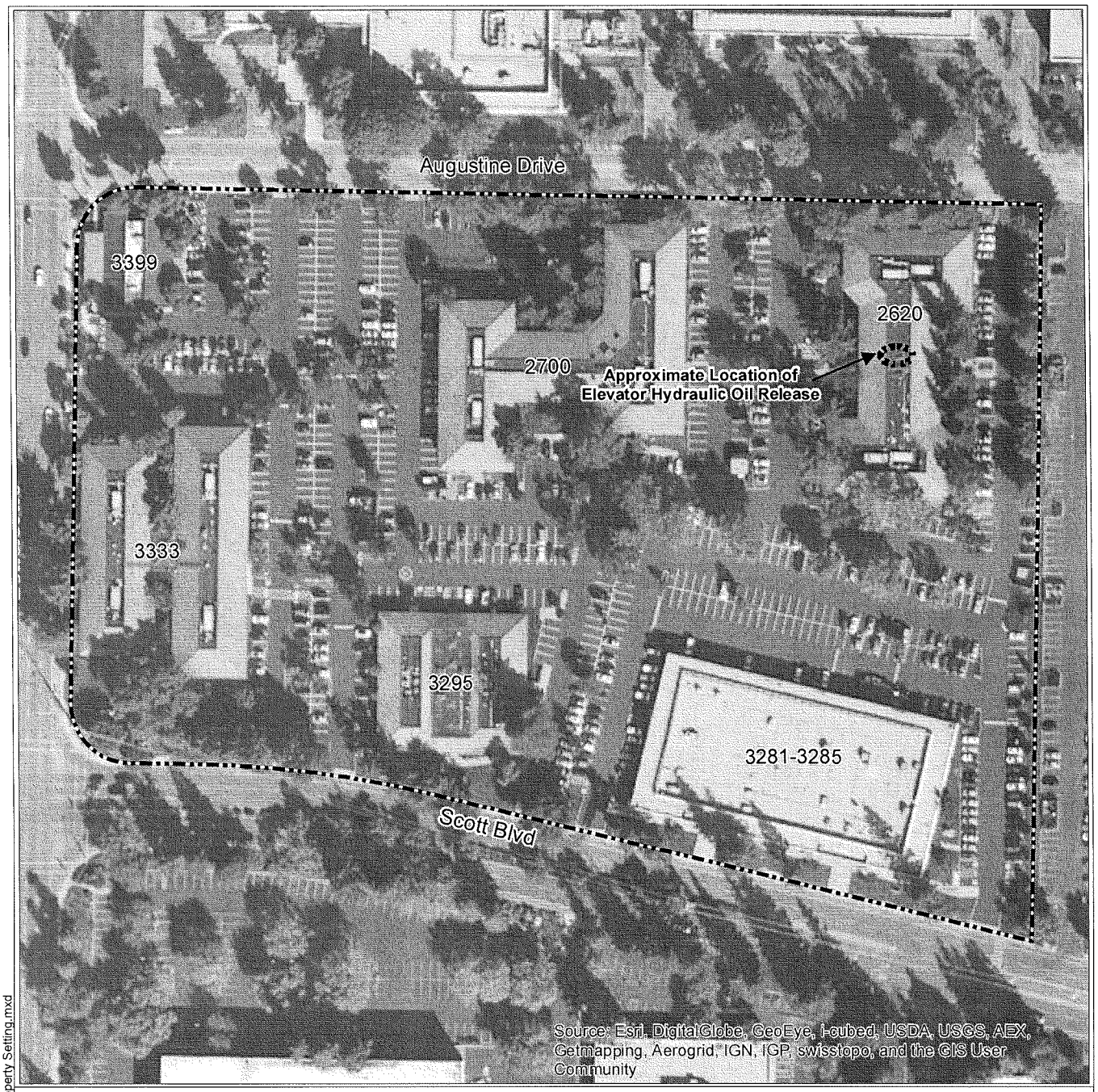
0 4,000 8,000

(Approximate Scale in Feet)

Santa Clara Square Retail
Santa Clara, CA
April 2014
EKI B30005.03

Figure 1

X:\Site Location Map\Figure - Site Location.mxd



Legend

Subject Property

Notes

1. All locations are approximate.

Sources

1. Basemap source: http://services.arcgisonline.com/ArcGIS/rest/services/Reference/World_Transportation/MapServer

0 150 300

(Approximate Scale in Feet)

N

Erler & Kalinowski, Inc.

Subject Property Setting

Santa Clara Square Retail
Santa Clara, CA
April 2014
EKI B30005.03

Figure 2

Path: X:\B30005\Maps\2014\03\SCS Retail Phase I\Figure 2 - Subject Property Setting.mxd

Erler &
Kalinowski,
Inc.

Phase I Environmental Site Assessment

Santa Clara Square Office Phase II
Santa Clara, California

Prepared for:

The Irvine Company LLC

Prepared by:

Erler & Kalinowski, Inc.
1870 Ogden Drive
Burlingame, California 94010
www.ekiconsult.com

February 2014

EKI B30039.00

Consulting engineers and scientists

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists

1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax: (650) 552-9012

27 February 2014

To Potential Users of Electronic Files:

Erler & Kalinowski, Inc. ("EKI") has provided our CLIENT, The Irvine Company LLC, with an electronic copy of the *Phase I Environmental Site Assessment Report, Santa Clara Square Office Phase II, Santa Clara, California*, dated February 2014, including text, figures, and appendices by a compact disk ("CD").

This electronic file is being provided at the request of our CLIENT and for the convenience of our CLIENT. The delivery of electronic media does not constitute the delivery of our professional work product or provide rights of reliance by First parties. Only the original paper print provided to, and for the sole benefit of, our CLIENT constitutes our professional work product. Because the electronic media may be damaged during transfer or altered, the paper print shall control where there are any differences between the paper print and the electronic media. EKI makes no warranties, either express or implied, of the merchantability, applicability, compatibility with the recipients' computer equipment or software; of the fitness for any particular purpose for the electronic media; or that the electronic media contains no defect or is virus free.

Reuse of EKI's work product by others or modification and use by others of any document or electronic media prepared by EKI shall be at the party's sole risk.

Sincerely,

ERLER & KALINOWSKI, INC.

Michelle King, Ph.D.
Vice President

Erler & Kalinowski, Inc.
Consulting Engineers and Scientists
1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax (650) 552-9012

27 February 2014

Angie Holland
The Irvine Company LLC
555 Newport Center Drive
Newport Beach, California 92660

Subject: Phase I Environmental Site Assessment for Property Referred to as Santa Clara Square Office Phase II Located in Santa Clara, California (EKI B30039.00)

Dear Ms. Holland:

Erler & Kalinowski, Inc. ("EKI") is pleased to present to The Irvine Company LLC ("Client") the enclosed report entitled *Phase I Environmental Site Assessment Report, Santa Clara Square Office Phase II, Santa Clara, California*, dated February 2014. EKI's services were performed in accordance with the Project Agreement with The Irvine Company LLC and the associated scope of work, dated 2 August 2013, and the Master Services Agreement ("MSA") between EKI and The Irvine Company LLC dated 26 November 2012.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR Section 312.10. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

We are pleased to have the opportunity to work with you on this project. Please call if you have any questions or need further assistance.

Very truly yours,

ERLER & KALINOWSKI, INC.

Kathryn Wuelfing
Project Scientist

Michelle K. King, Ph.D.
Vice President / Reviewer

Phase I Environmental Site Assessment

Santa Clara Square Office Phase II
Santa Clara, California
(EKI B30039.00)

February 2014

Prepared for:

Irvine Company LLC

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists
1870 Ogden Drive
Burlingame, California 94010
(650) 292-9100
Fax: (650) 552-9012

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Santa Clara Square Office Phase II
Santa Clara, California

TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

1 INTRODUCTION 4

1.1 Purpose for Phase I ESA 4
1.2 Reliance on Phase I ESA 4
1.3 Phase I ESA Scope of Work 5

2 GENERAL SITE CHARACTERISTICS 6

2.1 Site Location 6
2.2 Site Description and Current Site Uses 6
2.3 Adjoining Properties 6

3 ENVIRONMENTAL SETTING 7

3.1 Regional Physiography 7
3.2 Soil and Geologic Conditions 7
3.3 Surface Water Characteristics 7
3.4 Shallow Groundwater Characteristics 7

4 HISTORICAL LAND USE INFORMATION 8

4.1 Late 1890s through 1970s 8
4.2 1980s Through Present-Day 9

5 RESULTS OF PRIOR SITE INVESTIGATIONS 10

5.1 Summary of Findings of Prior Phase I ESA Reports (Citadel, 2009) 10
5.2 Summary of Findings of Prior Phase I ESA Reports (Citadel, 2008) 10
5.3 Summary of Findings of Prior Phase I ESA Reports (Terracon, 2005) 11
5.4 Summary of Findings of Prior Phase I ESA Report (Dames & Moore, 2000) 11
5.5 Summary of Findings of Prior Phase I ESA Report (Terracon, 2000) 12
5.6 Summary of Findings of Prior Phase I ESA Reports (Clayton, 1998) 12

6 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY 14

6.1 Exterior Observations 14
6.2 Interior Observations 15
6.3 Neighborhood 17

7 INFORMATION PROVIDED BY OWNER AND USER 18

7.1 Results of Owner Questionnaire 18
7.2 Results of User Questionnaire 18
7.3 Results of Environmental Lien Search 18

8 RESULTS OF REGULATORY AGENCY FILE REVIEWS 20

8.1 Results of EDR Database Search for Subject Property 20

TABLE OF CONTENTS

8.2 Off-site, Upgradient Properties with Reported Chemical Use 20
8.3 Off-Site, Upgradient Properties with Reported Chemical Releases 21
8.4 Shallow Groundwater Sampling at Adjacent, Upgradient Property 23
8.5 Review of Available Regulatory Agency Files for Subject Property 23

9 SUMMARY OF PHASE I ESA FINDINGS AND OPINIONS 26

9.1 Summary of Phase I ESA Findings and Opinions 26
9.2 Identified Phase I ESA Data Gaps 28

10 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT 29

11 REFERENCES 30

LIST OF FIGURES

Figure 1 Subject Property Location
Figure 2 Subject Property Setting
Figure 3 Locations of Historical Agricultural Buildings (1968)

LIST OF APPENDICES

Appendix A Copies of Historical Sources for Information
Appendix B Copies of Selected Photographs Taken During Site Walk-through
Appendix C Phase I ESA User Questionnaire Completed by Client and EDR Lien Search Report
Appendix D Pertinent Sections of Prior Investigation Reports
Appendix E EDR Radius Map Report, dated 2 August 2013
Appendix F Resumes for Preparers of Phase I ESA Report

EXECUTIVE SUMMARY

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Irvine Company LLC ("Client" or "Irvine Company"), this Phase I Environmental Site Assessment ("ESA") report for property referred to as the Santa Clara Square ("SCS") Office Phase II located directly north of the intersection of Augustine Drive and Montgomery Drive, south of Highway 101 in Santa Clara, California ("Subject Property"; see Figure 1). The Subject Property, formerly known as Augustine Business Park, includes three buildings currently with four tenant spaces, the addresses of which are listed below:

- 2525 Augustine Drive,
- 2575 Augustine Drive, and
- 2585 Augustine Drive.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

The Subject Property comprises 3 two-story buildings situated on approximately 9 acres of property located in a predominantly commercial/light industrial area of Santa Clara. EKI understands that Irvine Company owns the Subject Property and may ultimately redevelop the property.

Summary of Phase I ESA Findings and Opinions

The following RECs were identified in connection with the performance of this Phase I ESA:

- Prior to development of the Subject Property in the mid to late 1970s, the Subject Property and surrounding areas were in agricultural use, i.e., orchards. In addition, several structures, likely a farmhouse and agricultural support buildings, were located on the Subject Property (see Figure 3). Agricultural chemicals, e.g., lead-arsenate and organochlorine pesticides, may have been applied to, stored, and mixed on the Subject Property during this time period. Petroleum hydrocarbon products may also have been used and stored on the Subject Property for farm machinery operation and maintenance. Such chemicals may therefore be present in soil on the property. Given that the majority of the Subject Property is currently capped with buildings and pavement, the potential for exposure to soil by typical site users is low under the current site condition.

The following potential on-site environmental issues and findings (i.e., non-RECs or de minimis conditions) were identified in connection with the Phase I ESA performed for the Subject Property:

- A 300-gallon diesel underground storage tank ("UST") was formerly located on the Subject Property, east of the 2525 Augustine Drive building (see Figure 2). The UST was removed in 1994 under the oversight of the City of Santa Clara Fire Department and concurrently replaced with a 250-gallon above ground storage tank ("AST"), which remains in place today and appears to be in good condition with no apparent leaks or staining. Four soil samples were collected in 1994 by Harding Lawson Associates from the area of the former UST and associated piping excavation, and the maximum detected concentration of diesel-range petroleum hydrocarbons ("TPHd") was 16 milligrams per kilogram ("mg/kg") (Harding Lawson, 1994), well below the Regional Water Quality Control Board ("RWQCB") Environmental Screening Level ("ESL") for residential land use of 100 mg/kg. The Santa Clara Fire Department approved the closure of the tank in November 1995. Thus, it is EKI's opinion that this finding constitutes a de minimis condition.

- On the 1939, 1948, and 1956 aerial photographs, a number of structures, likely a farmhouse and support buildings, are located along Saratoga Creek on the Subject Property. Given the age of these structures, it is possible that exterior paint on the structures may have contained lead. If the paint flaked from these structures over time or was disturbed during demolition of the structure, it is possible that lead paint may have been introduced to shallow soil. However, grading during development of the Subject Property in the 1970s may have resulted in shallow soil being removed from the property or mixed such that residual lead concentrations from flaked paint, if any, may have been reduced to below significant levels. Thus, it is EKI's opinion that this finding constitutes a de minimis condition.

- Saratoga Creek formerly ran generally north-south through the center of the Subject Property. Prior to the development of the Subject Property in the 1970s, Saratoga Creek was filled and graded. The material used to fill and grade the property is unknown.

- Multiple pad-mounted and vaulted electrical transformers are present in the parking lot areas on the Subject Property. The transformers near the two newer buildings (2575 Augustine Drive and 2585 Augustine Drive) are labeled as "Non-PCB" transformers. However, the transformer near the 2525 Augustine building is not labeled and given the age of the building, its dielectric fluids may contain polychlorinated biphenyls ("PCBs"). No obvious visual indication of oily surface staining around the base of the transformers was observed at the time of the site visit by EKI. Thus, the presence of the transformers on the Subject Property does not constitute a REC. During site redevelopment, the transformers will need to be managed accordingly. No pole-mounted transformers were observed on or adjacent to the Subject Property.

- Past Subject Property tenants include Digital Equipment Corporation and Alliance Semiconductor, both electronic component development and manufacturing companies.

Based on available agency records, chemical use by these tenants was limited, and primarily consisted of acids, acetone, and isopropyl alcohol. The earliest records of chemical use or storage available for the property are from 1991 and it is not known what chemicals, if any, were used on the Subject Property during the late 1970s and 1980s. There are no documented or reported releases or any visual or other indication of a release of chemicals to the subsurface on the Subject Property.

- According to Santa Clara Valley Water District ("SCVWD") records, three wells were historically located on the Subject Property. SCVWD provided destruction records for two of the wells, both water supply wells likely associated with the Subject Property's former agricultural use. A third agricultural supply well may remain on the Subject Property beneath a parking lot or building.

- According to a Phase I ESA completed in 2009 by Citadel, a limited survey of potential asbestos-containing materials ("ACM") was conducted in 1998 by Clayton, which identified the presence of ACMs in the 2525 Augustine Building (Citadel, 2009a). According to Citadel, ACMs were identified in drywall-joint compound, flooring mastics, pipe fitting insulation and roofing materials. EKI has not been provided with an operations and maintenance ("O&M") plan for management of ACM at the Subject Property.

The following potential off-site environmental issue (i.e., non-REC or de minimis condition) was identified in connection with the Phase I ESA performed for the Subject Property:

- The Synertek U.S. EPA National Priorities List ("NPL") site is located approximately 1,700 feet south and generally upgradient of the Subject Property. A volatile organic compound ("VOC") plume (consisting primarily of trichloroethene ("TCE") and its breakdown products), is emanating from the Synertek site and migrating northward toward the Subject Property. The nearest upgradient Synertek shallow groundwater monitoring well to the Subject Property (MW-34A, located 200 feet south of the Subject Property) was reportedly sampled in May 2012, and no VOCs were detected (see Figure 2). According to a report obtained from the DTSC's Envirostor database, shallow groundwater sampling was performed in 1989 at the adjacent property to the south (Certified, 1989). Freon compounds were detected in all three wells, upgradient to the Subject Property, at very low concentrations, well below current applicable drinking water standards. No other VOCs, such as those associated with the Synertek site, were detected above laboratory reporting limits (Certified, 1989). Based on groundwater flow direction in this area and the monitoring data from upgradient wells, VOCs in groundwater from the Synertek site do not appear to be migrating onto the Subject Property and would, therefore, not be expected to result in a vapor intrusion issue for the Subject Property. Therefore, it is EKI's opinion that the Synertek plume does not constitute a REC for the Subject Property.

1 INTRODUCTION

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Irvine Company LLC ("Client" or "Irvine Company"), this Phase I Environmental Site Assessment ("ESA") report for property referred to as the Santa Clara Square ("SCS") Office Phase II located directly north of the intersection of Augustine Drive and Montgomery Drive, south of the Bayshore Freeway in Santa Clara, California ("Subject Property"; see Figure 1). The Subject Property, formerly known as Augustine Business Park, includes three buildings currently with four tenant spaces, the addresses of which are listed below:

- 2525 Augustine Drive,
- 2575 Augustine Drive, and
- 2585 Augustine Drive.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

EKI's services were performed in accordance with the Project Agreement and associated scope of work, dated 2 August 2013, and the Master Services Agreement ("MSA") between EKI and Irvine Company LLC, dated 26 November 2012.

1.1 Purpose for Phase I ESA

The purpose of the Phase I ESA was to identify RECs for the Subject Property as defined in ASTM E1527-05. EKI understands that Irvine Company owns the Subject Property and may ultimately redevelop the property.

1.2 Reliance on Phase I ESA

This report is for the sole benefit, use, and reliance of Irvine Company regarding the Subject Property. Unless specifically authorized in writing in an agreement acceptable to EKI in its reasonable discretion, reliance on this report by any other entity is not permitted or authorized. Reliance on the information contained in this report by any third party without authorization by EKI does not make such entity a third party beneficiary of EKI's work product. Any such unauthorized reliance on, modification of, or use of this report, including any of its information or conclusions, will be at such third party's sole risk. The "User" of this Phase I ESA report, as defined by ASTM E1527-05 and as accepted under the Final U.S. EPA AAI Rule, is Irvine Company.

1.3 Phase I ESA Scope of Work

EKI performed the following tasks as part of this Phase I ESA:

- Reviewed available historical land use information for the Subject Property and surrounding area, e.g., historical aerial photographs and historical topographic maps provided by Environmental Data Resources, Inc. ("EDR") (see Appendix A);

- Reviewed documents and information for the Subject Property provided by Arden Realty, Inc. ("Arden"), owner of the Subject Property at the time the Phase I ESA activities were conducted, including Phase I ESAs conducted in 1998, 2000, 2005, and 2008 (Clayton, 1998a and 1998b; Dames & Moore, 2000; Terracon, 2000; Terracon, 2005a and 2005b; Citadel, 2008a, 2008b, 2008c, 2009a, 2009b, and 2009c);

- Purchased and reviewed a regulatory agency database report for the Subject Property and surrounding area prepared by EDR, dated 2 August 2013 (referred to as EDR Radius Map Report; see Appendix E);

- Reviewed publicly-available files for the Subject Property provided by the City of Santa Clara Building Department, the City of Santa Clara Fire Department, Hazardous Materials Division, and Santa Clara Valley Water District ("SCVWD");

- Reviewed environmental reports prepared for nearby upgradient reported chemical release sites available on-line through the State of California Water Resources Control Board ("SWRCB") GeoTracker database website;

- Purchased and reviewed an Environmental Lien Search report for the Subject Property, prepared by EDR, dated 6 August 2013 (see Appendix C);

- Obtained specialized knowledge of the Subject Property provided by Irvine Company, the User of the Phase I ESA, in the form of responses to a User Questionnaire (see Appendix C);

- Performed a walk-through visual survey of the Subject Property on 6 August 2013 to observe the current site setting (see photographs in Appendix B), and conducted interviews with Gabriel Tavares, Arden's engineer, and several tenant representatives.

2 GENERAL SITE CHARACTERISTICS

2.1 Site Location

The Subject Property is located directly north of the intersection of Augustine Drive and Montgomery Drive, south of Highway 101 in Santa Clara, California (see Figure 1). The neighborhood consists primarily of office and light industrial buildings

2.2 Site Description and Current Site Uses

The Subject Property is approximately 9 acres in total size. The Assessor's Parcel Numbers ("APNs") for the Subject Property are 216-45-036 and 216-45-037. Three buildings with four tenant spaces are located on the Subject Property. The Subject Property addresses and current tenants are listed below.

2525 Augustine Drive:	ST Microelectronics
2575 Augustine Drive:	Tektronix and Fluke Networks
2585 Augustine Drive:	eASIC Corporation and Hologic

Additional information on the current tenants, including nature of activities and chemical use and storage, if any, on the Subject Property is discussed in the Site Walk-through section of this report (see Section 6).

The Subject Property was owned by Arden at the time of the Phase I ESA activities.

2.3 Adjoining Properties

The Subject Property is bounded to the north by Highway 101, and to the south by Augustine Drive, to the south by Scott Boulevard, and Highway 101, and generally to the west by Bowers Avenue. The buildings in the immediate vicinity of the Subject Property are all office and industrial buildings, including several multi-tenant office parks. University of California, Santa Cruz Silicon Valley (2505 Augustine Dr.) shares a parking lot with and is located to the east of the Subject Property.

3 ENVIRONMENTAL SETTING

Information on the environmental setting of the Subject Property was obtained from the following sources:

- *Groundwater Sampling and Monitoring 2012 Summary Report, Synertek Building #1, 3050 Coronado Drive, Santa Clara, California,* CH2MHill, January 2013 (CH2MHill, 2013).

3.1 Regional Physiography

The Subject Property is located in the Santa Clara Valley, which is situated within the Coast Range geomorphic province. The Santa Clara Valley occupies a late-Pliocene structural trough situated between the San Andreas Fault System to the west and the Hayward/Calaveras Fault Systems to the east. The Subject Property is underlain by consolidated Quaternary alluvium deposits comprised of inter-fluvial stream deposits. The thickness of the alluvium is estimated to be 300 to 500 feet thick.

3.2 Soil and Geologic Conditions

Site stratigraphy consists of interbedded complex silts, clays, and sands to a depth of at least 465 feet below ground surface ("bgs") (CH2MHill, 2013). The first groundwater zone, the A-aquifer, generally extends from approximately 10 to 20 feet bgs. The A-aquifer is underlain by silty to sandy clays, generally ranging in thickness from 5 to 10 feet. The B-aquifer is encountered between 30 and 50 feet bgs. The B-aquifer is underlain by approximately 60 feet of clay, which provides separation from deeper water-bearing zones encountered at 100 to 108 feet bgs (CH2MHill, 2013).

3.3 Surface Water Characteristics

The majority of the Subject Property is covered with building s and asphalt-paved parking areas. Thus, the majority of rain water that falls on the Subject Property flows over impervious surfaces to storm drain inlets located throughout the parking areas on the property. Landscaped areas are also located generally along the outer edges of the property. Surface water in these areas likely infiltrates into the ground.

3.4 Shallow Groundwater Characteristics

Based on measurements made in May and October 2012 from groundwater monitoring wells located on the Park Square property, located immediately southeast of the Subject Property (CH2MHill, 2013), the depth to groundwater in the area of the Subject Property ranges from approximately 7 to 9 feet bgs. According to the CH2MHill (2013) report, the direction of shallow groundwater flow at the Subject Property, e.g., the A-zone aquifer, is generally to the north-northeast.

4 HISTORICAL LAND USE INFORMATION

Information on historical uses of the Subject Property and vicinity was obtained primarily from the following sources:

- Review of historical aerial photographs provide by EDR for selected years between 1939 and 2012 (see Appendix A).
- Review of historical USGS topographic maps provided by EDR for selected years between 1899 and 1980 (see Appendix A).
- Review of publically available information for the Subject Property provided by the City of Santa Clara Building Department and City of Santa Clara Fire Department, Hazardous Materials Division (see Appendix A); and
- Review of historical City Directory information provided by EDR for selected years between 1980 and 2012 (see Appendix A).

According to EDR, Sanborn Fire Insurance maps for the Subject Property are not available.

4.1 Late 1890s through 1970s

On the topographic map dated 1899, the Subject Property and surrounding areas are depicted on the map as vacant.

On the 1939, 1948, and 1956 aerial photographs, the Subject Property and adjoining properties are in orchard use with Saratoga Creek running through the Subject Property. A number of structures, likely a farmhouse and support buildings, are located on the Subject Property, along the creek (see Figure 3).

Bayshore Highway, north of the Subject Property, is depicted on the 1953 topographic map. Scott Boulevard, Octavius Drive, Montgomery Drive, and Augustine Drive do not yet appear to be constructed.

On the 1961 topographic map, the Subject Property and adjoining properties remain in orchard use. Bayshore Highway has been expanded and is now depicted as Bayshore "Freeway" with interchanges noted. On the 1968 aerial photograph, the Subject Property and adjoining properties remain in orchard use, with Saratoga Creek running through the property (Figure 3). San Thomas Aquino Creek, located approximately 1,000 feet to the east of the Subject Property is channelized in the 1965 aerial photograph.

On the 1968 and 1973 topographic maps, the Subject Property and adjoining properties remain in orchard use. No significant land use changes are noted from the prior maps reviewed.

On the 1974 aerial photograph, the Subject Property and surrounding properties north of Scott Boulevard are longer in orchard use and are vacant, e.g., no structures or apparent agricultural use. Scott Boulevard, Octavius Drive, Montgomery Drive, and Augustine Drive are visible on the 1974 aerial photograph, however, no buildings or structures are noted adjacent to the paved roadways, with the exception of buildings located along the south side of Scott Boulevard (off the Subject Property). Saratoga Creek is no longer visible south of the Bayshore Freeway, and the area where the creek ran has been graded.

4.2 1980s Through Present-Day

On the 1982 aerial photograph, the Subject Property is developed with the building currently located at 2525 Augustine Drive. Adjoining properties have also been developed with what appear to be the present-day buildings and structures. On the 1993 aerial photograph, the building currently located at 2575 Augustine Drive has been constructed. On the 2005 aerial photograph, the building currently located at 2585 Augustine Drive has been constructed. No obvious significant changes in land use or configuration of the Subject Property setting are noted on the aerial photographs from the 2010s.

According to City Directory information obtained from EDR, the following potential industrial and/or research & development tenants are listed for the Subject Property. The earliest listings available for the Subject Property were from 1980.

Company	Years Listed (Earliest, Latest)
2525 Augustine Drive	
Digital Equipment Corporation	1980, 1996
Computer Associates International	1996, 2001
ST Microelectronics	2012
2575 Augustine Drive	
Digital Equipment Corporation	1996
Alliance Semiconductor	2001
2585 Augustine Drive	
eASIC Corporation	2012
Hologic	2012
R2 Technology	2012

5 RESULTS OF PRIOR SITE INVESTIGATIONS

Based on information provided by Arden, several environmental assessments or investigations have been performed on the Subject Property, including Phase I ESAs conducted in 1998, 2000, 2005, and 2008 (Clayton, 1998a and 1998b; Dames & Moore, 2000; Terracon, 2000; Terracon, 2005a and 2005b; Citadel, 2008a, 2008b, 2008c, 2009a, 2009b, and 2009c). A summary of these prior investigations is presented below. Pertinent sections of select reports are included in Appendix D of this report.

5.1 Summary of Findings of Prior Phase I ESA Reports (Citadel, 2009)

Arden provided to EKI copies of three Phase I ESA reports for the Subject Property (one each for 2525, 2575, and 2585 Augustine Drive) prepared by Citadel Environmental Services, Inc. on behalf of Arden, GE Real Estate, and Citigroup Global Markets Realty Corp., and dated December 2009 (Citadel, 2009a, 2009b, and 2009c). Citadel identified no recognized environmental conditions associated with the Subject Property or adjacent properties. Key findings of the Citadel Phase I ESA reports are presented below:

- The Subject Property was in agricultural use before development of the property in the 1970s.
- A former 300-gallon diesel fuel underground storage tank ("UST"), formerly used to fuel an emergency backup generator, was removed from 2525 Augustine Drive under the direction of the Santa Clara Fire Department in 1994. The Santa Clara Fire Department indicated that the requirements for UST closure had been met based on low concentrations of total petroleum hydrocarbons as diesel ("TPHd") in soil and the absence of groundwater in the excavation. No further remedial work was required by the agency.
- Citadel recommended that, based on the date of construction of the 2525 Augustine Drive building (1977) and the presence of asbestos-containing building material ("ACM") identified at the Subject Property, all identified ACMs be managed under an operations and maintenance manual. All confirmed and suspect ACMs were observed by Citadel to be in good condition with a low potential for damage.
- Should future demolition or renovation plans include impacting any materials not previously surveyed, Citadel noted that sampling of these materials in accordance with OSHA and USEPA NESHAPS requirements would be required at that time. Removal of any material confirmed to be asbestos-containing will require removal in accordance with applicable regulations, prior to impact by renovation or demolition activities.

5.2 Summary of Findings of Prior Phase I ESA Reports (Citadel, 2008)

Arden provided to EKI copies of three Phase I ESA reports for the Subject Property (one each for 2525, 2575, and 2585 Augustine Drive) prepared by Citadel Environmental Services, Inc. on behalf of Arden, and dated February 2008 (Citadel, 2008a, 2008b, and 2008c). Citadel identified no recognized environmental conditions associated with the Subject Property or adjacent properties. Key findings of the Citadel Phase I ESA from 2008 were consistent with those in the 2009 reports, summarize in Section 5.1, above.

5.3 Summary of Findings of Prior Phase I ESA Reports (Terracon, 2005)

Arden provided to EKI copies of two Phase I ESA reports for the Subject Property (one report for 2575 and 2585 Augustine Drive, and one report for 2525 Augustine Drive and the adjacent 2505 Augustine building, which is not a part of the Subject Property) prepared by Terracon Consulting Engineers and Scientists on behalf of AEGON USA Realty Advisors, Inc., and dated March 2005 (Terracon, 2005a and 2005b). Terracon identified one REC associated with the Subject Property, described below. Key findings of the Terracon Phase I ESA reports are presented below:

- The Subject Property was developed as an orchard sometime after 1929. By 1939, the Subject Property was developed with two apparent dwellings and four buildings surrounded by orchards until commercial development of the Subject Property in the 1970s.
- Terracon observed one hydraulic lift in the loading dock along the northwestern side of the 2575 Augustine Drive building. Staining was observed on the concrete base under the lift and the concrete pad at the bottom of the loading dock. Based on the observed release of hydrocarbons (quantity unknown) and the shallow groundwater table at the Site, Terracon qualified the hydraulic lift as an REC. Based on this finding, Terracon recommended sampling of soil and groundwater to assess the potential for hydraulic oil contamination.[1]
- The Synertek National Priorities List ("NPL," Superfund) site (chlorinated solvents in groundwater) is located approximately 2,000 feet south of, and presumed topographically cross gradient to the Subject Property. Terracon did not recommend further investigation on the basis that December 2001 groundwater monitoring data indicated that residual trichloroethene ("TCE") in groundwater wells located 150 feet south of the Subject Property were below EPA target clean-up levels, and that Honeywell had been identified as a potentially responsible party ("PRP") for the cleanup.
- According to the Santa Clara Fire Department, Hazardous Materials Division files reviewed by Terracon, fuming nitric acid, sulfuric acid, acetone, isopropyl alcohol, and nitrogen gas were used at 2575 Augustine Drive according to a Hazardous Waste Inventory Statement dated 4 February 2004.
- As part of its assessment, Terracon conducted limited sampling for suspect ACM at 2525 Augustine Drive. Of the 10 samples collected, none contained asbestos above 1% asbestos.
- Terracon recommended that soil and groundwater sampling be conducted to evaluate potential releases from the prior diesel UST, removed in 1994.

5.4 Summary of Findings of Prior Phase I ESA Report (Dames & Moore, 2000)

Arden provided to EKI a copy of a Phase I ESA report for the 2525 Augustine Drive portion of the Subject Property prepared by Dames & Moore on behalf of AEGON USA Realty Advisors, Inc., and dated March 2000 (Dames & Moore, 2000). Dames & Moore

[1] During EKI's August 2013 site walk-through, no such staining was observed. A photograph of the 2575 Augustine building hydraulic lift is provided in Appendix B.

did not identify any RECs associated with the Subject Property or adjacent properties. Key findings of the 2000 Phase I ESA report are presented below:

- The Subject Property was in agricultural use before development of the property in the 1970s, and pesticides and other agricultural chemicals may have been used or stored onsite.
- Groundwater sampling for TPHd was never conducted following removal of the former 300-gallon UST at 2525 Augustine Drive in 1994. Dames & Moore considered the lack of groundwater data to be a potential environmental concern associated with the Subject Property.
- Dames & Moore observed a transformer owned by the City of Santa Clara along the southeastern side of the Subject Property at 2525 Augustine Drive. No evidence of dielectric fluid spills or leaks was observed.
- Dames & Moore observed an elevator on the south portion of the Subject Property at 2525 Augustine Drive. No visible leaks or spills were observed.

5.5 Summary of Findings of Prior Phase I ESA Report (Terracon, 2000)

Arden provided to EKI a copy of a Phase I ESA report for 2575 and 2585 Augustine Drive portion of the Subject Property, prepared by Terracon, Inc. on behalf of AEGON USA Realty Advisors, Inc., and dated December 2000 (Terracon, 2000). Terracon did not identify any RECs associated with the Subject Property. Key findings of the 2000 Phase I ESA report are presented below:

- At the time of the assessment, 2575 Augustine Drive was occupied by Alliance Semiconductor. The Subject Property primarily served as the Alliance Semiconductor headquarters for commercial office operations, with product manufacturing operations performed off-site. A product integrity testing area and a shipping and receiving area were located on the Subject Property. Approximately 15 gallons of nitric acid and 5 gallons of acetone were observed in the testing laboratory. Used nitric acid and acetone was stored in a 55-gallon drum surrounded by secondary containment, and periodically removed from the site by a certified waste hauler.

5.6 Summary of Findings of Prior Phase I ESA Reports (Clayton, 1998)

Arden provided to EKI copies of two Phase I ESA reports for the Subject Property (one for 2525 Augustine Drive and one for 2575 Augustine Drive) prepared by Clayton Environmental Consultants on behalf of Menlo Equities of Palo Alto, California and Comerica Bank of Detroit, Michigan, and dated June 1998 (Clayton, 1998a, and 1998b). Clayton identified one REC associated with the Subject Property, as described below. Key findings of the 1998 Phase I ESA report are presented below:

- Clayton noted that a fruit orchard, farm house, and approximately one dozen associated outbuildings had been located on the Subject Property from at least 1954 through 1966. Clayton concluded that a REC existed at the Subject Property on the basis that agricultural chemicals such as pesticides may have been applied on the orchard and could have been mixed or stored in one or more of the compound outbuildings.

Clayton also noted that historical fueling or repair operations for farm machinery may have resulted in releases of petroleum hydrocarbons.

- Clayton observed one 350-gallon above ground storage tank ("AST") used to store diesel for an emergency power generator at 2525 Augustine Drive.[2] No evidence of staining or leaks was observed.
- Clayton observed one unlabeled, pad-mounted transformer owned by the City of Santa Clara on the east side of 2525 Augustine Drive. It was unknown if this transformer used PCB-containing oils.
- A 1976 boundary and topography map reviewed by Clayton at the Santa Clara Planning Department indicated that a "capped" well was located beneath 2575 Augustine Drive. Clayton inferred that the well probably functioned as a drinking water and/or irrigation well for the former farm structures and orchards. Clayton recommended that the well be properly abandoned if encountered during future renovation activities.
- Clayton recommended periodic regulatory agency file reviews to verify that various offsite, upgradient groundwater contamination plumes do not impact the Subject Property in the future.
- Clayton observed a flammable materials storage cabinet in the northwestern portion of 2575 Augustine Drive. The cabinet appeared to be in good condition, with no unusual odors or spills/staining observed.
- Clayton observed a 150-gallon elevator hydraulic oil AST associated with a loading dock lift at 2575 Augustine Drive. This AST was not secondarily contained.
- Clayton observed a diesel fuel 250-gallon AST associated with a boiler at 2575 Augustine Drive. This AST was secondarily contained within a berm.

[2] During EKI's site walk, a diesel 250-gallon AST was observed in this location. It is likely that the volume reported by Clayton was a typo.

6 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY

On 6 August 2013, Kathryn Wuelfing and Bruce Castle with EKI conducted a visual reconnaissance of the Subject Property. Ms. Wuelfing and Mr. Castle are Environmental Professionals as defined in 40 CFR Section 312.10, and as accepted by ASTM 1527-05 (see resumes in Appendix F). EKI was accompanied on the walk-through by Mr. Gabriel Tavares, engineer with Arden. Mr. Tavares has been associated with the Subject Property for approximately 3 weeks and had limited knowledge of the property's history. EKI was also accompanied on the walk-through by representatives from each of the tenant companies.

Observations of the Subject Property and adjoining areas are discussed below. Selected photographs taken during the walk-through of the Subject Property are presented in Appendix B of this report.

6.1 Exterior Observations

The SCS Office Phase II consists of 3 buildings situated on an approximately 9.2 acre irregularly-shaped property. The 3 buildings are generally situated as a northern building (2575 Augustine Drive), a southwestern building (2585 Augustine Drive) and a southeastern building (2525 Augustine Drive). Storm drains are located throughout the parking lot areas and presumably direct stormwater offsite. The 2525 Augustine and 2575 Augustine buildings appear to be of the same general construction, with concrete structures and large black windows. The 2525 Augustine Building, is of a similar construction, but with concrete exterior walls and pillars. Roofs are a white composite material and house the buildings' HVAC equipment.

Power transmission lines are present along the northern property boundary shared with Highway 101. All other electrical transmission at the Subject Property is located underground. Several pad-mounted electrical transformers are present in the parking lot areas: east of the southeast corner of 2525 Augustine Drive, west of the western side of 2575 Augustine Drive, and southwest of the southwest corner of 2585 Augustine. No staining was observed around the transformers. No pole-mounted transformers were observed in the area of the Subject Property.

A 250-gallon diesel aboveground storage tank is located east of the 2525 Augustine Drive building in a small enclosure. Piping from the tank runs north along the edge of the building for approximately 25 feet and enters the building. According to Mr. Marano of ST Microelectronics, the tank is piped to the emergency generator on the building's roof. The tank appeared to be in good condition and no staining was observed on the ground beneath it.

Loading docks with hydraulic lifts are present on the eastern side of the 2525 Augustine Drive building and on the western side of the 2575 Augustine Drive building. No staining was in these areas.

An enclosure containing a disused air supply system, including a large air compressor, air tank, and filtration and moisture removal equipment was observed on the western side of the 2575 Augustine Drive building. According to Mr. Matsumoto of Tektronix, this equipment has never been used by Tektronix, and he does not know what a prior tenant used it for.

No evidence of wells or past boreholes was observed on the property.

6.2 Interior Observations

6.2.1 2525 Augustine Drive

The 2525 Augustine Drive building was built in 1977 and is currently occupied by ST Microelectronics, a multi-national company that manufactures semiconductors, though not at this location. EKI was accompanied in the building by Mr. Dominick Marano, facilities engineer with ST Microelectronics. Mr. Marano has been at the facility since ST Electronics moved to this location, approximately 6 years ago.

Numerous laboratory spaces are located throughout the building, however activities in these spaces are primarily related to electronic equipment testing and soldering and include limited use of chemicals, such as benchtop quantities of WD40, isopropyl alcohol, soldering flux, and soldering flux solvents. A one-gallon canister of Kester 5240 Cleaning Solvent was observed in a small chemical storage cabinet in an unused laboratory space; according to the manufacturer's MSDS form, this solvent, used as a solder flux remover, is primarily composed of tetrachloroethene ("PCE") (91% by weight). No chemical waste storage was observed in the facility; EKI attempted to follow-up with Mr. Marano regarding the facility's chemical waste handling policies, if any, but at the time of this writing have not received a response. Household-type cleaning chemicals and paint were also observed in storage areas of the building.

EKI observed the elevator mechanical equipment room. According to Mr. Marano, the elevator equipment had been replaced in 2011 and the former equipment, which had been original to the building, had been in poor condition. No staining was observed on the floor of the mechanical equipment room during EKI's visit.

Several dry-type transformers are located in electrical utility rooms throughout the building; all transformers appeared to be in good condition with no staining observed on the floor beneath them.

The building's HVAC equipment and backup diesel generator are located on the building's roof, in a large enclosure. According to Mr. Marano, all of the roof equipment is original to the building with the exception of the boiler and cooling towers, which were replaced in the last 6 years. Chemicals associated with the HVAC equipment were observed being stored on the roof, including several approximately 5-gallon containers of Rydlyme, one 5-gallon drum of trichlorofluoromethane ("Freon 11"), four 1-gallon containers of diesel engine oil, and three 5-gallon pails of cooling water treatment chemicals. Several areas of staining were observed near equipment, however because this equipment is located on the

roof of a two-story building and such observed stains were limited, any release to the environment is unlikely.

Three vents were observed on the roof, with extensive rust-colored staining emanating from them. According to Mr. Marano, the building was re-roofed in 2011.

6.2.2 2575 Augustine Drive

The 2575 Augustine Drive building was built in 1983 and is currently occupied by Fluke and Tektronix, both sister companies under the Danaher Corporation that manufacture test and measurement devices, though not at this location. EKI was accompanied in the building by Mr. Robert Matsumoto, facilities engineer with Tektronix. The first floor is primarily occupied by Tektronix and the second floor is occupied by Fluke Networks.

Numerous laboratory spaces are located throughout the building, however activities in these spaces are primarily related to electronic equipment testing, temperature chamber testing, and soldering of materials and include limited use of chemicals in benchtop quantities. Mr. Matsumoto requested that no photographs be taken in the laboratory spaces in the Fluke Networks (second floor) portion of the building. Chemicals observed in laboratory spaces include WD40, 3M adhesive remover, TechSpray Ecoline Contact Cleaner, Dykem Remover & Cleaner, Ametek AAA tester oil, isopropyl alcohol, soldering flux and solvent, acetone-based nail polish remover, silicone rubber, lubricants, propane, lighter fluid, butane, and compressed nitrogen. A one-gallon canister of 3M Novec HFE-71DE Engineered Fluid was observed in a chemical storage cabinet in a laboratory on the first floor; according to the manufacturer's MSDS form, this solvent is composed of trans-1,2-dichloroethene ("tDCE"; approximately 50% by weight) and methyl nonafluorobutyl ether (approximately 50% by weight). No chemical waste storage was observed in the facility; EKI attempted to follow-up with Pat Denney (Health and Safety Manager for Tektronix) regarding the facility's chemical waste handling policies, if any, but at the time of this writing have not received a response. Household-type cleaning chemicals and paint were also observed in storage areas of the building.

EKI observed the elevator mechanical equipment room. The elevator equipment appeared to be new, and the earliest date on the maintenance and inspection labels was from 2011. No staining was observed on the floor of the mechanical equipment room during EKI's visit.

The building's HVAC equipment and a small cooling tower is located on the building's roof, behind a privacy screen. A one-gallon jug of chlorox bleach was observed next to the cooling tower. No other chemicals were observed on the roof. According to Mr. Matsumoto, the building was re-roofed in 2011.

Several transformers are located in electrical utility rooms throughout the building; all transformers appeared to be in good condition with no staining observed on the floor beneath them. The label of an electrical panel on the second floor indicated that a milling machine and welder were formerly located in the facility. Most of the other electrical panel

labels in the building were recently updated, and did not provide any indication of past building uses.

6.2.3 2585 Augustine Drive

The 2585 Augustine Drive building is the newest Subject Property building, built in 1999, and is currently occupied by eASIC Corporation (first floor) and Hologic (second floor). eASIC Corporation is an American company that manufactures semiconductors. Hologic is an American company that develops, manufactures and supplies diagnostic and medical imaging systems related to women's health.

EKI was accompanied through the Hologic portion of the building by Eric Novak (Sr. Network Administrator) and Catherine Williams (Director of Regulatory Affairs) of Hologic as well as representatives of Arden and Irvine. Both companies use the building for office space, and do not perform any manufacturing or laboratory-type work onsite.

At the time of EKI's visit, Hologic was in the process of upgrading their server uninterruptable power supply ("UPS") system, and numerous batteries were observed in the server room.

The only chemicals observed in the included isopropyl alcohol, household-type cleaning chemicals, and paint.

Hologic's tenant space includes a Demo Room displaying the various medical equipment, with a sign warning of x-ray radiation and stating "Authorized personnel only" on its entry way. Mr. Novak said that even though the x-ray radiation sign was present on outside of the room, he thinks the x-ray function of the machines was not actually enabled in the Demo Room.

EKI observed the elevator mechanical equipment room. The elevator equipment appeared to be in good condition and no staining was observed on the floor.

EKI did not access the roof of the 2585 Augustine Drive building.

6.3 Neighborhood

The Subject Property is bounded to the north by Highway 101, and to the south by Augustine Drive, to the south by Scott Boulevard, and Highway 101, and generally to the west by Bowers Avenue. The buildings in the immediate vicinity of the Subject Property are all office and industrial buildings, including several multi-tenant office parks. University of California, Santa Cruz Silicon Valley (2505 Augustine Dr.) shares a parking lot with and is located to the east of the Subject Property.

A drive-by inspection was conducted to observe the neighboring properties from adjacent streets. Evidence of recent boreholes was present on the properties located to the southwest and southeast of the Subject Property. Several Synertek groundwater monitoring wells are located on the property to the southeast of the Subject Property. No obvious monitoring wells or evidence of remediation equipment were observed on other properties near the

Subject Property during the drive-by inspection.

7 INFORMATION PROVIDED BY OWNER AND USER

7.1 Results of Owner Questionnaire

Through Irvine Company, EKI requested that Arden, the property owner at the time of the Phase I ESA activities, complete an environmental site assessment questionnaire, however Arden declined to do so.

7.2 Results of User Questionnaire

Mr. Brandon Jacobsen with Irvine Company, the User of this Phase I ESA report, completed a User questionnaire for the Subject Property, dated 12 August 2013, a copy of which is included in Appendix C. The questionnaire is consistent with the User Questionnaire suggested in Appendix X3 of ASTM E1527-05 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,* published on 21 November 2005. A summary of the responses by Mr. Jacobsen to the questionnaire is presented below.

7.2.1 Environmental Liens

According to Mr. Jacobsen, to his knowledge, there are no environmental cleanup liens filed or recorded against the Subject Property.

7.2.2 Activity and Land Use Limitations

According to Mr. Jacobsen, to his knowledge, there are no activity and land use limitations (i.e., engineering or institutional controls) in place on the Subject Property.

7.2.3 Specialized Knowledge or Experience

Mr. Jacobsen indicated that he has no specialized knowledge or experience related to the Subject Property.

7.2.4 Commonly Known or Reasonably Ascertainable Information

Mr. Jacobsen indicated that he is not aware of any past uses of the Subject Property. He is not aware of any chemical spills or releases or environmental cleanups performed on the Subject Property. He is aware the Subject Property was once used as orchards and therefore residual pesticides may be present in the soil.

7.3 Results of Environmental Lien Search

EKI purchased from EDR an Environmental Lien Search report for the Subject Property parcels (APNs 216-45-036 and 216-45-037). A copy of the EDR Lien Search report, dated 6 August 2013, is included in Appendix C of this Phase I ESA report. According to the

Lien Search report, there are no environmental cleanup liens or activity and use limitations ("AULs") filed or recorded against the Subject Property.

8 RESULTS OF REGULATORY AGENCY FILE REVIEWS

To identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, i.e., known or potential contamination of soil or groundwater, or reported chemical use, EKI contracted with EDR to perform a search of available, selected federal, state, and local environmental regulatory agency databases. EDR performed a search for the Subject Property area and properties located within selected radii of the Subject Property. A copy of the resulting "radius map report" prepared by EDR is provided in Appendix E. Refer to the EDR report (pages GR-1 through GR-42) for a complete list of the federal, state, and tribal databases searched.

8.1 Results of EDR Database Search for Subject Property

According to the EDR Report, the following Subject Property addresses are listed on specific regulatory agency databases.

Building Address	Facility Name	Agency Databases
2525 Augustine Dr.	1X Digital Equipment Corporation	HAZNET
2525 Augustine Dr.	Digital Equipment Corp/ Site Serv	SWEEPS UST

HAZNET = Reported generation and off-site disposal of hazardous wastes (waste manifest data)
SWEEPS UST = Statewide Environmental Evaluation and Planning System

According to the EDR Report listings, inorganic solid waste was produced at the Subject Property in 1993. Additionally, the SWEEPS UST listing indicates that a 300-gallon diesel UST was present onsite (see Section 8.4.2 for more information on the UST).

These above-listed regulatory agency databases reflect documented current and historical use and storage of chemicals at the Subject Property, as well as off-site disposal of hazardous wastes from the Subject Property. It should be noted, however, that none of the database listings in the EDR report indicate reported chemical releases at the Subject Property.

8.2 Off-site, Upgradient Properties with Reported Chemical Use

Based on the EDR Report and groundwater flow information for the area, the following facilities, which are located in proximity to and upgradient to the south-southwest of or adjacent to the Subject Property, are listed on specific chemical use, storage, or disposal regulatory agency databases.

Building Address	Facility Name
3310 Montgomery Dr.	Advanced Assemblies
3310 Montgomery Dr.	Medsource Technologies
3340 Montgomery Dr.	House of Tabs
3350 Montgomery Dr.	Helix Technology Corp.

Building Address	Facility Name
3370 Montgomery Dr.	Micro Electronics Corp.
3380 Montgomery Dr.	Dymatyx Automation Systems
3380 Montgomery Dr.	Meadows Manufacturing
2600 Augustine Dr.	Planar Microwave (Raytheon)
3265 Scott Blvd.	DeHarts Printing Service
3265 Scott Blvd.	Horiba-Stec
3625 Scott Blvd.	Zeta Laboratories
3050 Coronado Blvd.	Synertek
3255 Scott Boulevard	Silicon Valley California LLC
3255 Scott Blvd, No. 3A	Perkin Elmer Inc.
3255 Scott Blvd, No. 2	Ion Implant Services
3333A Octavius Dr.	Ciba-Geigy Corporation
3333A Octavius Dr.	Burns Research Corp.
3333 Octavius Dr., Ste E	Ciba-Geigy Corp.
2465 Augustine Dr.	INMAC
3255 Scott Blvd, No. 6	Prometrix Corp
2727 Augustine Dr.	Applied Materials Inc.

The above-listed facilities at the addresses shown are included on regulatory agency databases that reflect use and storage of chemicals, as well as off-site disposal of hazardous wastes. It should be noted that none of the above-listed addresses or facilities, with the exception of 3050 Coronado Blvd. (the Synertek Site; see Section 8.3.1) is reported by EDR as a chemical release site.

8.3 Off-Site, Upgradient Properties with Reported Chemical Releases

According to the EDR Report, the only site that is a reported chemical release site located in the proximity of (within one-quarter of a mile) and potentially upgradient (to the south-southwest) from the Subject Property with regard to reported shallow groundwater flow direction is the Synertek site at 3050 Coronado Drive.

EKI reviewed potentially relevant information for the reported chemical release site available on the State of California Water Resources Control Board ("CWRCB") on-line GeoTracker database system. A summary of this off-site reported release site and potential for impact to the Subject Property are discussed below.

8.3.1 Synertek, 3050 Coronado Drive

The Synertek site is located approximately 1,700 feet south-southeast cross gradient and potentially upgradient of the Subject Property (see Figure 2). However, as discussed below, VOCs in groundwater from the Synertek site are not likely migrating onto the Subject Property. The Synertek site is a U.S. EPA NPL (e.g., Superfund) site currently being overseen by the RWQCB, acting as agent to the U.S. EPA. Information on the

Synertek chemical release site, discussed below, was available from review of the following technical report, obtained from the GeoTracker website:

- *Groundwater Sampling and Monitoring, 2012 Summary Report, Synertek Building#1, 3050 Coronado Drive, Santa Clara, California,* prepared by CH2MHill, dated January 2013 (CH2MHill, 2003)

In 1985, one 200-gallon waste solvent tank and three acid-waste neutralization tanks were removed from the Synertek site. During the tank removals, it was noted that soil and groundwater has been impacted primarily by TCE that had been released from the tanks. Other chemicals detected in the subsurface included, 1,1-DCE, 1,1-DCA, 1,1,1-trichloroethane ("1,1,1-TCA"), vinyl chloride, and Freon 113. Soil remedial actions were performed at the time of the tank removals. In 1987, Synertek installed and began operation of a groundwater extraction and treatment system to remediate the groundwater impacts. Synertek also installed a series of groundwater monitoring wells to monitor the lateral and vertical extents of the contaminant plume, several of which were installed on the adjacent Park Square property (discussed further below).

In 1999, the groundwater extraction and treatment system was shut-down with approval of the RWQCB, and monitored natural attenuation ("MNA") of the contaminant plume was approved. The monitoring wells have been sampled on roughly a semi-annual basis since shut-down of the groundwater treatment system. In 2005, CH2MHill reported to the RWQCB that the groundwater plume has stabilized and that MNA was being effective. In June 2013, the RWQCB granted Synertek's request for a reduction in sampling frequency of some the wells from semi-annual to annual monitoring. They are currently requesting that the RWQCB also allow number of monitoring wells in the well network be abandoned.

According to the CH2MHill (2013) report, three shallow groundwater monitoring wells are located south and upgradient of the Subject Property: MW-34A (approximately 200 feet south), MW-29A (approximately 900 feet south), and MW-30A (approximately 1,250 feet south). The approximate location of well MW-34A is shown on Figure 2. According to the CH2MHill (2013) report, the wells were sampled most recently in May and October 2012. According to the results, TCE was detected in the furthest upgradient well MW-29A at a concentration of 1.9 micrograms per liter ("ug/L") but was not detected in two closer downgradient wells MW-34A and MW-30A above the laboratory reporting limit. The reported concentration of TCE is below the current RWQCB Environmental Screening Level ("ESL") based on drinking water standards for TCE of 5 ug/L. 1,1-DCA and 1,1-DCE were also reported in groundwater at well MW-29A at concentrations up to 5.8 ug/L and 9.8 ug/L, respectively. These reported concentrations exceed their respective drinking water RWQCB ESLs, however, they are well below their respective RWQCB ESLs for potential vapor intrusion concerns for both residential and commercial uses (Table E-1; RWQCB, 2013). TCE, 1,1-DCA, and 1,1-DCE were not-detected in the wells closest to Subject Property (MW-34A and MW-30A) during sampling performed in 2012.

Based on the groundwater flow direction in this area and sampling data from upgradient groundwater monitoring wells, VOCs in groundwater from the Synertek site are not likely migrating onto the Subject Property.

Figure 3-1 of the CH2MHill report showing the Subject Property well locations, and the data tables for the Subject Property wells are included in Appendix D of this Phase I ESA report.

8.4 Shallow Groundwater Sampling at Adjacent, Upgradient Property

A Phase II Environmental Site Assessment for the adjacent property to the south, currently referred to as the Montgomery Research Park, was obtained from the DTSC's online Envirostor database (Certified, 1989). According to this report, three groundwater monitoring wells were installed on the Montgomery Research Park property in 1989 in order to evaluate the potential release of chemicals to shallow groundwater from the former Zeta Laboratories facility, located south of the Subject Property at 3265 Scott Boulevard. All three wells were located south and upgradient of the Subject Property; the locations of shallow groundwater monitoring wells MW-2 and MW-3 are shown on attached Figure 2. In 1989, trichlorotrifluoroethane ("Freon 113") and dichlorotrifluoroethane ("Freon 123") were detected at low concentrations in shallow groundwater samples collected from all three wells (maximum concentrations of 18 ug/L and 9.5 ug/L, respectively) (Certified, 1989). The detected Freon 113 concentrations in groundwater were well below both the current drinking water standard of 1,200 ug/L. According to Certified (1989), no other VOCs were detected in groundwater.

8.5 Review of Available Regulatory Agency Files for Subject Property

EKI submitted requests to the following environmental regulatory and public agencies to review available files regarding the Subject Property:

- DTSC
- RWQCB
- City of Santa Clara Fire Department, Hazardous Materials Division
- City of Santa Clara Building Department
- BAAQMD
- SCVWD
- Online database searches (RWQCB, DTSC, and Santa Clara County Department of Environmental Health ("SCCDEH"))

No files were received from for the Subject Property from the RWQCB, DTSC, or SCCDEH online database. The City of Santa Clara Building Department, City of Santa Clara Fire Department, and SCVWD provided files to EKI. Copies of selected files are included in Appendix A of this report. Brief summaries of the available file information reviewed by EKI are presented below.

8.5.1 Summary of City of Santa Clara Building Department Files

City of Santa Clara Building Department records were available for the three addresses associated with the Subject Property (2525, 2575, and 2585 Augustine Drive). Permits were issued to Digital Equipment Co., Computer Associates, Augustine Partners, LLC, and

various construction/contracting companies. Records indicate that the 2525 Augustine Drive building was built in 1977, the 2575 Augustine Drive building was built in 1983, and the 2585 Augustine building was built in 1999. All three buildings were originally built as industrial office buildings by various construction companies.

Additional building permits of note:

- 2525 Augustine Drive
  - 1993 – Hazardous materials storage tank removal – one 300-gallon diesel fuel tank
  - 1993 – Hazardous materials storage tank installation – install one 250-gallon diesel tank for generator
- 2575 Augustine Drive
  - 1993 – Digital Equipment Corporation, Install an above ground storage tank with concrete foundation

Based on these records, it is likely that diesel was historically used in at least two of the Subject Property buildings. However, there are no documented or reported releases of chemicals to the subsurface on the Subject Property.

8.5.2 Summary of City of Santa Clara Fire Department, Hazardous Materials Division Files

EKI reviewed files from the City of Santa Clara Fire Department, Hazardous Materials Division for two former occupants of the Subject Property: Alliance Semiconductor and Digital Equipment Corporation.

According to the records, Alliance Semiconductor formerly occupied the 2575 Augustine Drive building. Alliance Semiconductor stored and used chemicals on the Subject Property, including acetone, nitric acid, sulfuric acid, isopropyl alcohol, Fluorinert (hydrofluorocarbon-based cooling liquid), tungsten carbonyl, unspecified "used oil," and compressed nitrogen gas. In a letter dated September 1999 to the City of Santa Clara Fire Department, a consultant for Alliance Semiconductor stated that the facility is to be used for development and engineering and not for manufacturing. According to the letter, the chemicals used at the facility were primarily for deincapsulating semiconductor packages in an inspection lab and results in approximately 40 gallons of hazardous waste per year, which is disposed of off-site. The files also contained facility closure records for Alliance Semiconductor. As a part of the facility closure, the "decap room," in which fuming nitric and sulfuric acids were used and stored, was remediated by a cleaning surfaces with simple green cleaner. Surfaces were confirmed to be clean by the use of pH test strips. According to the records, the facility closure was approved in August 2006.

The Digital Equipment Corporation facility is described in Santa Clara Fire Department records as "computer sales and service," and the file did not contain records of hazardous materials storage at the facility other than those pertaining to a diesel UST and AST. According to records, a 300-gallon diesel UST associated with an emergency backup generator on the roof was installed in 1977 and was removed in January 1994 under the

oversight of the City of Santa Clara Fire Department (see Figure 2). At the same time, the UST was removed, a 250-gallon diesel AST was installed to continue to support the backup generator. According to the UST closure report, four soil samples were collected from the area of the former UST and associated piping excavation (Harding Lawson, 1994). The maximum concentration of TPHd detected in the samples was 16 mg/kg, well below the RWQCB ESL for residential land use of 100 mg/kg. The Santa Clara Fire Department approved the closure of the tank in November 1995.

8.5.3 Summary of SCVWD Files

According to SCVWD, three wells were historically located on the Subject Property. A map showing the rough locations of these wells is provided in Appendix A. SCVWD provided well destruction records for two out of the three wells. According to the records, a 115-foot well with a 7-inch casing was destroyed in 1998 and a 140-foot to 200-foot agricultural supply well with a 10-inch diameter casing was destroyed in 2000, both under SCVWD permit. According a note on the well destruction permit application for the well destroyed in 1998, the well was artesian and found during construction of a new parking lot. According to SCVWD, no well construction information is available for the third well, which is typical for wells constructed prior to 1975. Based on information obtained from SCVWD, the abandoned well is likely located on the western half of the Subject Property and may be under a parking lot or building.

9 SUMMARY OF PHASE I ESA FINDINGS AND OPINIONS

EKI's findings and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs are presented below.

9.1 Summary of Phase I ESA Findings and Opinions

The following RECs were identified in connection with the performance of this Phase I ESA:

- Prior to development of the Subject Property in the mid to late 1970s, the Subject Property and surrounding areas were in agricultural use, i.e., orchards. In addition, several structures, likely a farmhouse and agricultural support buildings, were located on the Subject Property (see Figure 3). Agricultural chemicals, e.g., lead-arsenate and organochlorine pesticides, may have been applied to, stored, and mixed on the Subject Property during this time period. Petroleum hydrocarbon products may also have been used and stored on the Subject Property for farm machinery operation and maintenance. Such chemicals may therefore be present in soil on the property. Given that the majority of the Subject Property is currently capped with buildings and pavement, the potential for exposure to soil by typical site users is low under the current site condition.

The following potential on-site environmental issues and findings (i.e., non-RECs or de minimis conditions) were identified in connection with the Phase I ESA performed for the Subject Property:

- A 300-gallon diesel UST was formerly located on the Subject Property, east of the 2525 Augustine Drive building (see Figure 2). The UST was removed in 1994 under the oversight of the City of Santa Clara Fire Department and concurrently replaced with a 250-gallon AST, which remains in place today and appears to be in good condition with no apparent leaks or staining. Four soil samples were collected in 1994 by Harding Lawson Associates from the area of the former UST and associated piping excavation, and the maximum detected concentration of TPHd was 16 mg/kg (Harding Lawson, 1994), well below the RWQCB ESL for residential land use of 100 mg/kg. The Santa Clara Fire Department approved the closure of the tank in November 1995. Thus, it is EKI's opinion that this finding constitutes a de minimis condition.

- On the 1939, 1948, and 1956 aerial photographs, a number of structures, likely a farmhouse and support buildings, are located along Saratoga Creek on the Subject Property. Given the age of these structures, it is possible that exterior paint on the structures may have contained lead. If the paint flaked from these structures over time or was disturbed during demolition of the structure, it is possible that lead paint may have been introduced to shallow soil. However, grading during development of the Subject Property in the 1970s may have resulted in shallow soil being removed from the property or mixed such that residual lead concentrations from flaked paint, if any,

may have been reduced to below significant levels. Thus, it is EKI's opinion that this finding constitutes a de minimis condition.

- Saratoga Creek formerly ran generally north-south through the center of the Subject Property. Prior to the development of the Subject Property in the 1970s, Saratoga Creek was filled and graded. The material used to fill and grade the property is unknown.

- Multiple pad-mounted and vaulted electrical transformers are present in the parking lot areas on the Subject Property. The transformers near the two newer buildings (2575 Augustine Drive and 2585 Augustine Drive) are labeled as "Non-PCB" transformers. However, the transformer near the 2525 Augustine building is not labeled and given the age of the building, its dielectric fluids may contain PCBs. No obvious visual indications of oily surface staining around the base of the transformers was observed at the time of the site visit by EKI. Thus, the presence of the transformers on the Subject Property does not constitute a REC. During site redevelopment, the transformers will need to be managed accordingly. No pole-mounted transformers were observed on or adjacent to the Subject Property.

- Past Subject Property tenants include Digital Equipment Corporation and Alliance Semiconductor, both electronic component development and manufacturing companies. Based on available agency records, chemical use by these tenants was limited, and primarily consisted of acids, acetone, and isopropyl alcohol. The earliest records of chemical use or storage available for the property are from 1991 and it is not known what chemicals, if any, were used on the Subject Property during the late 1970s and 1980s. There are no documented or reported releases releases or any visual or other indication of a release of chemicals to the subsurface on the Subject Property.

- According to Santa Clara Valley Water District ("SCVWD") records, three wells were historically located on the Subject Property. SCVWD provided destruction records for two of the wells, both water supply wells likely associated with the Subject Property's former agricultural use. A third agricultural supply well may remain on the Subject Property beneath a parking lot or building.

- According to a Phase I ESA completed in 2009 by Citadel, a limited survey of potential asbestos-containing materials ("ACM") was conducted in 1998 by Clayton, which identified the presence of ACMs in the 2525 Augustine Building (Citadel, 2009a). According to Citadel, ACMs were identified in drywall-joint compound, flooring mastics, pipe fitting insulation and roofing materials. EKI has not been provided with an operations and maintenance ("O&M") plan for management of ACM at the Subject Property.

The following potential off-site environmental issue (i.e., non-REC or de minimis condition) was identified in connection with the Phase I ESA performed for the Subject Property:

- The Synertek U.S. EPA NPL site is located approximately 1,700 feet south and generally upgradient of the Subject Property. A VOC plume (consisting primarily of TCE and its breakdown products), is emanating from the Synertek site and migrating northward toward the Subject Property. The nearest upgradient Synertek shallow groundwater monitoring well to the Subject Property (MW-34A, located 200 feet south of the Subject Property) was reportedly sampled in May 2012, and no VOCs were detected (see Figure 2). According to a report obtained from the DTSC's Envirostor database, shallow groundwater sampling was performed in 1989 at the adjacent property to the south (Certified, 1989). Freon compounds were detected in all three wells, upgradient to the Subject Property, at very low concentrations, well below current applicable drinking water standards. No other VOCs, such as those associated with the Synertek site, were detected above laboratory reporting limits (Certified, 1989). Based on groundwater flow direction in this area and the monitoring data from upgradient wells, VOCs in groundwater from the Synertek site do not appear to be migrating onto the Subject Property and would, therefore, not be expected to result in a vapor intrusion issue for the Subject Property. Therefore, it is EKI's opinion that the Synertek plume does not constitute a REC for the Subject Property.

9.2 Identified Phase I ESA Data Gaps

According to the Final U.S. EPA AAI Rule, a "data gap" is lack of or inability to obtain information required by the AAI Rule that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases to the Subject Property despite good faith efforts made by the environmental professional.

Arden, the owner of the Subject Property at the time of the Phase I ESA activities, declined to complete an environmental site assessment questionnaire; however they have provided EKI with a Phase I ESAs for the Subject Property dated 2009, 2008, 2005, 2000, and 1998. Given that the use of the Subject Property has not changed significantly since the preparation of the last Phase I ESA report in 2009, Arden does not likely have specialized knowledge of the Subject Property that would materially affect the findings of EKI's Phase I ESA. Therefore, no potentially significant data gaps were identified in the performance of this Phase I ESA.

10 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT

The Phase I ESA is not an audit of current subject property operations for compliance with hazardous material usage laws or other regulations or operating permit requirements, including occupational health and safety issues regarding occupants of the subject property, wastewater discharge limitations such as National Pollutant Discharge Elimination System ("NPDES") permits, or hazardous waste facility operating permits such as may be required under Resource Conservation and Recovery Act ("RCRA") or State hazardous waste control laws or regulations.

The assessment by EKI did not include "non-scope considerations" as defined in ASTM Section 13.1.5, such as cultural or historic resources, ecological resources, endangered species, wetlands, drinking water quality, radon, or indoor air quality. This assessment included an evaluation of the Subject Property for the potential for vapor intrusion concerns; however, the evaluation was not intended to conform to ASTM E2600-08 *Standard Practice for Assessment of Vapor Intrusion into Structures on Property Involved in Real Estate Transactions.*

This ESA did not include an assessment of asbestos, lead paint, PCBs in building materials and equipment, and mold.

The conclusions and recommendations presented herein are our professional opinion and are not a warranty or guaranty as to the presence, absence, or extent of contamination at the Subject Property or of releases from or near the Subject Property. The facts presented herein are based on available information obtained by EKI and represent existing conditions at the Subject Property at the time the information was collected.

EKI's performance of the requirements prescribed by the Final EPA AAI Rule is limited to the processes outlined in the Project Agreement.

11 REFERENCES

ASTM, 2005. *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E 1527-05, American Society for Testing and Materials, November 2005.

Certified, 1989. *Phase II Environmental Site Assessment, San Tomas Business Park, Scott & Montgomery, Santa Clara, California,* Certified Engineering & Testing Company, 22 March 1989.

CH2MHill, 2013. *Groundwater Sampling and Monitoring 2012 Summary Report, Synertek Building #1, 3050 Coronado Drive, Santa Clara, California,* CH2MHill, January 2013.

Citadel, 2008a. *Phase I Environmental Site Assessment, 2525 Augustine Drive, Santa Clara California,* prepared by Citadel Environmental Services, Inc., dated 22 February 2008.

Citadel, 2008b. *Phase I Environmental Site Assessment, 2575 Augustine Drive, Santa Clara California,* prepared by Citadel Environmental Services, Inc., dated 22 February 2008.

Citadel, 2008c. *Phase I Environmental Site Assessment, 2585 Augustine Drive, Santa Clara California,* prepared by Citadel Environmental Services, Inc., dated 22 February 2008.

Citadel, 2009a. *Phase I Environmental Site Assessment, 2525 Augustine Drive, Santa Clara California,* prepared by Citadel Environmental Services, Inc., dated 22 December 2009.

Citadel, 2009b. *Phase I Environmental Site Assessment, 2585 Augustine Drive, Santa Clara California,* prepared by Citadel Environmental Services, Inc., dated 22 December 2009.

Citadel, 2009c. *Phase I Environmental Site Assessment, 2575 Augustine Drive, Santa Clara California,* prepared by Citadel Environmental Services, Inc., dated 22 December 2009.

Clayton, 1998a. *Phase I Environmental Site Assessment at Computer Associates International Facility Property, 2525 Augustine Drive, Santa Clara California,* prepared by Clayton Environmental Consultants, dated 9 June 1998.

Clayton, 1998b. *Phase I Environmental Site Assessment at 2575 Augustine Drive, Santa Clara California,* prepared by Clayton Environmental Consultants, dated 19 November 1998.

Dames & Moore, 2000. *Phase I Environmental Site Assessment, Vantive Building, 2505 & 2525 Augustine Drive, Santa Clara, California,* prepared by Dames & Moore, dated 27 March 2000.

EDR, 2013. *EDR Historical Topographic Map Report, Augustine Business Park, 2525, 2575, and 2585 Augustine Drive, Santa Clara, California,* Environmental Data Resources, Inc., 2 August 2013.

EDR, 2013. *The EDR Radius Map Report with GeoCheck, Business Park, 2525, 2575, and 2585 Augustine Drive, Santa Clara, California,* Environmental Data Resources, Inc., 2 August 2013.

EDR, 2013. *EDR Environmental Lien and AUL Search, Business Park, 2525, 2575, and 2585 Augustine Drive, Santa Clara, California,* Environmental Data Resources, Inc., 6 August 2013.

EDR, 2013. *The EDR City Directory Abstract, Business Park, 2525, 2575, and 2585 Augustine Drive,* Environmental Data Resources, Inc., 2 August 2013.

EDR, 2013. *The EDR Aerial Photo Decade Package, Business Park, 2525, 2575, and 2585 Augustine Drive, Santa Clara, California,* Environmental Data Resources, Inc., 6 August 2013.

Harding Lawson, 1994. *Underground Storage Tank Closure Report, 25252 Augustine Drive, Santa Clara, California,* Harding Lawson Associates, 21 July 1994.

RWQCB 1997. *Remedial Action Completion Certificate for Hewlett Packard (Avantek), 3175 Bowers Avenue, Santa Clara, CA,* RWQCB, 3 February 1997.

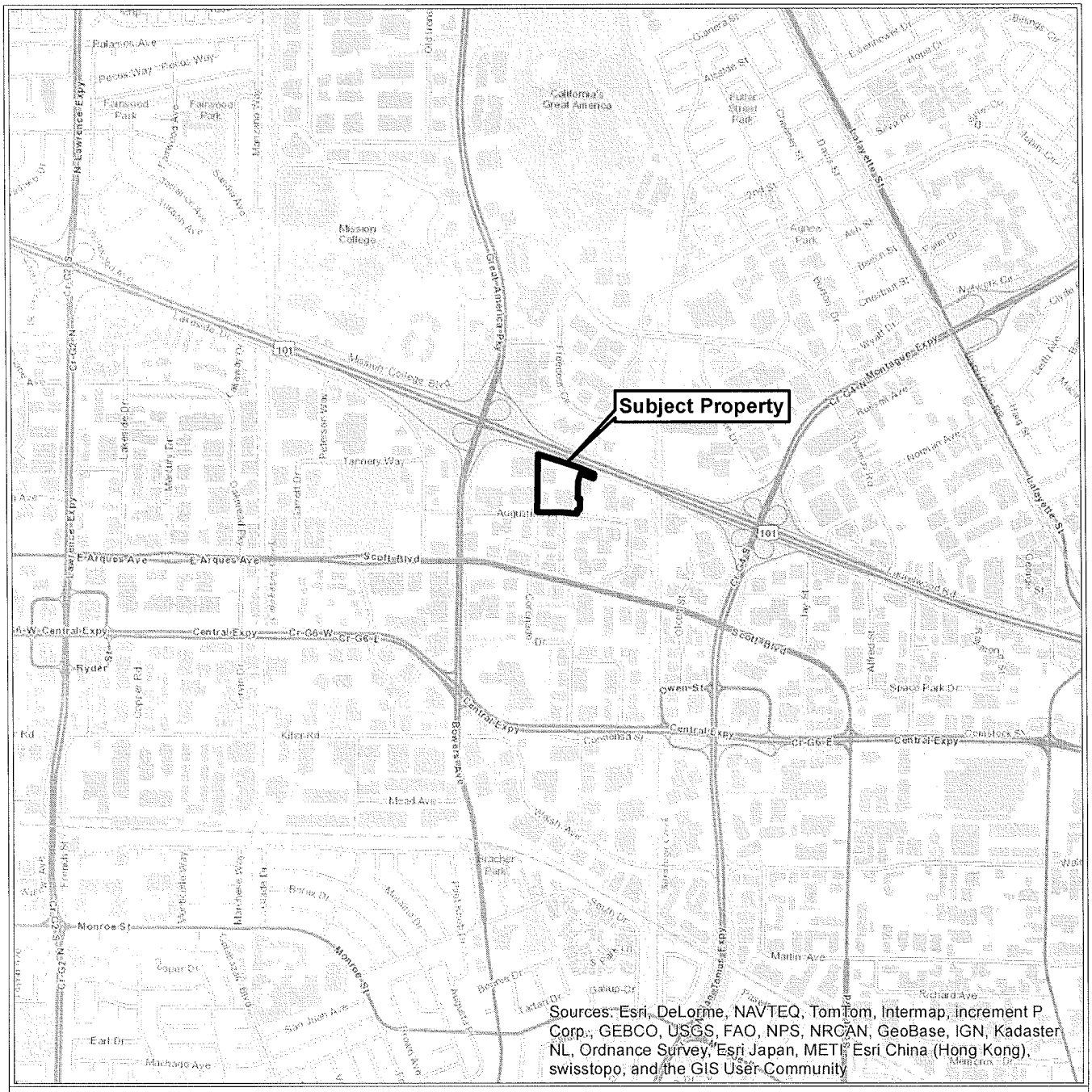
RWQCB, 2008. *California Regional Water Quality Control Board Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater,* Interim Final (November 2007), revised May 2008.

Terracon, 2000. *Phase I Environmental Site Assessment, Cable & Wireless II, 2575 & 2585 Augustine Drive, Santa Clara, California,* prepared by Terracon, dated 8 December 2000.

Terracon, 2005a. *Phase I Environmental Site Assessment, Augustine Partners II, 2505 & 2525 Augustine Drive, Santa Clara, California,* prepared by Terracon, dated 23 March 2005.

Terracon, 2005b. *Phase I Environmental Site Assessment, Augustine Partners II, 2575 & 2585 Augustine Drive, Santa Clara, California,* prepared by Terracon, dated 23 March 2005.

U.S. EPA, 2005. *Standard Practice for All Appropriate Inquiries; Final Rule,* 40 CFR, Part 312, U.S. Environmental Protection Agency, 1 November 2005.



Note

1. All locations are approximate.

Source

Basemap source: http://services.arcgisonline.com/ArcGIS/rest/services/Reference/World_Transportation/MapServer

Erler & Kalinowski, Inc.

Subject Property Location

N

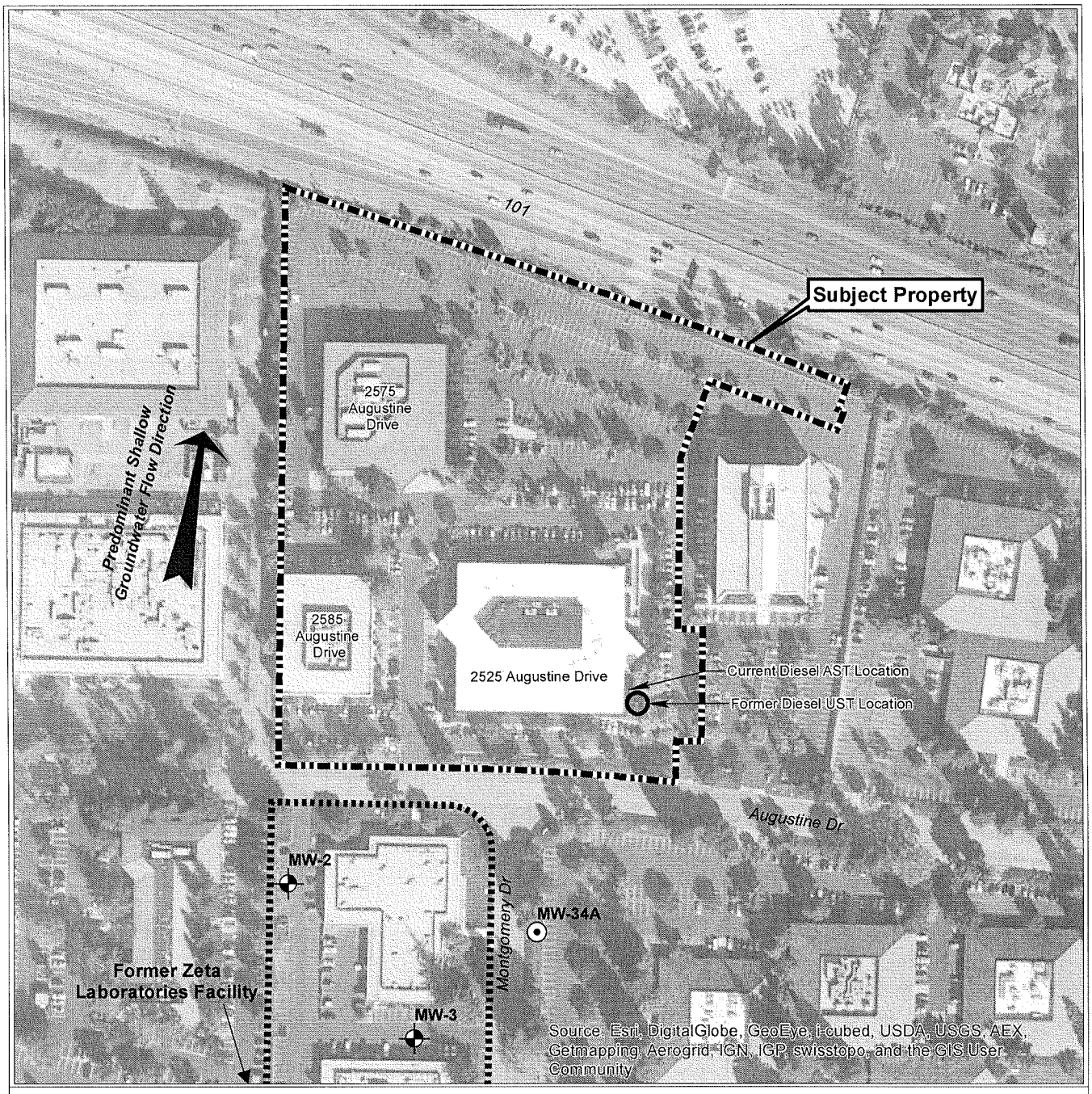
0 2,000 4,000

(Approximate Scale in Feet)

SCS Office Phase II
Santa Clara, CA
February 2014
EKI B30039.00

Figure 1

Document Path: X:\B30039\Maps\2014\02\Figure 1 - SP Location.mxd



Legend

Synertek Monitoring Well

Abandoned Zeta Laboratories Monitoring Wells (Certified, 1989)

Note

1. All locations are approximate.

Source

Basemap source: http://services.arcgisonline.com/ArcGIS/rest/services/Reference/World_Transportation/MapServer

N

0 200 400

(Approximate Scale in Feet)

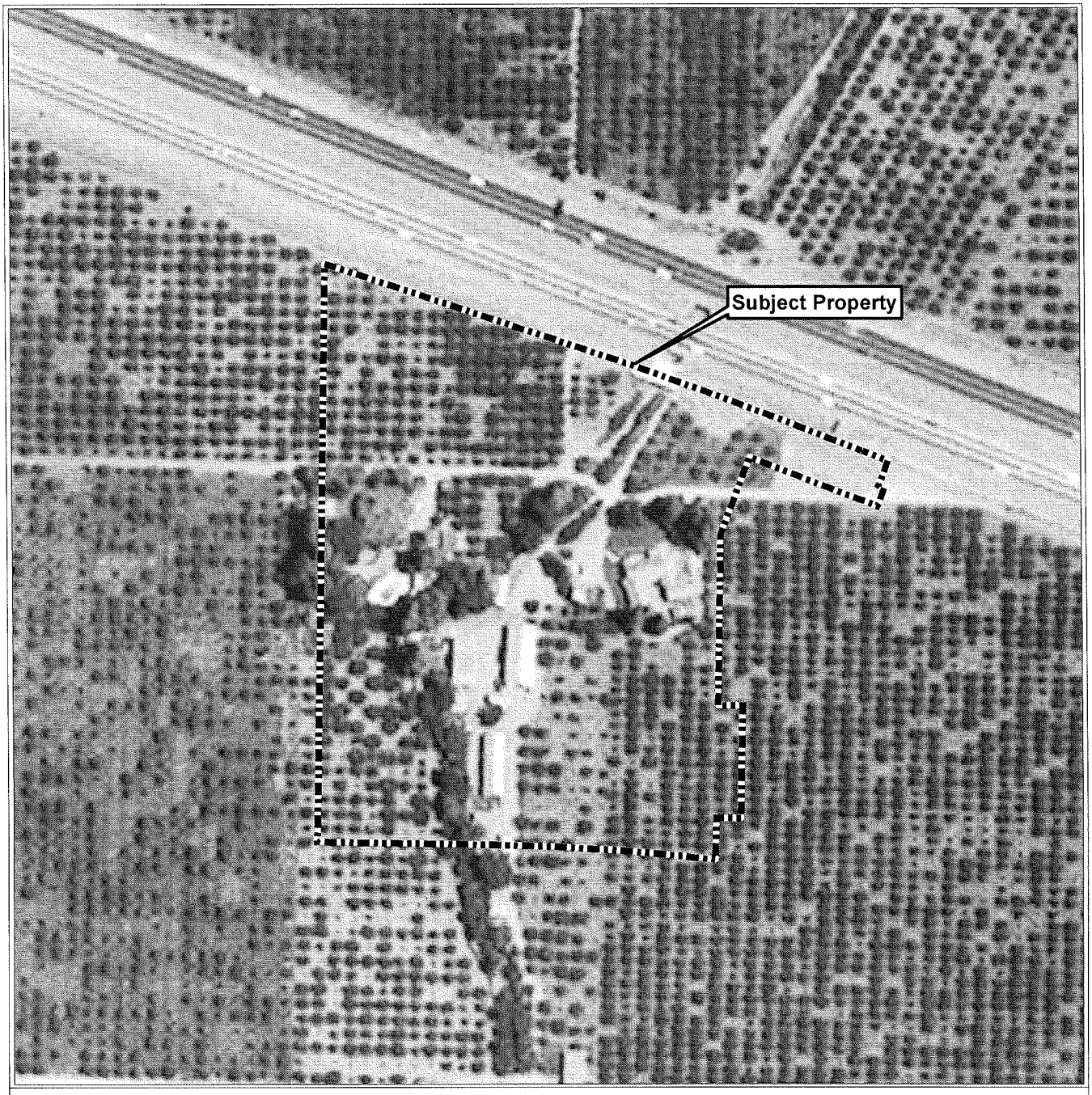
Erler & Kalinowski, Inc.

Site Setting

SCS Office Phase II
Santa Clara, CA
February 2014
EKI B30039.00

Figure 2

Document Path: X:\B30039\Maps\2014\02\Figure 2 - Site Setting.mxd



Legend

Subject Property Boundary

Note

1. All locations are approximate.
2. Aerial photograph is from 1968 (EDR, 2013).

Source

Basemap source: EDR, 2013. *The EDR Aerial Photo Decade Package, Augustine Business Park, 2525, 2575, and 2585 Augustine Drive, Santa Clara, California,* Environmental Data Resources, Inc., 6 August 2013.

N

0 200 400

(Approximate Scale in Feet)

Erler & Kalinowski, Inc.

Locations of Historical Agricultural Buildings (1968)

SCS Office Phase II
Santa Clara, CA
February 2014
EKI B30039.00

Figure 3

Document Path: X:\B30039\Maps\2014\02\Figure 3 - Historical.mxd

Erler &
Kalinowski,
Inc.

Phase I Environmental Site Assessment

Santa Clara Square Office Phase III
Santa Clara, California

Prepared for:

The Catalina Investment Company, L.P.

Prepared by:

Erler & Kalinowski, Inc.
1870 Ogden Drive
Burlingame, California 94010
www.ekiconsult.com

March 2014

EKI B30013.00

Consulting engineers and scientists

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists

1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax: (650) 552-9012

13 March 2014

To Potential Users of Electronic Files:

Erler & Kalinowski, Inc. ("EKI") has provided our CLIENT, The Irvine Company LLC, with an electronic copy of the *Phase I Environmental Site Assessment Report, Santa Clara Square Office Phase III, Santa Clara, California*, dated March 2014, including text, figures, and appendices by a compact disk ("CD").

This electronic file is being provided at the request of our CLIENT and for the convenience of our CLIENT. The delivery of electronic media does not constitute the delivery of our professional work product or provide rights of reliance by First parties. Only the original paper print provided to, and for the sole benefit of, our CLIENT constitutes our professional work product. Because the electronic media may be damaged during transfer or altered, the paper print shall control where there are any differences between the paper print and the electronic media. EKI makes no warranties, either express or implied, of the merchantability, applicability, compatibility with the recipients' computer equipment or software; of the fitness for any particular purpose for the electronic media; or that the electronic media contains no defect or is virus free.

Reuse of EKI's work product by others or modification and use by others of any document or electronic media prepared by EKI shall be at the party's sole risk.

Sincerely,

ERLER & KALINOWSKI, INC.

Michelle King, Ph.D.
Vice President

Phase I Environmental Site Assessment

Santa Clara Square Office Phase III
Santa Clara, California
(EKI B30013.00)

March 2014

Prepared for:

The Catalina Investment Company, L.P.

Erler & Kalinowski, Inc.

Consulting Engineers and Scientists
1870 Ogden Drive
Burlingame, California 94010
(650) 292-9100
Fax: (650) 552-9012

Erler & Kalinowski, Inc.
Consulting Engineers and Scientists
1870 Ogden Drive
Burlingame, CA 94010
(650) 292-9100
Fax (650) 552-9012

14 March 2014

Angie Holland
The Irvine Company LLC
555 Newport Center Drive
Newport Beach, California 92660

Subject: Phase I Environmental Site Assessment for Property Referred to as Santa Clara Square Office Phase III, Located in Santa Clara, California (EKI B30013.00)

Dear Ms. Holland:

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Catalina Investment Company, L.P. and The Irvine Company LLC ("Client") the enclosed report entitled *Phase I Environmental Site Assessment Report, Santa Clara Square Office Phase III, Santa Clara, California*, dated March 2014. EKI's services were performed in accordance with the Project Agreement with The Irvine Company LLC and the associated scope of work, dated 18 March 2013, and the Master Services Agreement ("MSA") between EKI and The Irvine Company LLC, dated 26 November 2012.

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 40 CFR Section 312.10. We have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Subject Property. We have developed and performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

We are pleased to have the opportunity to work with you on this project. Please call if you have any questions or need further assistance.

Very truly yours,

ERLER & KALINOWSKI, INC.

Kathryn Wuelfing
Project Scientist

Michelle K. King, Ph.D.
Vice President / Reviewer

PHASE I ENVIRONMENTAL SITE ASSESSMENT

Santa Clara Square Office Phase III
Santa Clara, California

TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

1 INTRODUCTION 4

1.1 Purpose for Phase I ESA 4
1.2 Reliance on Phase I ESA 4
1.3 Phase I ESA Scope of Work 5

2 GENERAL SITE CHARACTERISTICS 6

2.1 Site Location 6
2.2 Site Description and Current Site Uses 6
2.3 Adjoining Properties 6

3 ENVIRONMENTAL SETTING 7

3.1 Regional Physiography 7
3.2 Soil and Geologic Conditions 7
3.3 Surface Water Characteristics 7
3.4 Shallow Groundwater Characteristics 8

4 HISTORICAL LAND USE INFORMATION 9

4.1 Late 1890s through 1970s 9
4.2 1980s Through Present-Day 10

5 RESULTS OF PRIOR SITE INVESTIGATIONS 11

5.1 Summary of Findings of Prior Phase I ESA Report 11
5.2 Summary of Findings of 1988 Soil and Groundwater Investigation 11
5.3 Summary of Findings of 1997 Soil and Groundwater Investigation 12

6 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY 14

6.1 Exterior Observations 14
6.2 Interior Observations 14
6.3 Neighborhood 15

7 INFORMATION PROVIDED BY OWNER AND USER 17

7.1 Results of Owner Questionnaire 17
7.2 Results of User Questionnaire 17
7.3 Results of Environmental Lien Search 17

8 RESULTS OF REGULATORY AGENCY FILE REVIEWS 19

8.1 Results of EDR Database Search for Subject Property 19
8.2 Off-site, Upgradient Properties with Reported Chemical Use 19
8.3 Off-Site, Upgradient Properties with Reported Chemical Releases 20
8.4 Review of Available Regulatory Agency Files for Subject Property 22

TABLE OF CONTENTS

9 SUMMARY OF PHASE I ESA FINDINGS AND AND OPINIONS 24

9.1 Summary of Phase I ESA Findings and Opinions 24
9.2 Identified Phase I ESA Data Gaps 25

10 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT 27

11 REFERENCES 28

LIST OF FIGURES

Figure 1 Subject Property Location

Figure 2 Subject Property Setting

LIST OF APPENDICES

Appendix A Copies of Historical Sources for Information

Appendix B Copies of Selected Photographs Taken During Site Walk-through

Appendix C Phase I ESA User Questionnaire Completed by Client and EDR Lien Search Report

Appendix D Pertinent Sections of Prior Investigation Reports

Appendix E EDR Radius Map Report, dated 15 March 2013

Appendix F Resumes for Preparers of Phase I ESA Report

EXECUTIVE SUMMARY

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Catalina Investment Company, L.P. ("Client" or "Catalina"), this Phase I Environmental Site Assessment ("ESA") report for property referred to as the Santa Clara Square ("SCS") Office Phase III property located north of the intersection of Augustine Drive and Octavius Drive in Santa Clara, California ("Subject Property"; see Figure 1). The Subject Property is a portion of the Park Square office park, and includes the buildings with the addresses 2455, 2465, and 2475 Augustine Drive (see Figure 2).

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries*, *Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., Recognized Environmental Conditions ("RECs").

The Subject Property comprises 3 buildings situated on approximately 7.65 acres of property located in a predominantly commercial/light industrial area of Santa Clara. EKI understands that Catalina owns the Subject Property and may ultimately redevelop the property.

Summary of Phase I ESA Findings and Opinions

The following REC was identified in connection with the performance of this Phase I ESA:

- Prior to development of the Subject Property in the mid to late 1970s, the Subject Property was in orchard use. A Phase II investigation performed in June 2013 indicate that agricultural chemicals (i.e., arsenic, lead, and several organochlorine pesticides), are present in shallow soil across much of the Subject Property at concentrations above risk-based ESLs and CHHSLs for residential land use, and above risk-based California Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB") Environmental Screening Level ("ESLs," RWQCB, 2013) and California Human Health Screening Levels ("CHHSLs," Cal-EPA, 2010)) for commercial/industrial land use in some areas (EKI, 2013). The reported concentrations of these chemicals, however, are consistent with ordinary application of pesticides to orchards in Santa Clara County. DDT and its breakdown products are present on the Subject Property at concentrations that would result in soil being classified as a non-Resource Conservation and Recovery Act ("non-RCRA") hazardous waste if excavated and disposed off-site. The reported concentrations of arsenic and lead in soil samples could also potentially classify the soil as non-RCRA hazardous waste if excavated and disposed of off-site. Given that the majority of the Subject Property is currently capped with buildings and pavement,

the potential for exposure to soil by typical site users is low under the current site condition.

The following potential on-site environmental issues and findings (i.e., non-RECs or de minimis conditions) were identified in connection with the Phase I ESA performed for the Subject Property:

- Information on past uses of the Subject Property buildings is limited. Historical information and available regulatory agency files reviewed by EKI indicate that the Subject Property buildings were used in the past, e.g., the 1970s and 1980s, by various industrial, research & development, and testing laboratory tenants. Although there are no documented or reported releases of chemicals to the subsurface on the Subject Property, releases may have occurred in the past, either through spills to floor surfaces, or leaks from sanitary sewers lines; thus, the subsurface beneath the site buildings may be impacted by chemicals of concern. In order to screen for potential vapor intrusion issues on the Subject Property, EKI collected 5 soil gas samples from temporary soil vapor probes ("SVPs") in June 2013 (EKI, 2013). One soil gas sample contained chlorinated volatile organic compounds ("VOCs") at concentrations above laboratory reporting limits, specifically 1,1,1-trichloroethane ("1,1,1-TCA"), trichloroethene ("TCE"), and trichlorofluoroethane ("Freon 113"). The detected concentrations were below respective vapor intrusion screening levels for both residential/unrestricted and commercial/industrial land use (i.e., RWQCB ESLs and CHHSLs). While the potential exists for chemicals used by past tenants to have been released to the subsurface on the Subject Property, soil vapor sampling results indicate that a significant vapor intrusion risk is not present on the Subject Property. Thus, EKI does not consider this finding a REC for the Subject Property.

- Shallow groundwater south and upgradient of the Subject Property (see Figure 2) is impacted by low concentrations of VOCs migrating from the south-southwest, i.e., south of Scott Boulevard. In June 2013, EKI collected grab samples of shallow groundwater from three locations on the Subject Property: two samples from the northern, downgradient Subject Property boundary and one sample from the southern, upgradient Subject Property boundary, located downgradient of several Park Square office park buildings with reported historical chemical use (EKI, 2013). VOCs were not detected in these groundwater samples above laboratory reporting limits. Based on these results and the results of previous upgradient groundwater sampling performed by others, no significant impacts to groundwater appear to be present on the Subject Property from onsite or offsite sources. Thus, EKI does not consider this finding a REC for the Subject Property.

- During the walk-through visual survey, EKI observed minor leakage from a section of hydraulic plumbing in the elevator mechanical room for the 2455 Augustine Drive building, which is currently being contained by a plastic lining. EKI did not observe an apparent pathway from the oil-stained or leakage area to the subsurface, e.g., no significant cracks or floor seams in the areas of concern. While there is a potential that the subsurface may be impacted by the releases observed at this location, EKI does not

believe that sufficient information regarding a release to the environment is available to classify this condition as a REC.

- Several pad-mounted electrical transformers are present in the parking lot areas on the Subject Property. It is not known whether these transformers contain polychlorinated biphenyls ("PCBs") or not and no staining was observed around the transformers, that would indicate a likely release to the environment. Thus, EKI does not believe the presence of these transformers constitutes a REC for the Subject Property. If these transformers contain PCB-fluid, they will need to be managed appropriately at the time of property redevelopment. No pole-mounted transformers were observed in the area of the Subject Property.

1 INTRODUCTION

Erler & Kalinowski, Inc. ("EKI") is pleased to present to Catalina Investment Company, L.P. ("Client" or "Catalina"), this Phase I Environmental Site Assessment ("ESA") report for property referred to as the Santa Clara Square ("SCS") Office Phase III property located north of the intersection of Augustine Drive and Octavius Drive in Santa Clara, California ("Subject Property"; see Figure 1). The Subject Property is comprised of three buildings located in a predominantly commercial/light industrial area of Santa Clara. The Subject Property is a portion of the Park Square office park, and includes the buildings with the addresses 2455, 2465, and 2475 Augustine Drive (see Figure 2).

The Phase I ESA was performed by EKI in general conformance with the scope and limitations of American Society for Testing and Materials ("ASTM") *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E1527-05 (published on 21 November 2005), and the requirements issued by the U.S. Environmental Protection Agency ("U.S. EPA") in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule,* dated 1 November 2005 ("Final EPA AAI Rule"). The ASTM 1527-05 standard and the Final EPA AAI Rule similarly prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., recognized environmental conditions ("RECs").

EKI's services were performed in accordance with the Project Agreement and associated scope of work, dated 19 March 2013, and the Master Services Agreement ("MSA") between EKI and The Irvine Company LLC, dated 26 November 2012.

1.1 Purpose for Phase I ESA

The purpose of the Phase I ESA was to identify RECs for the Subject Property as defined in ASTM E1527-05. EKI understands that Catalina owns the Subject Property and may ultimately redevelop the property.

1.2 Reliance on Phase I ESA

This report is for the sole benefit, use, and reliance of Catalina Investment Company, L.P. and Irvine Company LLC regarding the Subject Property. Unless specifically authorized in writing in an agreement acceptable to EKI in its sole discretion, reliance on this report by any other entity is not permitted or authorized. Reliance on the information contained in this report by any third party without authorization by EKI does not make such entity a third party beneficiary of EKI's work product. Any such unauthorized reliance on, modification of, or use of this report, including any of its information or conclusions, will be at such third party's sole risk. The "User" of this Phase I ESA report, as defined by ASTM E1527-05 and as accepted under the Final U.S. EPA AAI Rule, is Catalina Investment Company, L.P. and Irvine Company LLC.

1.3 Phase I ESA Scope of Work

EKI performed the following tasks as part of this Phase I ESA:

- Reviewed available historical land use information for the Subject Property and surrounding area, e.g., historical aerial photographs and historical topographic maps provided by Environmental Data Resources, Inc. ("EDR") (see Appendix A);

- Reviewed documents and information for the Subject Property provided by the current and previous owners of the Subject Property, Silicon Valley CA, LLC, including a prior Phase I ESA report prepared for the Subject Property by Golder Associates, dated 8 May 2006 (Golder, 2006), a prior Phase II subsurface investigation report for the Subject Property by EKI, dated November 2013 (EKI, 2013), and historical site plans for select buildings;

- Purchased and reviewed a regulatory agency database report for the Subject Property and surrounding area prepared by EDR, dated 15 March 2013 (referred to as EDR Radius Map Report; see Appendix E);

- Reviewed publicly-available files for the Subject Property provided by the City of Santa Clara Fire Department and City of Santa Clara Building Department;

- Reviewed environmental reports prepared for nearby upgradient reported chemical release sites available on-line through the State of California Water Resources Control Board GeoTracker database website;

- Purchased and reviewed an Environmental Lien Search report for the Subject Property, prepared by EDR, dated 18 March 2013 (see Appendix C);

- Obtained specialized knowledge of the Subject Property provided by the User of the Phase I ESA, in the form of responses to a User Questionnaire (see Appendix C);

- Performed a walk-through visual survey of the Subject Property on 28 March 2013 to observe the current site setting (see photographs in Appendix B), and conducted interviews with Silvino Benitez, a maintenance manager for the property.

2 GENERAL SITE CHARACTERISTICS

2.1 Site Location

The Subject Property is located north of the intersection of Augustine Drive and Octavius Drive, and is generally bounded to the south by Augustine Drive, to the west by office buildings, to the north by Highway 101, and to the east by the channelized San Thomas Aquino Creek (see Figures 1 and 2). The neighborhood consists primarily of office and light industrial buildings

2.2 Site Description and Current Site Uses

The Subject Property comprises three buildings with street addresses of 2455, 2465, and 2475 Augustine Drive.

The Subject Property is approximately 7.65 acres in total size. The Assessor's Parcel Number ("APN") for the Subject Property is 216-45-006.

As of April 2013, the Subject Property buildings were occupied by the following tenants:

2455 Augustine Drive:	Packet Design (Suite 101)
	Marseille Networks (Suite 201)
2465 Augustine Drive:	Activision/RO Design Studio (Suite 101)
	Intelleflex Corporation (Suite 102)
2475 Augustine Drive:	Aeria Games & Entertainment (Suite 103)

Additional information on the above-listed current tenants, including nature of activities and chemical use and storage, if any, on the Subject Property is discussed in the Site Walk-through section of this report (see Section 6).

2.3 Adjoining Properties

The Subject Property is bounded to the north by Highway 101 and to the east by the channelized San Tomas Aquino Creek and San Tomas Aquino/Saratoga Creek Trail. The buildings in the immediate vicinity of the Subject Property, to the northwest, west, and south appear all to be office and industrial buildings. UCSC Silicon Valley (2505 Augustine Dr.) and ST Microelectronics (2525 Augustine Dr.) are located to the west of the Subject Property. The Park Square office park continues to the south of the Subject Property, and includes eleven similar multi-tenant office buildings.

3 ENVIRONMENTAL SETTING

Information on the environmental setting of the Subject Property was obtained from the following sources:

- *Groundwater Sampling and Monitoring 2012 Summary Report, Synertek Building #1, 3050 Coronado Drive, Santa Clara, California,* CH2MHill, January 2013 (CH2MHill, 2013).

- *Environmental Site Assessment and Investigation, Manufacturing Facility, 3333 Octavius Drive, Santa Clara, California*, United Soil Engineering, Inc., 8 August 1988 (USE, 1988).

3.1 Regional Physiography

The Subject Property is located in the Santa Clara Valley, which is situated within the Coast Range geomorphic province. The Santa Clara Valley occupies a late-Pliocene structural trough situated between the San Andreas Fault System to the west and the Hayward/Calaveras Fault Systems to the east (USE, 1988). The Subject Property is underlain by consolidated Quaternary alluvium deposits comprised of inter-fluvial stream deposits. The thickness of the alluvium is estimated to be 300 to 500 feet thick (USE, 1988).

3.2 Soil and Geologic Conditions

Site stratigraphy consists of interbedded complex silts, clays, and sands to a depth of at least 465 feet below ground surface ("bgs") (CH2MHill, 2013). Based on a review of soil borehole logs for two boreholes advanced near the Subject Property by United Soil Engineering ("USE") in 1988, the upper 3 to 5 feet of soil consists of an organic black clay, underlain by approximately 20 feet of a yellow, grey sandy clay. Between approximately 20 and 30 feet bgs is a grey clay with minor sand lenses (USE, 1988).

The first groundwater zone, the A-aquifer, generally extends from approximately 10 to 20 feet bgs. The A-aquifer is underlain by silty to sandy clays, generally ranging in thickness from 5 to 10 feet. The B-aquifer is encountered between 30 and 50 feet bgs. The B-aquifer is underlain by approximately 60 feet of clay, which provides separation from deeper water-bearing zones encountered at 100 to 108 feet bgs (CH2MHill, 2013).

3.3 Surface Water Characteristics

The majority of the Subject Property is covered with building roof tops and asphalt-paved parking areas. Thus, the majority of rain water that falls on the Subject Property flows over impervious surfaces to storm drain inlets located throughout the parking areas on the property. Landscaped areas are also located throughout the property. Surface water runoff in these areas likely infiltrates into the ground. San Tomas Aquino Creek runs along the eastern property boundary. The creek is concrete-lined and channelized in this area, and

the bank is elevated significantly higher than the Subject Property grade (approximately 8 feet higher).

3.4 Shallow Groundwater Characteristics

Based on measurements made in May and October 2012 from existing groundwater monitoring wells located on the portions of the Park Square office park located south of the Subject Property (CH2MHill, 2013), the depth to groundwater in the vicinity of the Subject Property ranges from approximately 7 to 9 feet bgs. During drilling just south of the Subject Property performed by Geomatrix in 1997, first encountered groundwater was noted at 10 to 15 feet bgs.

According to the CH2MHill (2013) report, the direction of shallow groundwater flow at the Subject Property, e.g., the A-zone aquifer, is generally to the north-northeast.

4 HISTORICAL LAND USE INFORMATION

Information on historical uses of the Subject Property and vicinity was obtained primarily from the following sources:

- Review of historical aerial photographs provide by EDR for selected years between 1939 and 2006 (see Appendix A).
- Review of historical USGS topographic maps provided by EDR for selected years between 1899 and 1997 (see Appendix A).
- Review of publically available information for the Subject Property provided by the City of Santa Clara Building Department and the Santa Clara Fire Department (see Appendix A); and
- Review of historical City Directory information provided by EDR for selected years between 1980 and 2012 (see Appendix A).

According to EDR, Sanborn Fire Insurance maps for the Subject Property are not available.

4.1 Late 1890s through 1970s

On the topographic map dated 1899, the Subject Property and surrounding areas are depicted on the map as vacant.

On the 1939 and 1956 aerial photographs, the Subject Property is in orchard use. No structures are noted on the Subject Property.

On the 1953 topographic map, the Subject Property and adjoining properties are depicted in orchard use. Bayshore Highway north of the Subject Property is depicted on the 1953 map. Scott Boulevard, Octavius Drive, Montgomery Drive, and Augustine Drive do not yet appear to be constructed.

On the 1961 topographic map, the Subject Property and adjoining properties remain in orchard use. Bayshore Highway has been expanded and is now depicted as Bayshore "Freeway" with interchanges noted. On the 1965 aerial photograph, the Subject Property and adjoining properties remain in orchard use. San Thomas Aquino Creek, which forms the eastern border of the Subject Property, is channelized in the 1965 aerial photograph.

On the 1968 and 1973 topographic maps, the Subject Property and adjoining properties remain in orchard use. No significant land use changes are noted from the prior maps reviewed.

On the 1974 aerial photograph, the Subject Property is no longer in orchard use and is vacant, e.g., no structures or apparent agricultural use. Scott Boulevard, Octavius Drive, Montgomery Drive, and Augustine Drive are noted on the 1974 aerial photograph,

however, no buildings or structures are noted adjacent to the paved roadways, with the exception of buildings located along the south side of Scott Boulevard (off the Subject Property). A graded, apparent building pad is noted at the northwest corner of the intersection of Scott Boulevard and Montgomery Drive (off the Subject Property).

4.2 1980s Through Present-Day

On the 1984 aerial photograph, the Subject Property is developed with the three square-shaped buildings that exist at the present time. Adjoining properties have also been developed with what appear to be the present-day buildings and structures. No obvious significant changes in land use or configuration of the Subject Property setting are noted on the aerial photographs from the 1990s or 2000s.

According to City Directory information obtained from EDR, the following potential industrial and/or research & development tenants are listed for the Subject Property during the 1980s. The specific activities conducted by the tenants cannot be known from review of the EDR City Directory report. These tenants may have used or stored chemicals at the Subject Property.

2455 Augustine Drive

- ECAD Inc.
- PCI Incorporated
- Caida
- Terzic Enterprises
- Caida

2465 Augustine Drive

- International Minicomputer Accessories Corporation (INMAC)

2475 Augustine Drive

- ASM-FICO Tooling Group
- Genigraphics Service Center
- Advanced Semiconductor Materials
- Rapicom Inc.
- United Components Inc.

5 RESULTS OF PRIOR SITE INVESTIGATIONS

Based on information provided by Silicon Valley CA, LLC, a Phase I ESA was conducted for the Subject Property in 2006 (Golder, 2006). In addition, two groundwater sampling investigations were conducted on portions of the Park Square office park immediately south and upgradient of the Subject Property in 1988 and 1997 (USE, 1988; Geomatrix, 1997). A summary of these prior investigations is presented below. Pertinent sections of each report are included in Appendix D of this Phase I ESA report.

5.1 Summary of Findings of Prior Phase I ESA Report

Silicon Valley CA, LLC, the owner of the Subject Property at the time of the Phase I activities were performed, provided to EKI a copy of a Phase I ESA report for Phases I and II of the Subject Property, prepared by Golder Associates, Inc., and dated 8 May 2006 (Golder, 2006). Key findings of the Golder Phase I ESA report are presented below:

- The Subject Property was in agricultural use before development of the property in 1977 and 1978.
- Multiple upgradient properties are undergoing remediation for soil and groundwater impacts, thus, groundwater beneath the Subject Property may be impacted.
- VOCs have been detected in shallow groundwater monitoring wells near the 3333 Octavius Drive building (located approximately 250 feet south and upgradient of the Subject Property) (discussed further below in Section 5.2). This was considered by Golder to be a "recognized environmental condition." Golder recommended that these two monitoring wells be abandoned.
- The Integrated Device Technology ("IDT") facility located at 3236 Scott Boulevard (discussed further in Section 8.3.1 of this report) is a reported chemical release site, and may have impacted groundwater beneath the Subject Property. Golder also identified several other sites located upgradient of the Subject Property that are currently undergoing remediation, e.g., Synertek site, which is discussed in Section 8.3.2 of this report.
- Asbestos was indentified in interior and roofing materials of nearly all buildings of the Park Square office park, including the Subject Property.

5.2 Summary of Findings of 1988 Soil and Groundwater Investigation

In 1988, USE conducted an Environmental Assessment of the property located at 3333 Octavius Drive, which is part of the Park Square office park and located south and upgradient of the Subject Property (see Figure 2). The assessment by USE included the advancement of two soil boreholes on the property, the collection and analysis of soil samples, the conversion of the boreholes to groundwater monitoring wells, and the collection and analysis of groundwater samples. The approximate locations of monitoring wells MW-1 and MW-2 installed by USE in 1988 are shown on Figure 2. Well MW-1 was located during the site walk, but well MW-2 appears to have been removed or buried beneath pavement.

Soil samples were collected from each borehole at approximately 2.5 feet, 7.5 feet, and 12.5 feet bgs. Groundwater was encountered at approximately 13 feet bgs. The soil samples were found to be "free of volatile and semi-volatile organic compounds," according to the USE (1988) report. No data tables or laboratory reports were provided in the USE report, which was included as an attachment to the Golder Phase I ESA.

The groundwater samples were reported to contain 1,1-dichloroethane ("1,1-DCA") and 1,1,1-trichloroethane ("1,1,1-TCA") at concentrations ranging up to 4.7 micrograms per liter ("ug/l") and 2.5 ug/l, respectively.

The USE report concluded that the VOCs appear to be migrating onto the 3333 Octavius Drive property from an off-site, upgradient source or sources "to the south of the project site."

5.3 Summary of Findings of 1997 Soil and Groundwater Investigation

In May 1997, Geomatrix collected grab samples of shallow groundwater from six soil boreholes advanced around the perimeter of Building 6 located at 3255 Scott Boulevard, south and upgradient of the Subject Property (see Figure 2). The purpose for the sampling was to screen for the presence of VOCs in shallow groundwater that may have resulted from releases at Building 6 or from off-site, upgradient properties.

The six soil boreholes were each advanced to an approximate depth of 19 feet bgs. The depth to first encountered groundwater was reported at approximately 10 to 15 feet bgs. The groundwater samples collected from each borehole were submitted for analysis for VOCs. According to the analytical results, no VOCs, including TCE, 1,1-DCA, and 1,1-dichloroethene ("1,1-DCE"), were detected above their respective laboratory reporting limits in any of the groundwater samples.

5.4 Summary of Findings of Prior Phase II ESA Report

In June 2013, EKI performed a Phase II subsurface investigation of the Subject Property (EKI, 2013). The investigation included a screening-level assessment of soil gas, shallow groundwater, shallow soil, and baserock at the Subject Property. Key findings of the Phase II investigation are summarized below:

- In order to screen for potential vapor intrusion issues on the Subject Property, EKI collected 5 soil gas samples from temporary SVPs. One soil gas sample contained chlorinated VOCs at concentrations above laboratory reporting limits, specifically 1,1,1-TCA, TCE, and Freon 113. The detected concentrations were below respective vapor intrusion screening levels for both residential/unrestricted and commercial/industrial land use (i.e., RWQCB ESLs (RWQCB, 2013) and CHHSLs (Cal-EPA, 2010)).[1]

- EKI collected grab samples of shallow groundwater from three locations on the Subject Property: two samples from the northern, downgradient Subject Property

[1] Residential screening criteria were used in this assessment to evaluate the results for unrestricted land use.

boundary and one sample from the southern, upgradient Subject Property boundary, located downgradient of several Park Square office park buildings with reported historical chemical use. VOCs were not detected in these groundwater samples above laboratory reporting limits. Based on these results and the results of previous upgradient groundwater sampling performed by others, no significant impacts to groundwater appear to be present on the Subject Property.

- Prior to development in the 1970s, the Subject Property was used for agriculture, primarily as orchards. EKI collected 9 two-point composite shallow soil samples from the Subject Property, which were analyzed for arsenic, lead, and organochlorine pesticides. The results of the shallow soil sampling indicate that arsenic, lead, and organochlorine pesticides (aldrin, dieldrin, and dichlorodiphenyldichloroethylene ("DDE")) are present in shallow soil across much of the Subject Property at concentrations above risk-based ESLs and CHHSLs for residential land use, and above risk-based ESLs and CHHSLs for commercial/industrial land use in some areas. The reported concentrations of these chemicals, however, are consistent with ordinary application of pesticides to orchards in Santa Clara County. DDT and its breakdown products are present on the Subject Property at concentrations that would result in soil being classified as a non-RCRA hazardous waste if excavated and disposed off-site. The reported concentrations of arsenic and lead in soil samples could also potentially classify the soil as non-RCRA hazardous waste if excavated and disposed of off-site. The shallow soil at the Subject Property could be excavated and disposed off-site or managed in place under a cap as part of the redevelopment.

- Serpentine rock, which can contain asbestos or metals at concentrations above hazardous waste thresholds, was commonly used in the 1970s as a base rock material placed beneath buildings and paved parking lots. To evaluate base rock on the Subject Property for the presence of serpentine material, the base rock from each of the drilling locations was visually inspected by an EKI Professional Geologist and two select base rock samples were submitted for laboratory analysis for asbestos and selected metals. The visual inspection indicated and laboratory analysis confirmed that the base rock observed on the Subject Property is not serpentine and does not contain asbestos. The detected metals concentrations are consistent with greenstone and typical Santa Clara Valley-derived soils, not serpentine, and do not contain metals at concentrations above ESLs or CHHSLs for commercial/industrial land use. The cobalt concentration in one sample exceeds the ESL for residential land use. The reported concentrations of chromium could potentially classify the base rock as non-RCRA hazardous waste if excavated and disposed of off-site.

6 RESULTS OF SITE WALK-THROUGH VISUAL SURVEY

On 21 and 24 March 2013, Kathryn Wuelfing with EKI conducted a visual reconnaissance of the Subject Property. Ms. Wuelfing is an Environmental Professionals as defined in 40 CFR Section 312.10, and as accepted by ASTM 1527-05 (see resume in Appendix F). EKI was accompanied on the walk-through by Mr. Silvino Benitez, a maintenance worker with CBRE.

Observations of the Subject Property and adjoining areas are discussed below. Selected photographs taken during the walk-through of the Subject Property are presented in Appendix B of this report.

6.1 Exterior Observations

Park Square consists of 3 buildings situated on an approximately 7.65 acre property. The buildings are surrounded by landscaped and parking lot areas. Storm drains are located throughout the parking lot areas and presumably direct stormwater offsite. All 3 buildings appear to be of the same general construction, and have large glass windows and wood siding. Roofs are all ceramic tile with a central recessed area housing HVAC equipment.

Power transmission lines are present along the northern property boundary shared with Highway 101. All electrical transmission at the Subject Property is located underground. A channelized creek and recreational trail run along the eastern property boundary. The recreational trail is elevated approximately 8 feet above the Subject Property parking lot. Signage denoting the location of a nitrogen gas pipeline owned by Air Products is present along the eastern property line, along the creek.

Several transformers are present in landscape areas; no staining was observed beneath or around the transformers. No pole-mounted transformers were observed in the area of the Subject Property.
A depression and asphalt patch is located in the center of the parking lot west of Building 2455 (see Figure 2). A pipe is visible in the center of the depression through the asphalt and possibly resembles a paved-over groundwater well, although no record of a well in this location has been reviewed. The pipe could also be associated with a former aboveground improvement such as a bollard or sign post that was cut at the ground surface.

6.2 Interior Observations

The Park Square office park consists of 14 buildings on an over 30-acre property. The Subject Property is comprised of the 3 northernmost of these buildings. The 2475 and 2555 Augustine Drive buildings are two-storey buildings with approximately 48,000 square feet of interior space, and the 2465 Augustine Drive building is one-storey with approximately 24,000 square feet of interior space. The layout of each building is generally the same. Bathrooms are located centrally in each building and include a shower facility, with floor drains in both the shower and bathroom areas. This serves as a common area for buildings with more than one tenant. Both two-storey buildings have an elevator,

with a small mechanical room on the first floor. Observations made during the site walk and notable differences to the building use or layout are described below.

6.2.1 2455 Augustine Drive

The western portion of the first floor of this building is currently occupied by Packet Design, a network software company. The eastern portion of the first floor of the building is currently vacant and appears to have been recently remodeled, and the second floor is occupied by Marseille, a silicon-chip manufacturing company. Both Packet Design and Marseille's activities in the building are limited to office work, such as programming and computer-based design, marketing and accounting; Marseille's manufacturing facility is located elsewhere. Some minimal leaking was observed elevator mechanical room on the first floor. A plastic lining had been placed on the floor to prevent additional leakage from impacting the concrete floor. The only chemicals observed in this building were typical cleaning supplies (janitor closet) and paint (closet beneath the stairs). A concrete ramp is located outside, along the north edge of the building.

6.2.2 2465 Augustine Drive

The southeastern portion of the building is occupied by RO Design Studio (Activision), a video game design company, and the rest of the building is occupied by Intelleflex, an RFID design company. Intelleflex uses the space of office work such as design, research, and testing. Testing labs are limited electronic-based tests, and do not involve the use of chemicals; all manufacturing is done off-site. Due to concerns about confidential business practices, EKI did not walk through any space occupied by RO Design other than their lobby. According to Mr. Benitez, who has been inside the RO Design offices, the space is used only as offices and there is no chemical use. The only chemicals observed in this building were typical cleaning supplies (janitor closet) and small bench-scale household chemicals such as WD-40.

6.2.3 2475 Augustine Drive

Aeria Games & Entertainment occupies both floors of this building. Aeria Games uses this building as office space, although part of the second floor is empty and currently storing boxes. The only chemicals observed in this building were typical cleaning supplies (janitor closet) and paint (telecommunications closet). A concrete ramp is located outside, along the north edge of the building.

6.3 Neighborhood

EKI inspected the area around the 3333 Octavius Drive building, south of the Subject Property. Monitoring well MW-1 from the 1988 USE study (see Section 5.2) was located in a landscape area southeast of 3333 Octavius Drive. Well MW-2 was not located by EKI and may be present beneath a recently paved parking lot.

A drive-by inspection was conducted to observe the neighboring properties from adjacent streets. The Subject Property is bounded to the north by Highway 101 and to the east by the channelized San Tomas Aquino Creek and San Tomas Aquino/Saratoga Creek Trail. The buildings in the immediate vicinity of the Subject Property, to the west and south appear all to be office and industrial buildings. UCSC Silicon Valley (2505 Augustine Dr.) and ST Microelectronics (2525 Augustine Dr.) are located to the west of the Subject Property. The Park Square office park extends south of the Subject Property, and includes eleven other office buildings of similar construction, with multiple tenants. Business located to the south of the Park Square office park along Scott Boulevard, include Whizz Systems (3240 Scott Blvd.), Alta Devices (3260 Scott Blvd.), and several currently vacant buildings (3230, 3236, and 3250 Scott Blvd.).

Other than the monitoring well observed near the 3333 Octavius Drive building, no obvious monitoring wells or evidence of remediation equipment were observed on properties adjacent to the Subject Property during the drive-by inspection.

7 INFORMATION PROVIDED BY OWNER AND USER

7.1 Results of Owner Questionnaire

Through Catalina, EKI requested that Silicon Valley CA, LLC, the owner of the property at the time the Phase I ESA activities were conducted, complete an environmental site assessment questionnaire, however Silicon Valley CA, LLC declined to do so.

7.2 Results of User Questionnaire

Mr. Brandon Jacobsen with Irvine Company LLC, the User of this Phase I ESA report, completed a User questionnaire for the Subject Property, dated 19 April 2013, a copy of which is included in Appendix C. The questionnaire is consistent with the User Questionnaire suggested in Appendix X3 of ASTM E1527-05 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,* published on 21 November 2005. A summary of the responses by Mr. Jacobsen to the questionnaire is presented below.

7.2.1 Environmental Liens

According to Mr. Jacobsen, to his knowledge, there are no environmental cleanup liens filed or recorded against the Subject Property.

7.2.2 Activity and Land Use Limitations

According to Mr. Jacobsen, to his knowledge, there are no activity and land use limitations (i.e., engineering or institutional controls) in place on the Subject Property.

7.2.3 Specialized Knowledge or Experience

Mr. Jacobsen indicated that he has no specialized knowledge or experience related to the Subject Property, outside what was identified in this Phase I ESA.

7.2.4 Commonly Known or Reasonably Ascertainable Information

Mr. Jacobsen indicated that he is not aware of any past uses of the Subject Property outside of what was identified in this Phase I ESA. He is not aware of any chemical spills or releases or environmental cleanups performed on the Subject Property. Based on experiences with the property at the corner of Augustine Drive and Bowers Avenue (west of the Subject Property), Mr. Jacobsen is aware of the potential for residual pesticides in shallow soil on the Subject Property.

7.3 Results of Environmental Lien Search

EKI purchased from EDR an Environmental Lien Search report for the Subject Property parcel (APN 216-45-006). A copy of the EDR Lien Search report, dated 18 March 2013, is included in Appendix C of this Phase I ESA report. According to the Lien Search report,

there are no environmental cleanup liens or activity and use limitations ("AULs") filed or recorded against the Subject Property.

8 RESULTS OF REGULATORY AGENCY FILE REVIEWS

To identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, i.e., known or potential contamination of soil or groundwater, or reported chemical use, EKI contracted with EDR to perform a search of available, selected federal, state, and local environmental regulatory agency databases. EDR performed a search for the Subject Property area and properties located within selected radii of the Subject Property. A copy of the resulting "radius map report" prepared by EDR, dated 15 March 2013, is provided in Appendix E. Refer to the EDR report (pages GR-1 through GR-42) for a complete list of the federal, state, and tribal databases searched.

8.1 Results of EDR Database Search for Subject Property

According to the EDR Report, there is only one listing for the Subject Property addresses in a regulatory agency database. INMAC, formerly located at 2465 Augustine Drive, is listed in the HAZNET database, indicating that the facility reported the generation and off-site disposal of hazardous wastes. It should be noted that this database listing does not indicate a reported chemical release at the Subject Property.

8.2 Off-site, Upgradient Properties with Reported Chemical Use

According to the EDR Report, the following properties located in proximity to and upgradient of the Subject Property are listed on specific chemical use, storage, or disposal regulatory agency databases.

Facility Name and Address Alta Devices, Inc., 3260 Scott Blvd.
Applied Materials Inc., 3260 Scott Blvd.
Applied Materials. 3260 Scott Blvd.
Burns Research Corp., 3333A Octavius Dr.
Celeritek, Inc., 3236 Scott Blvd.
Ciba-Geigy Corp., 3333 Octavius Dr., Ste E
Ciba-Geigy Corporation, 3333A Octavius Dr.
CTS-Century Electronics Mfg., 3240 Scott Blvd.
Deharts Printing Service, 3265 Scott Blvd.
Digital Testing Services Inc., 3260 Scott Blvd.
Disco Hi-Tek America, Inc., 3270 Scott Blvd.
Dymatyx Automation Systems, 3380 Montgomery Drive
Helix Technology Corp., 3350 Montgomery Drive
Horiba-Stec, 3265 Scott Blvd.
House of Tabs, 3340 Montgomery Drive
INMAC, 2465 Augustine Dr.
Integrated Device Technology, 3236 Scott Blvd.

Ion Implant Services, 3255 Scott Blvd, No. 2
Meadows Mfg., 3380 Montgomery Drive
Medsource Technologies, 3310 Montgomery Drive
Micrel Synergy Semiconductor, 3250 Scott Blvd.
Micro Electronics Corp., 3370 Montgomery Drive
Mimir Instruments, Inc., 3260 Scott Blvd.
Perkin Elmer Inc., 3255 Scott Blvd, No. 3A
Prometrix Corp, 3255 Scott Blvd, No. 6
San Disk Inc., 3230 Scott Blvd.
Silicon Valley California LLC, 3255 Scott Blvd.
SMTEK International Inc., 3240 Scott Blvd.
Solyndra Inc., 3260 Scott Blvd.
Ultratech Stepper, 3230 Scott Blvd.
Xertex Dorhmann Division, 3240 Scott Blvd.
YMC Manufacturing Co., 3240 Scott Blvd.
Zeta Laboratories, Inc., 3265 Scott Blvd.

The above-listed facilities at the addresses shown are included on regulatory agency databases that reflect use and storage of chemicals, as well as off-site disposal of hazardous wastes. It should be noted that none of the above-listed addresses or facilities, with the exception of 3236 Scott Boulevard (the IDT Site; see Section 8.3.1), are reported by EDR as chemical release sites.

8.3 Off-Site, Upgradient Properties with Reported Chemical Releases

According to the EDR Report, the following sites are reported chemical release sites that are located in the proximity of (within one-quarter of a mile) and potentially upgradient (to the south-southwest) from the Subject Property with regard to reported shallow groundwater flow direction:

- Integrated Device Technology ("IDT"), 3236 Scott Boulevard
- Synertek, 3050 Coronado Drive

EKI reviewed potentially relevant information for the above-listed reported chemical release sites available on the State of California Water Resources Control Board ("CWRCB") on-line GeoTracker database system. A summary of these off-site reported release sites and potential for impact to the Subject Property are discussed below.

8.3.1 Integrated Device Technology ("IDT"), 3236 Scott Boulevard

The IDT site is located approximately 1,000 feet south of the Subject Property, across Scott Boulevard (see Figure 2). According to GeoTracker, a release from the IDT site was reported in 1993. There is no further information available on GeoTracker regarding the nature of the release or media affected, although groundwater is listed as a potential media affected. No technical reports are available for the IDT site on GeoTracker. The IDT site is listed as an "open, inactive" case (Case No. 43S0351) of April 2009, with the lead

regulatory agency listed as the RWQCB. According to waste generated records reported by EDR, historical chemical use at the site included halogenated solvents.

8.3.2 Synertek, 3050 Coronado Drive

The Synertek site is located approximately 1,800 feet south-southwest of the Subject Property (see Figure 2). The Synertek site is a U.S. EPA National Priorities List ("NPL", e.g., Superfund), site currently being overseen by the RWQCB, acting as agent to the U.S. EPA. Information on the Synertek chemical release site, discussed below, was available from review of the following technical report, obtained from the GeoTracker website:

- *Groundwater Sampling and Monitoring, 2012 Summary Report, Synertek Building#1, 3050 Coronado Drive, Santa Clara, California,* prepared by CH2MHill, dated January 2013 (CH2MHill, 2003)

In 1985, one 200-gallon waste solvent tank and three acid-waste neutralization tanks were removed from the Synertek site. During the tank removals, it was noted that soil and groundwater has been impacted primarily by TCE that had been released from the tanks. Other chemicals detected in the subsurface included, 1,1-DCE, 1,1-DCA, 1,1,1-TCA, vinyl chloride, and Freon 113. Soil remedial actions were performed at the time of the tank removals. In 1987, Synertek installed and began operation of a groundwater extraction and treatment system to remediate the groundwater impacts. Synertek also installed a series of groundwater monitoring wells to monitor the lateral and vertical extents of the contaminant plume, several of which were installed on the Subject Property (discussed further below).

In 1999, the groundwater extraction and treatment system was shut-down with approval of the RWQCB, and monitored natural attenuation ("MNA") of the contaminant plume was approved. The monitoring wells have been sampled on roughly a semi-annual basis since shut-down of the groundwater treatment system. In 2005, CH2MHill reported to the RWQCB that the groundwater plume has stabilized that that MNA was being effective. Synertek is currently petitioning the RWQCB for a reduction in sampling frequency of the wells from semi-annual to annual monitoring and is requesting that a number of monitoring wells in the well network be abandoned.

According to the CH2MHill (2013) report, four (4) groundwater monitoring wells are located on a portion of the Park Square office park, south and southwest of the Subject Property. These wells, which monitor the shallow A-zone aquifer, are labeled as follows: MW-28A, MW-29A, MW-33A, and MW-34A. The approximate locations of these wells are shown on Figure 2. According to the CH2MHill (2013) report, with the exception of well MW-28A, the wells were sampled most recently in May and October 2012. According to the results, TCE was detected in well MW-29A (see Figure 2) at a concentration of 1.9 ug/l and in well MW-33A (located nearest to the Subject Property) at a concentration of 0.4 ug/l. These reported concentrations of TCE are below the current RWQCB ESL based on drinking water standards for TCE of 5 ug/l. 1,1-DCA and 1,1-DCE were reported in groundwater at concentrations up to 5.9 ug/l and 9.8 ug/l, respectively. These reported concentrations exceed their respective RWQCB ESLs (drinking water standards), however, they are well below their respective RWQCB ESLs

for potential vapor intrusion concerns for both residential and commercial uses (Table E-1; RWQCB, 2013). TCE, 1,1-DCA, and 1.1-DCE were generally not-detected or only detected at very low concentrations in on-site downgradient wells MW-33A and MW-34A during sampling performed in October 2012.

Monitoring well PW-4, located approximately 1,300 feet and upgradient, e.g., south-southwest, of the Subject Property (nearest sampled on-site Synertek well to the Subject Property), was reported to contain TCE at a concentration of 52 ug/l in October 2012.

Figure 3-1 of the CH2MHill report showing the Subject Property well locations, and the data tables for the Subject Property wells are included in Appendix D of this Phase I ESA report.

8.4 Review of Available Regulatory Agency Files for Subject Property

EKI submitted requests to the following environmental regulatory and public agencies to review available files regarding the Subject Property:

- California EPA Department of Toxic Substances Control ("DTSC")
- RWQCB
- Santa Clara Valley Water District ("SCVWD")
- City of Santa Clara Fire Department, Hazardous Materials Division
- City of Santa Clara Building Department
- Bay Area Air Quality Management District ("BAAQMD")
- Online database searches (RWQCB, DTSC, and Santa Clara County Department of Environmental Health ("SCCDEH"))

No files were received from for the Subject Property from DTSC, RWQCB, SCVWD, BAAQMD or the online databases.[2] The City of Santa Clara Fire Department Hazardous Materials Division and the City of Santa Clara Building Department provided files to EKI. Copies of the files are included in Appendix A of this report. Brief summaries of the available file information reviewed by EKI are presented below.

8.4.1 Review of City of Santa Clara Fire Department, Hazardous Materials Division Files

EKI received files from the City of Santa Clara Fire Department, Hazardous Materials Division for 2465 Augustine Drive. The file received for 2465 Augustine Drive included fire inspection forms for three business (Intelleflex, Activision Publishing Inc., and Aeria Games & Entertainment).[3] All forms were from 2012 and indicated that the business/inspection type was for "Light/ordinary hazardous occupancy."

[2] EKI searched the CWRCB GeoTracker database website, which includes the DTSC EnviroStor database, for reported chemical release sites located in the vicinity of the Subject Property. The Subject Property was not listed in either online database as a chemical release site. EKI also searched for the Subject Property on the SCCDEH website (referred to as the LOP Public Record Document Search); no listings for the Subject Property were noted.

[3] Based on a site visit, Aeria Games and Entertainment occupies the building at 2475 Augustine Drive.

8.4.2 Review of City of Santa Clara Building Department

City of Santa Clara Building Department records were available for all three addresses associated with the Subject Property (2455, 2465, and 2475 Augustine Drive). Permits were issued to John Arillaga, Peery-Arillaga, RREEF, and a variety of construction/ contracting companies. Records indicate that the buildings were built from 1977 through 1979 as industrial and office buildings, by John Arillaga (or construction companies). A building permit for the 2455 Augustine Drive building indicated that a process cooling system was added to the building in 1985. No further information regarding the type of process that the cooling system served is available.

9 SUMMARY OF PHASE I ESA FINDINGS AND OPINIONS

EKI's findings and opinions regarding conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property, e.g., RECs are presented below.

9.1 Summary of Phase I ESA Findings and Opinions

The following REC was identified in connection with the performance of this Phase I ESA:

- Prior to development of the Subject Property in the mid to late 1970s, the Subject Property was in orchard use. A Phase II investigation performed in June 2013 indicate that agricultural chemicals (i.e., arsenic, lead, and several organochlorine pesticides), are present in shallow soil across much of the Subject Property at concentrations above risk-based ESLs and CHHSLs for residential land use, and above risk-based RWQCB ESLs (RWQCB, 2013) and CHHSLs (Cal-EPA, 2010) for commercial/industrial land use in some areas (EKI, 2013). The reported concentrations of these chemicals, however, are consistent with ordinary application of pesticides to orchards in Santa Clara County. DDT and its breakdown products are present on the Subject Property at concentrations that would result in soil being classified as a non-RCRA hazardous waste if excavated and disposed off-site. The reported concentrations of arsenic and lead in soil samples could also potentially classify the soil as non-RCRA hazardous waste if excavated and disposed of off-site. Given that the majority of the Subject Property is currently capped with buildings and pavement, the potential for exposure to soil by typical site users is low under the current site condition.

The following potential on-site environmental issues and findings (i.e., non-RECs or de minimis conditions) were identified in connection with the Phase I ESA performed for the Subject Property:

- Information on past uses of the Subject Property buildings is limited. Historical information and available regulatory agency files reviewed by EKI indicate that the Subject Property buildings were used in the past, e.g., the 1970s and 1980s, by various industrial, research & development, and testing laboratory tenants. Although there are no documented or reported releases of chemicals to the subsurface on the Subject Property, releases may have occurred in the past, either through spills to floor surfaces, or leaks from sanitary sewers lines; thus, the subsurface beneath the site buildings may be impacted by chemicals of concern. In order to screen for potential vapor intrusion issues on the Subject Property, EKI collected 5 soil gas samples from temporary SVPs in June 2013 (EKI, 2013). One soil gas sample contained chlorinated VOCs at concentrations above laboratory reporting limits, specifically 1,1,1-TCA, TCE, and Freon 113. The detected concentrations were below respective vapor intrusion screening levels for both residential/unrestricted and commercial/industrial land use (i.e., RWQCB ESLs and CHHSLs). While the potential exists for chemicals used by past tenants to have been released to the subsurface on the Subject Property, soil vapor

sampling results indicate that a significant vapor intrusion risk is not present on the Subject Property. Thus, EKI does not consider this finding a REC for the Subject Property.

- Shallow groundwater south and upgradient of the Subject Property (see Figure 2) is impacted by low concentrations of VOCs migrating from the south-southwest, i.e., south of Scott Boulevard. In June 2013, EKI collected grab samples of shallow groundwater from three locations on the Subject Property: two samples from the northern, downgradient Subject Property boundary and one sample from the southern, upgradient Subject Property boundary, located downgradient of several Park Square office park buildings with reported historical chemical use (EKI, 2013). VOCs were not detected in these groundwater samples above laboratory reporting limits. Based on these results and the results of previous upgradient groundwater sampling performed by others, no significant impacts to groundwater appear to be present on the Subject Property from onsite or offsite sources. Thus, EKI does not consider this finding a REC for the Subject Property.

- During the walk-through visual survey, EKI observed minor leakage from a section of hydraulic plumbing in the elevator mechanical room for the 2455 Augustine Drive building, which is currently being contained by a plastic lining. EKI did not observe an apparent pathway from the oil-stained or leakage area to the subsurface, e.g., no significant cracks or floor seams in the areas of concern. While there is a potential that the subsurface may be impacted by the releases observed at this location, EKI does not believe that sufficient information regarding a release to the environment is available to classify this condition as a REC.

- Several pad-mounted electrical transformers are present in the parking lot areas on the Subject Property. It is not known whether these transformers contain PCBs or not and no staining was observed around the transformers, that would indicate a likely release to the environment. Thus, EKI does not believe the presence of these transformers constitutes a REC for the Subject Property. If these transformers contain PCB-fluid, they will need to be managed appropriately at the time of property redevelopment. No pole-mounted transformers were observed in the area of the Subject Property.

9.2 Identified Phase I ESA Data Gaps

According to the Final U.S. EPA AAI Rule, a "data gap" is lack of or inability to obtain information required by the AAI Rule that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases to the Subject Property despite good faith efforts made by the environmental professional.

Silicon Valley CA, LLC, the owner of the Subject Property at the time the Phase I ESA activities were conducted, declined to complete an environmental site assessment questionnaire; however they did provide EKI with a Phase I ESA for the Subject Property dated 2006. Given that the use of the Subject Property has not changed significantly since the preparation of the last Phase I ESA report in 2006, the Owner does not likely have specialized knowledge of the Subject Property that would materially affect the findings of

EKI's Phase I ESA. Therefore, no potentially significant data gaps were identified in the performance of this Phase I ESA.

10 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT

The Phase I ESA is not an audit of current subject property operations for compliance with hazardous material usage laws or other regulations or operating permit requirements, including occupational health and safety issues regarding occupants of the subject property, wastewater discharge limitations such as National Pollutant Discharge Elimination System ("NPDES") permits, or hazardous waste facility operating permits such as may be required under Resource Conservation and Recovery Act ("RCRA") or State hazardous waste control laws or regulations.

The assessment by EKI did not include "non-scope considerations" as defined in ASTM Section 13.1.5, such as cultural or historic resources, ecological resources, endangered species, wetlands, drinking water quality, radon, or indoor air quality. This assessment included an evaluation of the Subject Property for the potential for vapor intrusion concerns; however, the evaluation was not intended to conform to ASTM E2600-08 *Standard Practice for Assessment of Vapor Intrusion into Structures on Property Involved in Real Estate Transactions.*

This ESA did not include an assessment of asbestos, lead paint, PCBs in building materials and equipment, and mold.

The conclusions and recommendations presented herein are our professional opinion and are not a warranty or guaranty as to the presence, absence, or extent of contamination at the Subject Property or of releases from or near the Subject Property. The facts presented herein are based on available information obtained by EKI and represent existing conditions at the Subject Property at the time the information was collected.

EKI's performance of the requirements prescribed by the Final EPA AAI Rule is limited to the processes outlined in the Proposal for Environmental Consulting Services, dated 14 March 2013.

11 REFERENCES

ASTM, 2005. *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, Designation: E 1527-05, American Society for Testing and Materials, November 2005.

CH2MHill, 2013. *Groundwater Sampling and Monitoring 2012 Summary Report, Synertek Building #1, 3050 Coronado Drive, Santa Clara, California,* CH2MHill, January 2013.

EDR, 2013. *EDR Historical Topographic Map Report, Park Square Phase I and II, Scott Blvd, Octavius Dr & Augustine Dr, Santa Clara, California,* Environmental Data Resources, Inc., 15 March 2013.

EDR, 2013. *The EDR Radius Map Report with GeoCheck, Park Square Phase I and II, Scott Blvd, Octavius Dr & Augustine Dr, Santa Clara, California,* Environmental Data Resources, Inc., 15 March 2013.

EDR, 2013. *EDR Environmental Lien and AUL Search, Park Square Phase I and II, Scott Blvd, Octavius Dr & Augustine Dr, Santa Clara, California,* Environmental Data Resources, Inc., 18 March 2013.

EDR, 2013. *The EDR City Directory Abstract, Park Square Phase I and II, Scott Blvd, Octavius Dr & Augustine Dr, Santa Clara, California,* Environmental Data Resources, Inc., 18 March 2013.

EDR, 2013. *The EDR Aerial Photo Decade Package, Park Square Phase I and II, Scott Blvd, Octavius Dr & Augustine Dr, Santa Clara, California,* Environmental Data Resources, Inc., 20 March 2013.

EKI, 2013. *Results of Phase II Subsurface Investigation, Park Square North of Augustine Drive, Santa Clara, California.* Erler & Kalinowski, Inc., dated Novemer 2013.

Geomatrix, 1997. *Shallow Groundwater Sampling Program, United Test Center, 3255 Scott Boulevard, Building 6, Santa Clara, California,* Geomatrix Consultants, Inc., 3 June 1997.

Golder, 2006. *Report on Phase I Environmental Site Assessment of Park Square Phase I and II, 3255-1 to 3255-7 Scott Boulevard, 3233 Scott Boulevard, 3333 and 3393 Octavius Drive, 2455, 2565, and 2475 Augustine Drive, Santa Clara, California,* Golder Associates, Inc., 8 May 2006.

RWQCB, 2013. *California Regional Water Quality Control Board Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater,* Interim Final (November 2007), revised May 2013.

USE, 1988. *Environmental Site Assessment and Investigation, Manufacturing Facility, 3333 Octavius Drive, Santa Clara, California*, United Soil Engineering, Inc., 8 August 1988.

U.S. EPA, 2005. *Standard Practice for All Appropriate Inquiries; Final Rule,* 40 CFR, Part 312, U.S. Environmental Protection Agency, 1 November 2005.

Note

1. All locations are approximate.

Source

Basemap source: http://services.arcgisonline.com/ArcGIS/rest/services/Reference/World_Transportation/MapServer

Erler & Kalinowski, Inc.

Subject Property Location

N

0 4,000 8,000

(Approximate Scale in Feet)

Santa Clara Square Office Phase III
Santa Clara, CA
March 2014
EKI B30013.00

Figure 1

X:\Site Location Map\Figure - Site Location.mxd

Legend

- Synertek Monitoring Well (CH2MHILL, 2013)
- Grab Groundwater Sample (Geomatrix, 1997)
- Abandonded Groundwater Monitoring Well (United Soil Engineering, 1988)

Note

1. All locations are approximate.

Source

Basemap source: http://services.arcgisonline.com/ArcGIS/rest/services/Reference/World_Transportation/MapServer

Erler & Kalinowski, Inc.

Subject Property Setting

Santa Clara Square Office Phase III
Santa Clara, CA
March 2014
EKI B30013.00

Figure 2

N

0 250 500
(Approximate Scale in Feet)

X:\Site Location Map\Figure__ - Site Location.mxd

Appendix F

Hydrology and Water Quality

March 17, 2014
4299.00

Carlene Matchniff
The Irvine Company
690 N. McCarthy Blvd., Ste.100
Milpitas, CA 95035

Re: Santa Clara Square Retail and Phase II/III Office Stormwater Analysis for the EIR Addendum

Dear Carlene,

Generally speaking, the potential hydrology impacts of the new site plans (Retail Area, Phase II and Phase III Areas) related to post-construction stormwater runoff would not be significantly different than those identified in the referenced Draft EIR. There will be net reductions in the amounts of impervious surface area generated by the new plans in comparison with the existing conditions. Stormwater Control Plans developed for these sites will incorporate the same basic concepts used in the previous plans – minimization of impervious surface area through the use of landscaping and pervious paving materials, utilization of source control techniques, and installation of treatment controls to reduce pollutants from runoff prior to its discharge to the public storm drain system.

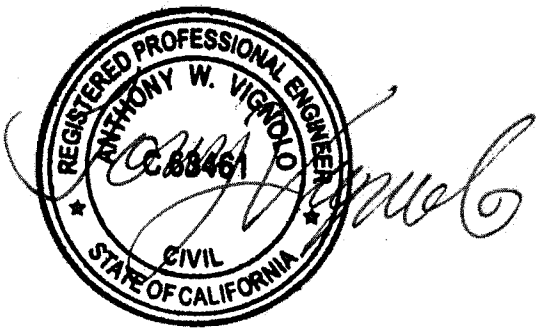
It should be noted that the Draft EIR (dated December 2008) contains impact discussions and references to mitigation measures that are not consistent with the State Water Resources Control Board and Regional Water Quality Control Board stormwater regulations currently in effect. For example, when discussing post-construction treatment measures, references to the SWRCB NPDES Permit should be replaced with references to the Municipal Regional Permit (MRP), which is the San Francisco Bay Regional Water Quality Control Board's municipal discharge permit affecting all of the South San Francisco Bay permitting jurisdictions, including Santa Clara that has been in effect since 2009. One of the key provisions of the MRP was the modification of Provision C.3 to require the use of Low Impact Development (LID) techniques for onsite treatment of runoff. The structural treatment systems described in the Draft EIR as mitigation (CDS units, etc.) are not allowed under the MRP, except in very restricted circumstances. The Stormwater Control Plans for the new site plans will utilize LID treatment controls, in conformance with the MRP. The specific type of LID controls will be bioretention cells, which will be located adjacent to paved areas and roof downspout discharge areas throughout the sites.

It is our opinion that a project's conformance with the applicable provisions of the MRP, namely Provision C.3, reasonably allows a lead agency to find that the project would result in less than significant post-construction impacts to Hydrology and Water Quality. Construction-related impacts, such as those discussed on Page 35 of the Draft EIR, are typically addressed through conformance with the Statewide Construction General Permit (CGP), which requires the project applicant to file an NOI and prepare a SWPPP. The project-specific measures listed under Section 4.4.3 on Page 36 are examples of CGP measures. For technical accuracy, it would be

useful to add a bullet to the last one on Page 37 that mentions the use of bioretention cells to conform to the LID requirements of Provision C.3 of the MRP.

Sincerely,

HMH



Tony Vignolo, P.E.
Senior Civil Engineer

CC:

Appendix G

Noise

Charles M. Salter
ASSOCIATES INC.

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
F 415.397.0454
www.cmsalter.com

Charles M. Salter, PE
David R. Schwind, FAES
Eric L. Broadhurst, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Anthony F. Nash, PE
Cristina L. Miyar
Jason R. Doty, PE
Durand R. Begault, PhD, FAES
Joseph G. D'Angelo
Thomas J. Corbett, CTS
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Peter K. Holst, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Thomas D. Keller, CDT
Craig L. Gilan, RCDD
Lloyd B. Rocola
Alexander K. Salter, PE
Jeremy L. Decker, PE
Rob Hammond, PSP, NICET III
Michael S. Chow
Andrew J. Mickus
Paul R. Billings
Valerie C. Smith
Erika A. Frederick
Benjamin D. Piper
Elizabeth S. Kelson
Joshua J. Harrison
Brian C. Wooms
Shanna M. Sullivan
Amanda G. Higbie
Ryan G. Raskop, LEED AP
Diego Hernandez
Ryan A. Schofield
Jamal Kinan
Brian J. Good
Heather A. Salter
Dee E. Garcia
Catherine F. Spurlock
Marva De Vear - Noordzee
Elizabeth F. Tracker
Jennifer G. Palmer
Jedessa G. Cortez
Susan E. Lonergan
Courtney H. Vinerys
Erin D. Garton
Megan C. Santos

4 April 2014

Carlene Matchniff
Irvine Company
690 N. McCarthy Boulevard, Suite 100
Milpitas, CA 95035
Email: cmatchniff@irvinecompany.com

Subject: **Santa Clara Square – Santa Clara, CA**
Noise Analysis Addendum
CSA Project: 14-0166

Dear Carlene:

This letter provides a comparison of the modified project to the original noise impact study in the 2008 environmental impact report (EIR) prepared for the Augustine-Bowers Office Park. It is based on our review of the updated site plan and analysis of traffic data for Retail, Phases I, II, and III.

CRITERIA

To determine whether the modified project will have a significant impact, we are evaluating it based on previously identified potential noise impacts in section 4.10.2 of the original EIR. Our analysis is based on site plans dated 19 February 2014 and updated traffic data received 31 March 2014.

Section 4.10.1.2 of the previous EIR noise study identifies the following significance criteria for noise increases.

- Increase of 3 dB or more where exterior noise levels would exceed the normally acceptable noise level standard
- Increase of 5 dB or more where exterior noise levels would remain below the normally acceptable noise level standard

The normally acceptable noise level threshold is a CNEL of 65 dB as identified in Table 5.10-2 of the City of Santa Clara General Plan.

IMPACT ANALYSIS

The following is our analysis of the modified project based on the previous EIR.

Noise Impacts to Project Site

Based on noise contours for the site shown in Figure 5.10-4 of the City of Santa Clara General Plan, noise levels are expected to range from CNEL 60 dB to higher than 75 dB at buildings closest to US-101. This is in the normal to conditionally acceptable range of noise levels for commercial land-use based on Table 5.10-2 of the City of Santa Clara General Plan.

The project will comply with all applicable City, County, and State requirements by implementing appropriate noise reduction measures. For example, sound-rated windows, exterior doors, and walls will be provided to reduce interior noise levels. Outdoor-use spaces will be located in areas with lower noise levels and exterior noise barriers constructed as necessary. By reducing interior and exterior noise levels to normally acceptable levels there would be no change in the impacts identified in the original EIR. It should be noted that existing office use is located on this site with a similar setback from US-101. (**No change in impact**)

Project-Generated Traffic Noise Impacts

Our analysis of traffic volumes on nearby roadways for background and future project conditions indicates up to a 4 dB increase along the following roadways. Vehicle traffic along all remaining studied roadway segments will result in a less than 3 dB increase.

Augustine Drive, east and west of Montgomery Drive
Montgomery Drive, south of Augustine Drive
Octavius Drive, north of Scott Boulevard

Based on peak hour traffic volumes, speed, and percentage of trucks for these roadway segments, future noise levels generated by vehicle traffic will remain below a CNEL of 65 dB[1]. Therefore, up to a 5 dB increase in noise levels is allowed based on the significance criteria listed in the previous EIR. (**No change in impact**)

Construction Impacts

The original EIR identifies the nearest noise-sensitive receiver, approximately 4,500 feet south of the project site. The updated project site plan does not include additional development south of the original project site. Therefore, the modified project is the same distance away from noise-sensitive receivers that were identified in the original EIR. (**No change in impact**)

* * *

This concludes our current comments. Please let us know if you have any questions or comments.

Sincerely,

CHARLES M. SALTER ASSOCIATES

Alexander K. Salter, PE
Principal Consultant

Acoustics
Audiovisual
Telecommunications
Security

130 Sutter Street
Floor 5
San Francisco CA
94104
T 415 397 0442
F 415 397 0454
www.cmsalter.com

[1] Noise levels are based on calculations in accordance with the Federal Highway Administrations (FHWA) noise model.

Appendix H.1, H.2, and H.3

Transportation / Traffic

FEHR PEERS

MEMORANDUM

Date: April 4, 2014

To: Carlene Matchniff, Vice President – Irvine Company

From: Ashley Brooks, EIT and Robert Eckols, PE – Fehr & Peers

Subject: Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California

SJ14-1496

Fehr & Peers has prepared a revised transportation impact analysis (TIA) for the proposed Santa Clara Square development in Santa Clara, California. The proposed project will replace the existing buildings located on multiple parcels along Augustine Drive east of Bowers Avenue between Scott Boulevard and US-101 and construct new, higher-density office buildings and a retail complex. The Retail and Phase II and III sites of the proposed Santa Clara Square project provide for the development of an office campus in two phases totaling no more than 1,243,300 square feet of office space and up to 125,000 square feet of retail space. Including the previously approved Office Phase I development (618,800 square feet of office and 13,000 square feet of accessory retail use), the total development of Santa Clara Square would include up to 2,000,100 square feet of office and retail development, which is 4,500 square feet less than the total development that was approved in the Augustine-Bowers project evaluated in the 2008 TIA prepared by Fehr & Peers for use in the environmental impact report (EIR).

This memorandum provides the following analyses:

- Trip generation estimates reflecting the revised project size at build-out;
- Level of service analysis that reflects the revised project land use, trip distribution and assignment.

LAND USE

The original 2008 Augustine-Bowers TIA studied a proposed office campus consisting of approximately 1,969,600 square feet (s.f.) of high-density office space and 35,000 s.f. of retail space for a total of 2,004,600 square feet. The original project site included two parcels, one with three vacant buildings (totaling 271,181 s.f. of office space) on the north side of Augustine Drive and the other with 173,571 s.f. occupied office and 5,290 s.f. retail space on the south side of Augustine Drive.

The proposed Santa Clara Square development includes three new development phases consisting of a 125,000 s.f. specialty retail development and two office developments totaling 1,243,300 square feet of office. With the approved Office Phase I development, there is a total of 1,862,100 s.f. of office space, 13,000 s.f. of office-serving accessory retail space, and 125,000 s.f. of specialty retail space. The proposed development area will be expanded from the original two parcels to include two new parcels with existing office uses located east of the original site and adjacent to US-101. One of the new parcels includes three existing buildings totaling 187,976 s.f. of office and the second parcel includes three existing buildings totaling 465,500 s.f. of office. Therefore, the proposed development and approved Office Phase 1 development will replace a total of 5,290 s.f. retail space and 1,098,228 s.f. of office space.

TRIP GENERATION

Fehr & Peers re-evaluated the trip generation estimates for the new land uses proposed for the Santa Clara Square development. To allow for a direct comparison, the trip generation analysis includes the revised trip estimates using the Institute of Transportation Engineers (ITE) *Trip Generation, 7th Edition* used in the original analysis as well as the *9th Edition* to capture the most up-to-date trip generation rates.

A comparison of the net new trips generated by the revised Santa Clara Square project and the original Augustine-Bowers project are presented in **Table 1**. **Attachment A** includes the detailed breakdown of the project trip estimates for the revised project including trip reductions for existing trips, pass-by trips, transportation demand management (TDM), and employment-to-retail trip reductions.

The trip generation analysis incorporated the following reductions that are appropriate for the specialty retail center, office, and office serving accessory retail uses:

- Pass by trips –pass-by trips would be 30 percent of the retail trips as allowed by the VTA TIA guidelines;
- Mixed-use trips for internalization of retail uses – a three percent reduction was taken for daily, AM peak hour, and PM peak hour office trips that will be linked to the retail facilities on the Office Phase 1 site;
- Mixed-use trips for internalization of office uses –three percent of the office daily and PM peak hour trips were assumed to be linked to the retail uses provided by the project. No linked trips were assumed between the office and retail uses in the AM peak hour since retail activity would be minimal at this time;
- Employment near Major Bus Stop –trip generation was reduced by two percent for all office development as allowed by the VTA TIA Guidelines to account for employees using transit;
- TDM Program – a 10 percent reduction was applied to all office development as allowed by VTA TIA Guidelines to account for the TDM program that will be implemented. This also reflects the goals established in the City of Santa Clara's Climate Action Plan (CAP).

The revised Santa Clara Square development reduces the total number of trips on the roadway network during both peak hours and throughout the day when compared to the original trip generation presented in the EIR. Although the increase in the retail facilities on the project site produces a different directional split of inbound-to-outbound trips in the morning and evening peak periods when compared to office facilities, the overall trip production is less. These net new trips were used to evaluate the impacts of the project on the adjacent roadway network.

As seen in **Table 1** below, upon completion of all phases, the proposed Santa Clara Square development is estimated to produce 16 percent less total daily trips (12,167 daily trips), 16 percent less AM peak hour trips (1,037 AM peak hour trips), and 19 percent less PM peak hour trips (1,260 PM peak hour trips) than the original Augustine-Bowers project. These trips were assigned to the roadways to evaluate the adequacy of the nearby intersections and verify previous mitigation measures.

TABLE 1: NET NEW TRIP GENERATION COMPARISON

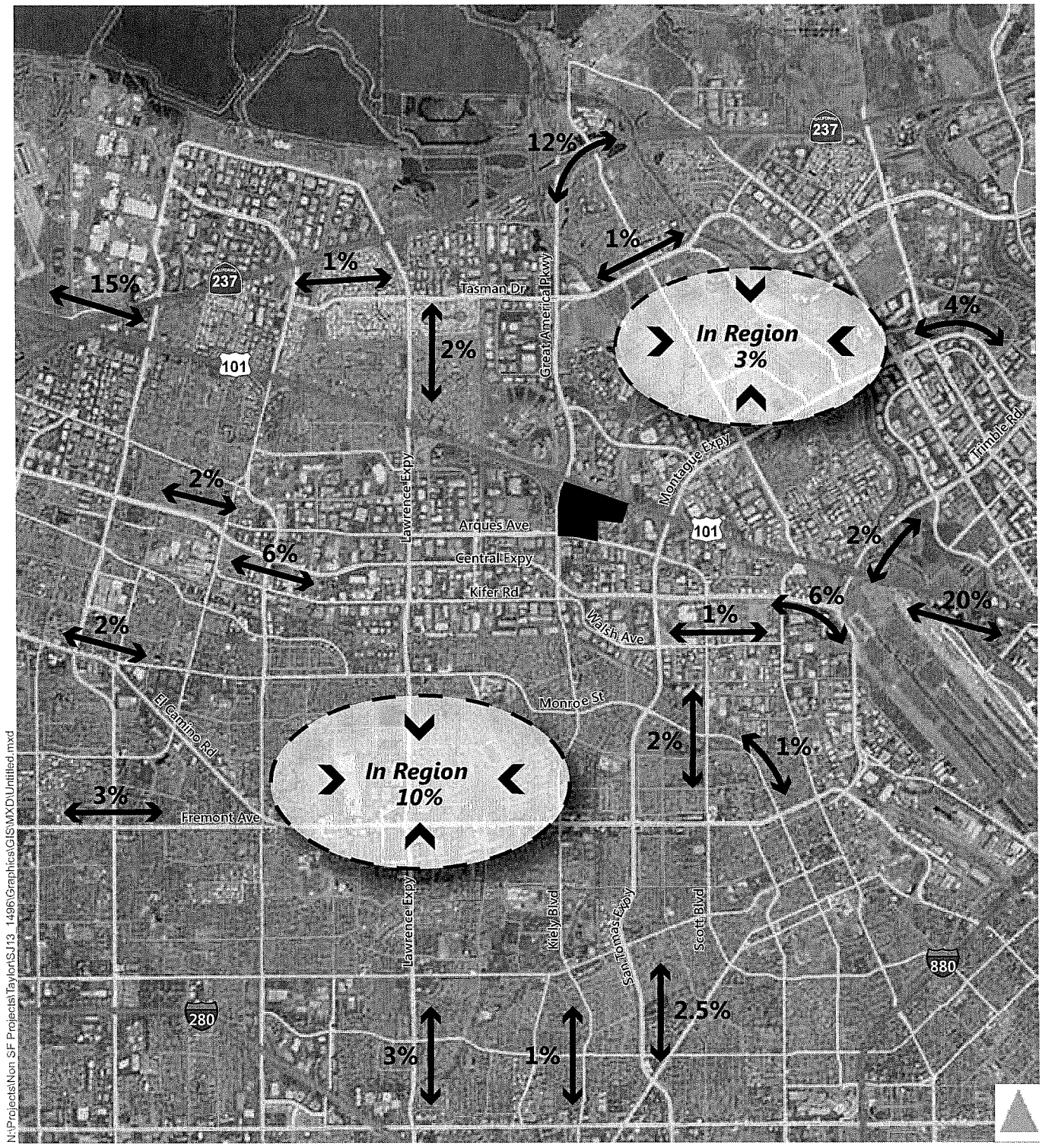
Site Plan	Daily	AM Peak Hour			PM Peak Hour		
		In	*Out*	Total	*In*	*Out*	Total
7th Edition Comparison							
Original Augustine-Bowers EIR Approval	14,481	*1,115*	*112*	1,227	*251*	*1,308*	1,560
Santa Clara Square Proposal (7th Edition)	12,181	*826*	*194*	1,020	*457*	*850*	1,308
Net New Trip Comparison	(2,300)	(289)	82	(207)	206	(458)	(252)
Percentage Reduction	-16%	-26%	73%	-17%	82%	-35%	-16%
9th Edition Comparison							
Original Augustine-Bowers EIR Approval	14,481	*1,115*	*112*	1,227	*251*	*1,308*	1,560
Santa Clara Square Proposal (9th Edition)	12,167	*852*	*185*	1,037	*435*	*825*	1,260
Net New Trip Comparison	(2,314)	(263)	73	(190)	184	(483)	(300)
Percentage Reduction	-16%	-24%	65%	-16%	73%	-37%	-19%

Source: ITE Trip Generation, 7th Edition; ITE Trip Generation, 9th Edition; Fehr & Peers, 2008 & 2014.

TRIP DISTRIBUTION & ASSIGNMENT

The office and retail trip distributions are show in **Figures 1 & 2**. The office trip distribution was used from the previous analyses for the project, and a new trip distribution for retail uses was prepared. The retail trip distribution is based on the location of residential and other complimentary uses surrounding the project. Using these trip distribution factors, the net new trips generated by the land use on the site were assigned to the roadways and project access points utilizing the same methods from the previous environmental analysis.

The base volumes used for the comparative LOS analysis are the original Augustine-Bowers EIR Background No Project volumes. Using these volumes allowed for a direct comparison between the impacts related to the original EIR and the impacts related to the revised Santa Clara Square development. The new project trips were distributed to the roadway network. A summary of the individual intersection volumes is provided in **Attachment A**.



Trip Distribution

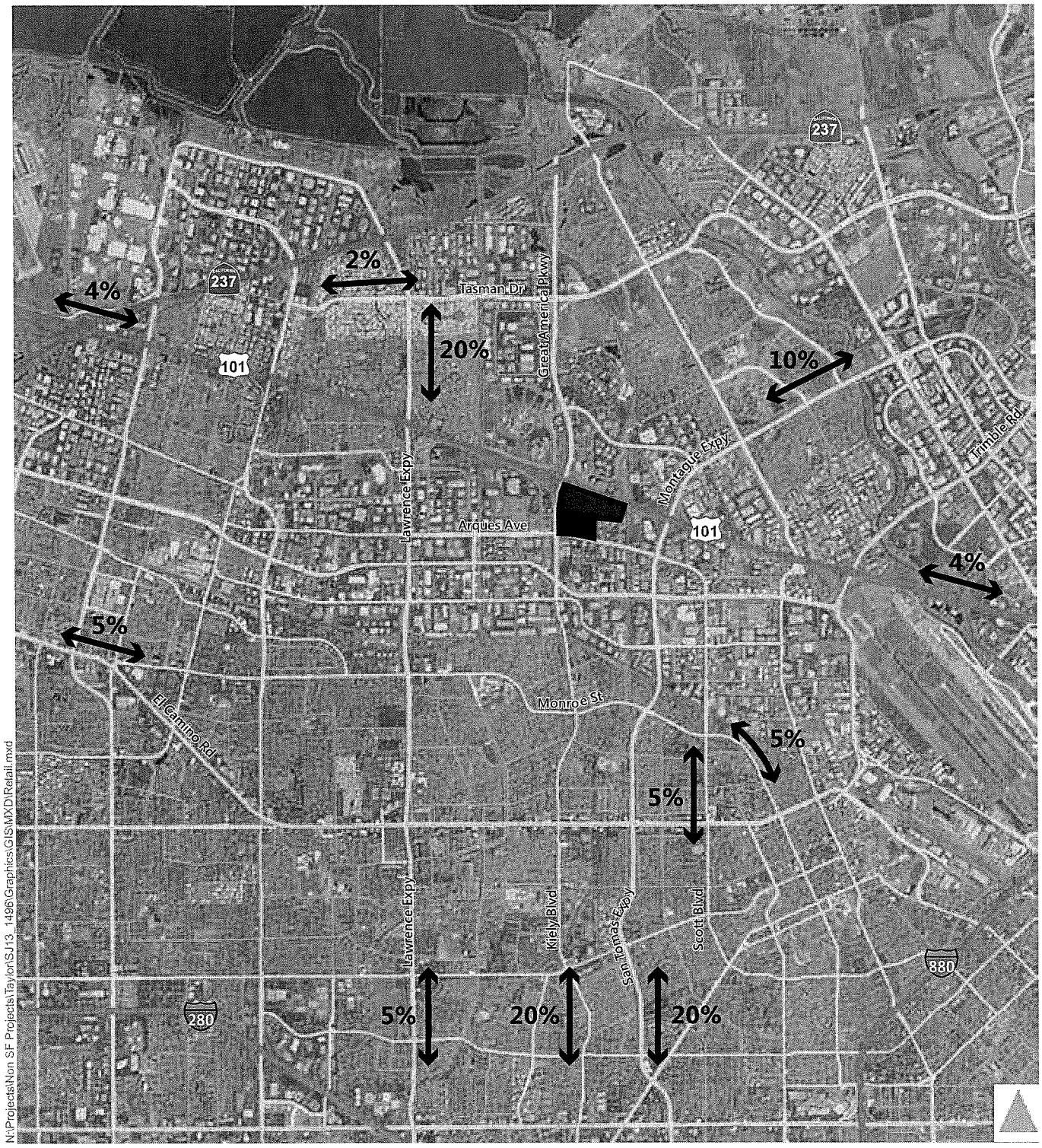
XX% Percentage of trip distribution

Office location

Retail location

Figure 1

Office Trip Distribution



Trip Distribution

XX% Percentage of trip distribution

Office location

Retail location

Figure 2

Retail Trip Distribution

INTERSECTION IMPACTS & MITIGATION EVALUATIONS

Level of service analysis was conducted to evaluate intersection operations under three traffic scenarios for the study area described below:

- Background Conditions – includes the existing volumes plus the approved project conditions (volumes and geometry), as stated in the Augustine-Bowers EIR;
- 2008 Augustine-Bowers Background plus Project Conditions – uses the Background Conditions with the addition of the Augustine-Bowers trip assignment;
- 2014 Santa Clara Square Proposal Background plus Project Conditions – uses the Background Conditions with the addition of the Santa Clara Square trip assignment.

The level of service (LOS) was determined using the method contained in Chapter 17 of the *2000 Highway Capacity Manual* (*HCM*) using Traffix 7.9 software. The Traffix model from the original EIR was used to determine the LOS for the revised Santa Clara Square development. The Cities of Santa Clara and Milpitas have established a minimum acceptable operating level of LOS D for intersections excluded from the Congestion Management Program (CMP). The minimum acceptable operating level for CMP intersections is LOS E. The City of San Jose has a LOS standard of D for all signalized intersection including CMP intersections. A project can have a significant impact if intersection operations degrade from an acceptable level of service (as stated above) to an unacceptable level of service or produce four or more seconds of delay at an intersection currently operating at an unacceptable level of service.

The results of the intersection level of service calculations for Background and Background plus Project Conditions are presented in **Table 2**. There were some changes in LOS due to the expanded footprint of the project and the introduction of a larger retail component, but the LOS was not degraded from acceptable to unacceptable as a result of the project at any of the study intersections. Although there was a slight increase in delay at some intersections as compared to the Augustine-Bowers project, there was no increase in delay over four seconds at any intersection with LOS E or F. Therefore, no new significant traffic impacts were identified as a result of the Santa Clara Square development. The analysis shows that there are the same impacts at the following four intersections identified in the original EIR as having significant impacts, and that the mitigation measures proposed in the EIR would mitigate the impacts. The improvements are listed below:

- #15 Bowers Avenue / Augustine Drive – The addition of a second southbound left-turn lane (from Bowers Avenue to Augustine Drive) and widening/re-striping of the westbound approach to provide one left-turn, one shared through-right-turn lane, and one right-turn lane improves the intersection delay and reduces the queues generated by traffic traveling to and from the site.
- #17 Central Expressway / Bowers Avenue – The County's Comprehensive County Expressway Planning Study (2003) identifies widening of Central Expressway to six lanes between Lawrence Expressway and San Tomas Expressway without high occupancy vehicle (HOV) lanes.
- #25 San Tomas Expressway / Scott Boulevard – The County's Comprehensive County Expressway Planning Study (2003) identifies an improvement at this intersection that consists of adding a second westbound right-turn lane from westbound Scott Boulevard to northbound San Tomas Expressway.
- #36 San Tomas Expressway / El Camino Real - The County's Comprehensive County Expressway Planning Study (2003) identifies an improvement at this intersection that consists of adding a second left-turn lane on the eastbound approach to this intersection.

With the mitigation measures above, all of these intersections are returned back to baseline conditions. There was no change in the significant impacts due to the new project.

CONCLUSION

The proposed development will generate 16 percent fewer daily trips than the original Augustine-Bowers project and does not create new impacts to intersection operations in the project vicinity. The mitigation measures proposed in the original EIR continue to mitigate the impacts due to the Santa Clara Square development. Given that there are no changes to the mitigation measures, this revised project's impacts are consistent with the original EIR and subsequent updated TIA analyses.

TABLE 2: AUGUSTINE-BOWERS AND SANTA CLARA SQUARE COMPARISON

Intersection	Peak Hour	Background		Augustine-Bowers Background plus Project				Santa Clara Square Background plus Project			
				Pre-Mitigation		Post-Mitigation		Pre-Mitigation		Post-Mitigation	
		Delay	LOS	Delay[1]	LOS	Delay[1]	LOS	Delay[2]	LOS	Delay[2]	LOS
1. Lawrence Expwy and Arques Ave (CMP)	AM	37.4	D+	37.9	D+			38.1	D+		
	PM	45.1	D	47.0	D			47.0	D		
2. Lawrence Expwy and Kifer Rd (SCC)	AM	28.6	C	28.6	C			28.6	C		
	PM	**55.3**	**E+**	**57.5**	**E+**			**57.2**	**E+**		
3. Lawrence Expwy and Reed Ave/Monroe St (CMP)	AM	**55.5**	**E+**	**57.0**	**E+**			**56.8**	**E+**		
	PM	44.8	D	46.1	D			46.1	D		
4. Oakmead Pkwy and Arques Ave (SC)	AM	19.6	B-	19.5	B-			19.5	B-		
	PM	19.2	B-	19.3	B-			19.0	B-		
5. Oakmead Pkwy/Corvin Dr and Central Expwy (CMP)	AM	22.6	C+	22.7	C+			22.6	C+		
	PM	30.1	C	31.2	C			30.4	C		
6. Lakeside Dr and Scott Blvd (SC)	AM	19.7	B-	19.9	B-			20.0	C+		
	PM	23.7	C	24.6	C			28.0	C		
7. Great America Pkwy and SR 237 WB Ramps (CMP)	AM	25.8	C	32.2	C-			30.7	C		
	PM	19.3	B-	19.5	B-			19.5	B-		
8. Great America Pkwy and SR 237 Eastbound Ramps (CMP)	AM	9.7	A	9.9	A			9.9	A		
	PM	13.6	B	13.6	B			13.6	B		
9. Great America Pkwy and Tasman Dr(CMP)	AM	37.7	D+	37.9	D+			37.9	C+		
	PM	45.0	D	45.2	D			45.2	D		
10. Great America Pkwy and Old Glory Lane (SC)	AM	16.3	B	16.3	B			16.2	B		
	PM	17.9	B	17.5	B			17.6	B		

TABLE 2: AUGUSTINE-BOWERS AND SANTA CLARA SQUARE COMPARISON

Intersection	Peak Hour	Background		Augustine-Bowers Background plus Project				Santa Clara Square Background plus Project			
				Pre-Mitigation		Post-Mitigation		Pre-Mitigation		Post-Mitigation	
		Delay	LOS	Delay[1]	LOS	Delay[1]	LOS	Delay[2]	LOS	Delay[2]	LOS
11. Great America Pkwy and Patrick Henry Dr (SC)	AM	23.2	C	25.3	C			24.8	C		
	PM	**78.5**	**E-**	**78.5**	**E-**			**79.2**	**E-**		
12. Great America Pkwy and Mission College Blvd (CMP)	AM	29.2	C	29.5	C			29.4	C		
	PM	**82.2**	**F**	**83.4**	**F**			**82.9**	**F**		
13. Great America Pkwy and US 101 NB Ramps (CMP)	AM	19.7	B-	24.4	C			21.4	C+		
	PM	10.7	B+	11.6	B+			11.4	B+		
14. Bowers Ave and US 101 SB Ramps(CMP)	AM	25.9	C	25.2	C			25.5	C		
	PM	10.0	A	9.7	A			9.8	A		
15. Bowers Ave and Augustine Dr (SC)	AM	30.8	C	**55.8**	**E+**	35.5	D+	43.2	D	41.3	D
	PM	48.2	D	**147.4**	**F**	**65.8**	**E**	**92.5**	**F**	**49.7**	**D**
16. Bowers Ave and Scott Blvd (CMP)	AM	33.9	C-	36.0	D+			34.8	C+		
	PM	36.2	D+	40.8	D			37.4	D+		
17. Bowers Ave and Central Expwy (CMP)	AM	**77.8**	**E-**	**88.4**	**F**	**57.9**	**E+**	**83.7**	**F**	**56.3**	**E+**
	PM	**86.7**	**F**	**93.5**	**F**	**57.5**	**E+**	**90.8**	**F**	**56.8**	**E+**
18. Bowers Ave and Kifer Rd/Walsh Ave (SC)	AM	28.1	C	28.2	C			28.2	C		
	PM	32.4	C-	32.5	C-			32.1	C-		
19. Bowers Ave and Monroe St (SC)	AM	34.8	C-	35.2	D+			35.2	D+		
	PM	38.6	D+	39.5	D			40.5	D		
20. Montgomery Dr and Augustine Dr (Unsignalized) (SC)	AM	9.3	A	10.0	A			12.1	B		
	PM	9.6	A	10.6	B			11.6	B		

TABLE 2: AUGUSTINE-BOWERS AND SANTA CLARA SQUARE COMPARISON

Intersection	Peak Hour	Background		Augustine-Bowers Background plus Project				Santa Clara Square Background plus Project			
				Pre-Mitigation		Post-Mitigation		Pre-Mitigation		Post-Mitigation	
		Delay	LOS	Delay[1]	LOS	Delay[1]	LOS	Delay[2]	LOS	Delay[2]	LOS
21. Octavius Dr and Scott Blvd (SC)	AM	3.2	A	3.4	A			3.7	A		
	PM	5.8	A	7.5	A			11.2	B		
22. San Tomas Expwy and Monroe St (CMP)	AM	45.0	D	46.2	D			46.7	C		
	PM	39.4	D	40.2	D			40.0	D		
23. San Tomas Expwy and Walsh Ave (SCC)	AM	31.6	C	32.2	C-			32.0	D-		
	PM	39.1	D	39.7	D			39.4	D		
24. Scott Blvd and Central Expwy (CMP)	AM	54.9	D-	**56.6**	**E+**			**55.1**	**E+**		
	PM	52.8	D-	55.0	D-			54.1	D-		
25. San Tomas Expwy and Scott Blvd (CMP)	AM	46.8	D	50.4	D	39.7	D	51.3	D-	40.5	D
	PM	**87.2**	**F**	**102.1**	**F**	**77.5**	**E-**	**105.3**	**F**	**79.8**	**E-**
26. Mission College Blvd/Thomas Rd and Montague Expy (CMP)	AM	**70.3**	**E**	**70.5**	**E**			**70.4**	**E**		
	PM	**>150**	**F**	**>150**	**F**			**>150**	**F**		
27. Agnew Rd/De La Cruz Blvd and Montague Expwy (CMP)	AM	48.9	D	48.8	D			48.8	D		
	PM	54.6	D-	**55.0**	**E+**			**54.9**	**E+**		
28. 1st St and Montague Expwy (CMP/SJ)*	AM	**91.6**	**F**	**94.3**	**F**			**93.3**	**F**		
	PM	**152.4**	**F**	**152.7**	**F**			**142.3**	**F**		
29. Zanker Rd and Montague Expwy (CMP/SJ)	AM	**57.4**	**E+**	**58.1**	**E+**			**58.3**	**E+**		
	PM	**81.2**	**F**	**82.7**	**F**			**81.5**	**E-**		
30. River Oaks Pkwy /E. Plumeria Dr and Montague Expwy (SJ)	AM	42.2	D	42.0	D			42.3	D		
	PM	41.8	D	41.6	D			42.0	D		

TABLE 2: AUGUSTINE-BOWERS AND SANTA CLARA SQUARE COMPARISON

Intersection	Peak Hour	Background		Augustine-Bowers Background plus Project				Santa Clara Square Background plus Project			
				Pre-Mitigation		Post-Mitigation		Pre-Mitigation		Post-Mitigation	
		Delay	LOS	Delay[1]	LOS	Delay[1]	LOS	Delay[2]	LOS	Delay[2]	LOS
31. Trimble Rd and Montague Expwy (CMP/SJ)	AM	31.2	C	31.2	C			31.2	C		
	PM	38.4	D+	39.1	D			43.3	D		
32. McCarthy Blvd/O'Toole Ave and Montague Expwy (CMP/SJ/M)	AM	**63.5**	**E**	**64.9**	**E**			**64.5**	**E**		
	PM	**>150**	**F**	**>150**	**F**			**>150**	**F**		
33. Central Expwy and Lafayette St (CMP)	AM	**57.6**	**E+**	**59.3**	**E+**			**59.7**	**E**		
	PM	54.2	D-	**55.1**	**E+**			54.4	D-		
34. Central Expwy and De la Cruz Blvd (CMP/SJ/SC)	AM	43.3	D	43.8	D			43.6	D		
	PM	52.9	D-	54.3	D-			53.7	D-		
35. San Tomas Expwy and Cabrillo Ave (SCC)	AM	25.0	C	25.3	C			25.2	C		
	PM	24.9	C	25.0	C			24.9	C		
36. San Tomas Expy and El Camino Real (CMP)	AM	**110.8**	**F**	**117.5**	**F**	**78.4**	**E-**	**117.4**	**F**	**78.6**	**E-**
	PM	**88.5**	**F**	**89.5**	**F**	**76.0**	**E-**	**88.6**	**F**	**75.2**	**E-**
37. San Tomas Expwy and Benton St (SCC)	AM	**66.1**	**E**	**69.3**	**E**			**69.0**	**E**		
	PM	53.9	D-	**56.3**	**E+**			**55.7**	**E+**		
38. San Tomas Expy and Homestead Rd(CMP)	AM	**73.6**	**E**	**75.4**	**E-**			**75.2**	**E-**		
	PM	**91.5**	**F**	**94.0**	**F**			**93.4**	**F**		
39. Bowers Ave and El Camino Real (CMP)	AM	35.0	C-	35.5	D+			35.2	D+		
	PM	39.2	D	40.1	D			40.0	C		
40. Kiely Dr and Benton St (SC)	AM	31.7	C	31.9	C			31.7	C		
	PM	30.0	C	30.0	C			29.7	D		

TABLE 2: AUGUSTINE-BOWERS AND SANTA CLARA SQUARE COMPARISON

Intersection	Peak Hour	Background		Augustine-Bowers Background plus Project				Santa Clara Square Background plus Project			
				Pre-Mitigation		Post-Mitigation		Pre-Mitigation		Post-Mitigation	
		Delay	LOS	Delay[1]	LOS	Delay[1]	LOS	Delay[2]	LOS	Delay[2]	LOS
41. Kiely Dr and Homestead Rd (SC)	AM	51.3	D-	51.8	D-			51.6	D-		
	PM	48.5	D	48.7	D			48.8	C		
42. El Camino Real and Lawrence Expy(CMP)	AM	**61.5**	**E**	**65.5**	**E**			**64.6**	**E**		
	PM	**73.1**	**E**	**76.8**	**E-**			**76.9**	**E-**		
43. Scott Blvd and El Camino Real (CMP)	AM	29.3	C	29.3	C			29.3	C		
	PM	**82.6**	**F**	**82.4**	**F**			**82.5**	**F**		

Notes: **Bold** indicates unacceptable level of service
Bold and highlighted indicates the project produces an impact.
1. Delay and LOS for the Augustine-Bowers Background plus Project Conditions is from the Augustine-Bowers Original EIR.
2. Delay and LOS for the Santa Clara Square Background plus Project Condition is calculated for the most conservative revised scenario.
Source: Fehr & Peers; 2008, 2014

Attached: Attachment A: Volumes

ATTACHMENT A: VOLUMES

Int. Number and Approach	Left Turn	Through	Right Turn
1NB	373 (251)	3,054 (1,744)	443 (169)
1SB	329 (291)	1,473 (2,539)	145 (201)
1EB	183 (181)	222 (195)	124 (256)
1WB	153 (448)	223 (446)	119 (275)
2NB	291 (103)	3,096 (1,182)	332 (143)
2SB	244 (373)	1,143 (3,151)	272 (153)
2EB	116 (327)	103 (237)	55 (326)
2WB	67 (496)	180 (302)	98 (271)
3NB	194 (136)	2,762 (1,690)	149 (168)
3SB	204 (346)	1,163 (3,341)	101 (421)
3EB	503 (277)	284 (279)	128 (164)
3WB	155 (157)	271 (231)	351 (233)
4NB	132 (51)	157 (105)	234 (92)
4SB	41 (107)	63 (226)	4 (24)
4EB	38 (16)	434 (570)	26 (182)
4WB	108 (170)	335 (387)	72 (45)
5NB	62 (81)	83 (58)	36 (104)
5SB	55 (236)	58 (127)	52 (245)
5EB	309 (83)	2,069 (2,618)	83 (107)
5WB	98 (103)	2,077 (2,259)	156 (59)
6NB	2 (6)	5 (15)	2 (15)
6SB	57 (38)	25 (88)	100 (91)
6EB	57 (69)	426 (1,152)	2 (2)
6WB	62 (18)	817 (464)	146 (49)
7NB	141 (593)	251 (473)	0 (0)
7SB	0 (0)	634 (703)	515 (363)
7EB	0 (0)	0 (0)	0 (0)
7WB	1,283 (565)	2 (2)	150 (193)
8NB	0 (0)	264 (773)	365 (901)
8SB	264 (290)	1,587 (952)	0 (0)
8EB	154 (238)	1 (6)	717 (412)
8WB	0 (0)	0 (0)	0 (0)
9NB	289 (146)	1,773 (895)	347 (421)
9SB	97 (321)	963 (1,761)	131 (150)
9EB	212 (171)	371 (649)	131 (287)
9WB	391 (510)	508 (532)	120 (69)
10NB	258 (48)	2,197 (1,420)	0 (0)
10SB	5 (12)	1,288 (2,412)	36 (10)
10EB	5 (34)	0 (2)	23 (150)
10WB	0 (1)	0 (0)	0 (0)
11NB	598 (192)	2,412 (1,353)	128 (22)
11SB	37 (16)	1,251 (2,503)	27 (27)
11EB	2 (50)	6 (10)	105 (769)
11WB	6 (112)	1 (2)	3 (43)

12NB	651 (507)	2,722 (960)	301 (182)
12SB	180 (293)	983 (2,901)	256 (309)
12EB	152 (233)	115 (218)	115 (401)
12WB	449 (801)	225 (228)	273 (220)
13NB	0 (0)	2,634 (1,373)	129 (334)
13SB	0 (0)	1,325 (3,167)	222 (513)
13EB	0 (0)	0 (0)	0 (0)
13WB	810 (425)	0 (0)	1,748 (732)
14NB	0 (0)	1,687 (1,343)	267 (840)
14SB	0 (0)	1,749 (2,227)	445 (1,414)
14EB	1,126 (381)	0 (0)	395 (407)
14WB	0 (0)	0 (0)	0 (0)
15NB	153 (69)	1,789 (1,133)	170 (32)
15SB	304 (125)	1,091 (2,407)	833 (338)
15EB	274 (683)	33 (13)	58 (148)
15WB	22 (128)	10 (15)	68 (296)
16NB	181 (63)	1,541 (829)	134 (61)
16SB	132 (292)	799 (1,917)	323 (176)
16EB	213 (418)	251 (618)	87 (198)
16WB	33 (87)	435 (208)	120 (114)
17NB	266 (172)	1,307 (588)	134 (167)
17SB	192 (582)	478 (1,180)	159 (315)
17EB	474 (247)	1,615 (2,386)	90 (258)
17WB	181 (352)	2,109 (1,900)	294 (115)
18NB	148 (41)	1,388 (438)	70 (40)
18SB	65 (122)	347 (1,526)	224 (177)
18EB	137 (274)	125 (334)	48 (287)
18WB	19 (67)	320 (163)	49 (164)
19NB	65 (47)	1,080 (322)	93 (34)
19SB	37 (123)	248 (1,263)	29 (58)
19EB	65 (36)	316 (317)	43 (71)
19WB	29 (61)	254 (389)	87 (66)
20NB	76 (20)	0 (0)	1 (5)
20SB	0 (0)	0 (0)	0 (0)
20EB	0 (0)	78 (110)	17 (9)
20WB	0 (5)	13 (67)	0 (0)
21NB	5 (8)	1 (2)	6 (31)
21SB	20 (135)	1 (0)	9 (25)
21EB	41 (28)	377 (962)	4 (13)
21WB	44 (13)	936 (317)	103 (39)
22NB	87 (122)	3,382 (1,111)	49 (87)
22SB	54 (329)	856 (3,317)	95 (242)
22EB	295 (122)	230 (431)	87 (115)
22WB	82 (81)	207 (288)	325 (127)
23NB	250 (77)	3,330 (962)	176 (88)
23SB	162 (280)	958 (3,256)	284 (128)
23EB	57 (253)	82 (288)	41 (142)
23WB	115 (177)	330 (135)	134 (88)

24NB	517 (230)	574 (287)	272 (257)
24SB	46 (303)	248 (565)	30 (74)
24EB	193 (105)	786 (1,866)	165 (465)
24WB	297 (366)	2,248 (793)	265 (82)
25NB	282 (80)	3,575 (1,954)	62 (34)
25SB	405 (318)	1,839 (4,399)	608 (146)
25EB	104 (472)	130 (458)	70 (520)
25WB	34 (91)	368 (109)	384 (513)
26NB	196 (272)	239 (225)	143 (210)
26SB	75 (1,232)	35 (317)	356 (1,382)
26EB	1,134 (498)	2,756 (2,894)	378 (225)
26WB	167 (126)	3,162 (3,485)	1,100 (287)
27NB	263 (184)	207 (169)	104 (138)
27SB	151 (374)	110 (211)	283 (413)
27EB	284 (302)	1,872 (2,547)	177 (224)
27WB	139 (199)	1,904 (2,502)	111 (80)
28NB	346 (432)	1,068 (609)	64 (89)
28SB	126 (313)	1,012 (1,775)	909 (1,284)
28EB	921 (513)	1,853 (2,164)	261 (211)
28WB	93 (137)	2,102 (2,420)	146 (120)
29NB	215 (366)	819 (516)	11 (64)
29SB	145 (242)	573 (918)	189 (750)
29EB	560 (212)	1,596 (2,402)	392 (240)
29WB	69 (24)	2,187 (1,641)	195 (66)
30NB	264 (58)	1,879 (1,355)	130 (47)
30SB	179 (106)	1,000 (1,885)	20 (11)
30EB	28 (28)	304 (130)	69 (256)
30WB	261 (324)	166 (266)	128 (147)
31NB	99 (0)	64 (0)	934 (1,834)
31SB	20 (0)	5 (0)	6 (0)
31EB	16 (0)	1,659 (2,801)	34 (0)
31WB	1,161 (0)	2,208 (0)	62 (0)
32NB	68 (92)	131 (84)	150 (402)
32SB	228 (855)	97 (290)	135 (431)
32EB	426 (247)	2,105 (4,139)	108 (75)
32WB	363 (274)	3,549 (2,540)	606 (158)
33NB	639 (189)	871 (330)	183 (308)
33SB	105 (231)	280 (740)	137 (93)
33EB	287 (137)	937 (1,596)	167 (222)
33WB	302 (403)	1,729 (724)	282 (159)
34NB	909 (213)	1,034 (1,089)	0 (0)
34SB	0 (0)	684 (1,396)	1,429 (890)
34EB	1,051 (1,795)	0 (0)	159 (707)
34WB	0 (0)	0 (0)	0 (0)
35NB	56 (119)	3,530 (1,033)	19 (33)
35SB	21 (120)	947 (3,117)	104 (200)
35EB	97 (57)	128 (112)	80 (55)
35WB	45 (19)	123 (101)	106 (32)

36NB	289 (202)	2,834 (861)	140 (234)
36SB	151 (255)	813 (2,355)	346 (210)
36EB	610 (347)	953 (1,214)	161 (294)
36WB	153 (285)	755 (1,098)	308 (125)
37NB	57 (149)	2,928 (1,249)	11 (38)
37SB	35 (83)	1,047 (2,721)	143 (173)
37EB	235 (165)	232 (305)	100 (139)
37WB	62 (58)	226 (211)	135 (110)
38NB	236 (261)	2,566 (1,037)	55 (58)
38SB	45 (96)	830 (2,568)	264 (280)
38EB	232 (305)	366 (597)	137 (224)
38WB	65 (77)	406 (479)	107 (40)
39NB	182 (254)	895 (354)	152 (149)
39SB	97 (236)	237 (775)	76 (215)
39EB	220 (179)	974 (1,675)	144 (290)
39WB	151 (278)	1,111 (1,475)	84 (108)
40NB	42 (80)	847 (429)	127 (71)
40SB	113 (99)	295 (913)	48 (127)
40EB	95 (83)	292 (328)	72 (81)
40WB	106 (97)	280 (346)	122 (83)
41NB	139 (133)	907 (423)	121 (118)
41SB	183 (301)	207 (862)	163 (335)
41EB	275 (163)	630 (735)	89 (175)
41WB	84 (109)	552 (648)	324 (195)
42NB	488 (544)	521 (106)	277 (147)
42SB	516 (608)	152 (545)	443 (358)
42EB	263 (293)	1,705 (1,506)	203 (576)
42WB	237 (285)	1,305 (1,447)	499 (240)
43NB	138 (155)	851 (338)	88 (75)
43SB	76 (211)	239 (1,182)	96 (178)
43EB	150 (177)	631 (1,108)	104 (182)
43WB	76 (181)	714 (993)	175 (116)

Int. Approach and Volume	Left Turn	Through	Right Turn
1NB	373 (251)	3,054 (1,744)	507 (181)
1SB	337 (293)	1,473 (2,539)	145 (201)
1EB	183 (181)	244 (199)	124 (256)
1WB	158 (523)	225 (471)	120 (285)
2NB	291 (103)	3,154 (1,193)	348 (146)
2SB	244 (373)	1,148 (3,216)	272 (153)
2EB	116 (327)	103 (237)	55 (326)
2WB	68 (514)	180 (302)	98 (271)
3NB	194 (136)	2,821 (1,700)	149 (168)
3SB	204 (346)	1,168 (3,406)	102 (440)
3EB	520 (280)	289 (280)	128 (164)
3WB	155 (157)	272 (237)	351 (233)
4NB	132 (51)	157 (105)	234 (92)
4SB	43 (111)	63 (226)	4 (24)
4EB	38 (16)	530 (590)	26 (182)
4WB	108 (181)	344 (500)	73 (48)
5NB	62 (81)	83 (58)	36 (104)
5SB	59 (241)	58 (127)	52 (256)
5EB	309 (83)	2,137 (2,636)	83 (107)
5WB	98 (103)	2,085 (2,329)	158 (64)
6NB	2 (6)	5 (15)	2 (15)
6SB	57 (38)	25 (88)	101 (98)
6EB	57 (69)	521 (1,171)	2 (2)
6WB	62 (18)	825 (578)	146 (49)
7NB	141 (593)	251 (473)	0 (0)
7SB	0 (0)	634 (703)	515 (363)
7EB	0 (0)	0 (0)	0 (0)
7WB	1,413 (590)	2 (2)	150 (193)
8NB	0 (0)	264 (773)	376 (1,053)
8SB	264 (290)	1,717 (977)	0 (0)
8EB	154 (238)	1 (6)	717 (412)
8WB	0 (0)	0 (0)	0 (0)
9NB	290 (159)	1,784 (1,047)	348 (434)
9SB	97 (321)	1,093 (1,786)	131 (150)
9EB	212 (171)	371 (649)	141 (289)
9WB	401 (512)	508 (532)	120 (69)
10NB	258 (48)	2,209 (1,596)	0 (0)
10SB	5 (12)	1,439 (2,441)	36 (10)
10EB	5 (34)	0 (2)	23 (150)
10WB	0 (1)	0 (0)	0 (0)
11NB	598 (192)	2,424 (1,529)	128 (22)
11SB	37 (16)	1,402 (2,532)	27 (27)
11EB	2 (50)	6 (10)	105 (769)
11WB	6 (112)	1 (2)	3 (43)

12NB	653 (512)	2,734 (1,136)	303 (187)
12SB	180 (293)	1,134 (2,930)	256 (309)
12EB	152 (233)	115 (218)	119 (405)
12WB	453 (805)	225 (228)	273 (220)
13NB	0 (0)	2,650 (1,559)	143 (532)
13SB	0 (0)	1,484 (3,204)	222 (513)
13EB	0 (0)	0 (0)	0 (0)
13WB	1,026 (466)	0 (0)	1,748 (732)
14NB	0 (0)	1,718 (1,728)	285 (1,092)
14SB	0 (0)	2,124 (2,305)	445 (1,414)
14EB	1,126 (381)	0 (0)	564 (440)
14WB	0 (0)	0 (0)	0 (0)
15NB	153 (69)	1,782 (1,183)	388 (99)
15SB	805 (241)	1,134 (2,402)	833 (338)
15EB	274 (683)	38 (14)	58 (148)
15WB	53 (319)	11 (29)	121 (883)
16NB	181 (63)	1,691 (866)	206 (72)
16SB	183 (318)	814 (2,029)	332 (223)
16EB	257 (438)	310 (627)	87 (198)
16WB	39 (224)	438 (286)	137 (174)
17NB	266 (172)	1,418 (612)	134 (167)
17SB	196 (633)	489 (1,310)	166 (383)
17EB	541 (263)	1,615 (2,386)	90 (258)
17WB	181 (352)	2,109 (1,900)	338 (123)
18NB	148 (41)	1,470 (453)	70 (40)
18SB	67 (137)	353 (1,622)	226 (197)
18EB	154 (279)	125 (334)	48 (287)
18WB	19 (67)	320 (163)	61 (167)
19NB	65 (47)	1,145 (334)	93 (34)
19SB	38 (136)	253 (1,339)	30 (64)
19EB	70 (37)	316 (317)	43 (71)
19WB	29 (61)	254 (389)	97 (68)
20NB	159 (50)	0 (0)	1 (5)
20SB	0 (0)	0 (0)	0 (0)
20EB	0 (0)	90 (203)	24 (26)
20WB	0 (5)	18 (74)	0 (0)
21NB	5 (8)	1 (2)	6 (31)
21SB	30 (226)	1 (0)	9 (25)
21EB	41 (28)	392 (1,153)	4 (13)
21WB	44 (13)	1,171 (372)	105 (42)
22NB	87 (122)	3,457 (1,126)	49 (87)
22SB	54 (329)	862 (3,402)	95 (242)
22EB	295 (122)	231 (444)	87 (115)
22WB	82 (81)	217 (290)	325 (127)
23NB	250 (77)	3,405 (977)	176 (88)
23SB	162 (280)	963 (3,341)	284 (128)
23EB	57 (253)	83 (301)	41 (142)
23WB	115 (177)	340 (137)	134 (88)

24NB	517 (230)	596 (291)	272 (257)
24SB	50 (354)	250 (590)	30 (74)
24EB	193 (105)	790 (1,917)	165 (465)
24WB	297 (366)	2,292 (801)	309 (90)
25NB	372 (102)	3,575 (1,954)	62 (34)
25SB	405 (318)	1,839 (4,399)	684 (161)
25EB	112 (562)	137 (539)	79 (627)
25WB	34 (91)	436 (126)	384 (513)
26NB	196 (272)	239 (225)	143 (210)
26SB	75 (1,232)	35 (317)	356 (1,382)
26EB	1,134 (498)	2,763 (2,982)	378 (225)
26WB	167 (126)	3,238 (3,500)	1,100 (287)
27NB	263 (184)	207 (169)	104 (138)
27SB	151 (374)	110 (211)	283 (413)
27EB	284 (302)	1,879 (2,628)	177 (224)
27WB	139 (199)	1,973 (2,517)	111 (80)
28NB	346 (432)	1,068 (609)	64 (89)
28SB	126 (313)	1,012 (1,775)	919 (1,286)
28EB	922 (526)	1,858 (2,222)	261 (211)
28WB	93 (137)	2,151 (2,431)	146 (120)
29NB	215 (366)	819 (516)	11 (64)
29SB	145 (242)	573 (918)	194 (751)
29EB	561 (218)	1,600 (2,455)	392 (240)
29WB	69 (24)	2,231 (1,650)	195 (66)
30NB	264 (58)	1,919 (1,363)	130 (47)
30SB	180 (112)	1,004 (1,932)	20 (11)
30EB	28 (28)	304 (130)	69 (256)
30WB	261 (324)	166 (266)	133 (148)
31NB	99 (0)	64 (0)	934 (1,834)
31SB	20 (0)	5 (0)	6 (0)
31EB	16 (0)	1,663 (3,096)	34 (0)
31WB	1,161 (0)	2,248 (0)	62 (0)
32NB	68 (92)	131 (84)	150 (402)
32SB	228 (855)	97 (290)	135 (431)
32EB	426 (247)	2,109 (4,186)	108 (75)
32WB	363 (274)	3,589 (2,548)	606 (158)
33NB	649 (191)	871 (330)	183 (308)
33SB	105 (231)	280 (740)	137 (93)
33EB	287 (137)	944 (1,673)	168 (235)
33WB	302 (403)	1,805 (737)	282 (159)
34NB	973 (225)	1,034 (1,089)	0 (0)
34SB	0 (0)	684 (1,396)	1,439 (892)
34EB	1,052 (1,807)	0 (0)	164 (782)
34WB	0 (0)	0 (0)	0 (0)
35NB	56 (119)	3,605 (1,047)	19 (33)
35SB	21 (120)	953 (3,202)	104 (200)
35EB	97 (57)	128 (112)	80 (55)
35WB	45 (19)	123 (101)	106 (32)

36NB	289 (202)	2,881 (870)	140 (234)
36SB	154 (293)	818 (2,407)	346 (210)
36EB	610 (347)	954 (1,227)	161 (294)
36WB	153 (285)	765 (1,100)	340 (131)
37NB	57 (149)	2,967 (1,257)	11 (38)
37SB	36 (96)	1,051 (2,766)	143 (173)
37EB	235 (165)	232 (305)	100 (139)
37WB	62 (58)	226 (211)	145 (112)
38NB	236 (261)	2,589 (1,042)	55 (58)
38SB	46 (115)	832 (2,595)	264 (280)
38EB	232 (305)	366 (597)	137 (224)
38WB	65 (77)	406 (479)	124 (43)
39NB	182 (254)	925 (359)	152 (149)
39SB	98 (249)	239 (808)	76 (229)
39EB	231 (181)	974 (1,675)	144 (290)
39WB	151 (278)	1,111 (1,475)	94 (110)
40NB	42 (80)	867 (432)	127 (71)
40SB	114 (105)	297 (934)	49 (133)
40EB	100 (84)	292 (328)	72 (81)
40WB	106 (97)	280 (346)	127 (84)
41NB	139 (133)	916 (425)	121 (118)
41SB	184 (307)	208 (873)	164 (341)
41EB	280 (164)	630 (735)	89 (175)
41WB	84 (109)	552 (648)	329 (196)
42NB	488 (544)	553 (112)	277 (147)
42SB	516 (608)	155 (583)	445 (383)
42EB	284 (297)	1,716 (1,508)	203 (576)
42WB	237 (285)	1,305 (1,461)	499 (240)
43NB	138 (155)	851 (338)	88 (75)
43SB	76 (211)	239 (1,182)	96 (178)
43EB	150 (177)	635 (1,159)	104 (182)
43WB	76 (181)	758 (1,001)	175 (116)

Int. Number and Approach	Left Turn	Through	Right Turn
1NB	373 (251)	3,054 (1,744)	502 (200)
1SB	338 (333)	1,473 (2,539)	145 (201)
1EB	183 (181)	240 (198)	124 (256)
1WB	166 (505)	226 (461)	129 (294)
2NB	291 (103)	3,149 (1,212)	351 (150)
2SB	244 (373)	1,155 (3,203)	272 (153)
2EB	116 (327)	103 (237)	55 (326)
2WB	71 (514)	180 (302)	98 (271)
3NB	194 (136)	2,818 (1,714)	149 (168)
3SB	204 (346)	1,174 (3,394)	105 (437)
3EB	518 (290)	285 (283)	128 (164)
3WB	155 (157)	272 (233)	351 (233)
4NB	132 (51)	157 (105)	234 (92)
4SB	41 (107)	63 (226)	4 (24)
4EB	38 (16)	520 (646)	26 (182)
4WB	108 (170)	361 (479)	72 (45)
5NB	62 (81)	83 (58)	36 (104)
5SB	55 (236)	58 (127)	52 (245)
5EB	309 (83)	2,115 (2,627)	83 (107)
5WB	98 (103)	2,084 (2,300)	156 (59)
6NB	2 (6)	5 (15)	2 (15)
6SB	57 (38)	25 (88)	100 (93)
6EB	57 (69)	512 (1,228)	2 (2)
6WB	62 (18)	842 (553)	146 (49)
7NB	141 (593)	251 (473)	0 (0)
7SB	0 (0)	634 (703)	515 (363)
7EB	0 (0)	0 (0)	0 (0)
7WB	1,388 (585)	2 (2)	150 (193)
8NB	0 (0)	264 (773)	381 (993)
8SB	264 (290)	1,692 (972)	0 (0)
8EB	154 (238)	1 (6)	717 (412)
8WB	0 (0)	0 (0)	0 (0)
9NB	291 (155)	1,789 (987)	348 (429)
9SB	97 (321)	1,068 (1,781)	131 (150)
9EB	212 (171)	371 (649)	139 (294)
9WB	400 (512)	508 (532)	120 (69)
10NB	258 (48)	2,216 (1,529)	0 (0)
10SB	5 (12)	1,410 (2,441)	36 (10)
10EB	5 (34)	0 (2)	23 (150)
10WB	0 (1)	0 (0)	0 (0)
11NB	598 (192)	2,431 (1,462)	128 (22)
11SB	37 (16)	1,373 (2,532)	27 (27)
11EB	2 (50)	6 (10)	105 (769)
11WB	6 (112)	1 (2)	3 (43)

12NB	651 (507)	2,741 (1,069)	301 (182)
12SB	180 (293)	1,105 (2,930)	256 (309)
12EB	152 (233)	115 (218)	115 (401)
12WB	449 (801)	225 (228)	273 (220)
13NB	0 (0)	2,653 (1,482)	151 (451)
13SB	0 (0)	1,447 (3,196)	222 (513)
13EB	0 (0)	0 (0)	0 (0)
13WB	891 (453)	0 (0)	1,748 (732)
14NB	0 (0)	1,728 (1,569)	282 (915)
14SB	0 (0)	1,952 (2,284)	445 (1,414)
14EB	1,126 (381)	0 (0)	526 (443)
14WB	0 (0)	0 (0)	0 (0)
15NB	153 (69)	1,789 (1,133)	270 (90)
15SB	638 (218)	1,091 (2,407)	833 (338)
15EB	274 (683)	36 (27)	58 (148)
15WB	38 (217)	14 (24)	124 (597)
16NB	181 (63)	1,613 (881)	160 (102)
16SB	132 (292)	811 (1,982)	327 (199)
16EB	241 (424)	308 (688)	87 (198)
16WB	52 (124)	456 (274)	120 (114)
17NB	266 (172)	1,357 (672)	134 (167)
17SB	192 (583)	501 (1,241)	166 (356)
17EB	520 (256)	1,615 (2,386)	90 (258)
17WB	181 (352)	2,109 (1,900)	295 (115)
18NB	148 (41)	1,416 (514)	70 (40)
18SB	65 (124)	366 (1,567)	228 (195)
18EB	156 (281)	125 (334)	48 (287)
18WB	19 (67)	320 (163)	52 (165)
19NB	65 (47)	1,106 (381)	93 (34)
19SB	40 (128)	263 (1,297)	30 (60)
19EB	66 (40)	316 (317)	43 (71)
19WB	29 (61)	254 (389)	88 (80)
20NB	124 (31)	0 (0)	54 (14)
20SB	0 (0)	0 (0)	0 (0)
20EB	0 (0)	340 (193)	18 (14)
20WB	1 (11)	53 (287)	0 (0)
21NB	5 (8)	1 (2)	6 (31)
21SB	65 (407)	1 (0)	21 (99)
21EB	134 (44)	398 (988)	4 (13)
21WB	44 (13)	1,029 (430)	326 (79)
22NB	87 (122)	3,457 (1,179)	49 (87)
22SB	55 (334)	879 (3,397)	95 (242)
22EB	295 (122)	233 (436)	87 (115)
22WB	82 (81)	208 (302)	331 (128)
23NB	250 (77)	3,411 (1,031)	176 (88)
23SB	163 (285)	982 (3,342)	284 (128)
23EB	57 (253)	82 (290)	41 (142)
23WB	115 (177)	333 (136)	140 (89)

24NB	517 (230)	590 (304)	272 (257)
24SB	54 (352)	253 (583)	30 (74)
24EB	193 (105)	786 (1,867)	165 (465)
24WB	297 (366)	2,249 (793)	326 (93)
25NB	369 (150)	3,575 (1,954)	62 (34)
25SB	405 (318)	1,839 (4,399)	759 (200)
25EB	132 (612)	143 (525)	94 (611)
25WB	34 (91)	446 (137)	384 (513)
26NB	196 (272)	239 (225)	143 (210)
26SB	75 (1,232)	35 (317)	356 (1,382)
26EB	1,134 (498)	2,771 (2,953)	378 (225)
26WB	167 (126)	3,220 (3,523)	1,100 (287)
27NB	263 (184)	207 (169)	104 (138)
27SB	151 (374)	110 (211)	283 (413)
27EB	284 (302)	1,887 (2,606)	177 (224)
27WB	139 (199)	1,962 (2,540)	111 (80)
28NB	346 (432)	1,068 (609)	64 (89)
28SB	126 (313)	1,012 (1,775)	918 (1,286)
28EB	922 (521)	1,863 (2,199)	261 (211)
28WB	105 (149)	2,132 (2,452)	146 (120)
29NB	215 (366)	819 (516)	11 (64)
29SB	145 (242)	573 (918)	193 (751)
29EB	573 (227)	1,606 (2,433)	392 (240)
29WB	69 (24)	2,213 (1,672)	195 (66)
30NB	274 (60)	1,901 (1,386)	130 (47)
30SB	180 (110)	1,009 (1,912)	20 (11)
30EB	28 (28)	304 (130)	71 (265)
30WB	261 (324)	166 (266)	131 (148)
31NB	99 (0)	64 (0)	934 (1,834)
31SB	20 (0)	5 (0)	6 (0)
31EB	16 (0)	1,670 (2,837)	34 (0)
31WB	1,161 (0)	2,241 (33)	62 (0)
32NB	68 (92)	131 (84)	150 (402)
32SB	228 (855)	97 (290)	135 (431)
32EB	426 (247)	2,116 (4,175)	108 (75)
32WB	363 (274)	3,582 (2,573)	606 (158)
33NB	648 (191)	871 (330)	183 (308)
33SB	105 (231)	280 (740)	142 (125)
33EB	324 (144)	938 (1,604)	169 (232)
33WB	302 (403)	1,745 (727)	282 (159)
34NB	954 (221)	1,034 (1,089)	0 (0)
34SB	0 (0)	684 (1,396)	1,438 (892)
34EB	1,052 (1,803)	0 (0)	164 (739)
34WB	0 (0)	0 (0)	0 (0)
35NB	56 (119)	3,605 (1,101)	19 (33)
35SB	21 (120)	970 (3,197)	104 (200)
35EB	97 (57)	128 (112)	80 (55)
35WB	45 (19)	123 (101)	106 (32)

36NB	289 (202)	2,876 (923)	140 (234)
36SB	156 (283)	831 (2,407)	346 (210)
36EB	610 (347)	953 (1,216)	161 (294)
36WB	153 (285)	758 (1,099)	341 (131)
37NB	57 (149)	2,960 (1,309)	11 (38)
37SB	36 (91)	1,063 (2,764)	143 (174)
37EB	237 (165)	232 (305)	100 (139)
37WB	62 (58)	226 (211)	144 (112)
38NB	236 (261)	2,583 (1,094)	55 (58)
38SB	47 (108)	844 (2,598)	264 (281)
38EB	234 (305)	366 (597)	137 (224)
38WB	65 (77)	406 (479)	120 (43)
39NB	182 (254)	915 (411)	152 (149)
39SB	97 (238)	251 (803)	77 (218)
39EB	224 (180)	974 (1,675)	144 (290)
39WB	151 (278)	1,111 (1,475)	87 (109)
40NB	42 (80)	860 (485)	127 (71)
40SB	113 (102)	308 (935)	49 (131)
40EB	99 (84)	292 (328)	72 (81)
40WB	106 (97)	280 (346)	125 (84)
41NB	139 (133)	911 (477)	121 (118)
41SB	183 (302)	219 (880)	163 (338)
41EB	279 (164)	630 (735)	89 (175)
41WB	84 (109)	552 (648)	328 (196)
42NB	488 (544)	546 (124)	277 (147)
42SB	516 (608)	159 (571)	446 (378)
42EB	286 (297)	1,709 (1,507)	203 (576)
42WB	237 (285)	1,306 (1,450)	499 (240)
43NB	138 (155)	851 (338)	88 (75)
43SB	76 (211)	239 (1,182)	96 (178)
43EB	150 (177)	636 (1,139)	104 (182)
43WB	76 (181)	749 (1,000)	175 (116)

FEHR PEERS

May 6, 2014

Carlene Matchniff
Vice President
Irvine Company
690 N. McCarthy Boulevard, Suite 100
Milpitas, CA 95035

Subject: **Repsonse to Comments on Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California**

Dear Carlene:

This letter responds to comments made by the City of Santa Clara's environmental consultant on the updated traffic impact analysis for the Santa Clara Square project. The two questions raised by the City's consultant are related to the status of the four traffic mitigation measures identified in the Addendum (p. 50-51) and the use of traffic volumes from the 2008 EIR in the analysis.

Status of Transportation Mitigation Improvements

#15 Bowers Avenue / Augustine Drive – The addition of a second southbound left-turn lane (from Bowers Avenue onto Augustine Drive) and widening/re-striping of the westbound approach to provide one left-turn, one shared through/right-turn lane, and one right-turn lane improves intersection delay and reduces queues generated by traffic traveling to and from the site. The second southbound left-turn lane will transition into the eastbound right-turn lane at the main project driveway.

Status: These intersection improvements are currently under design by the Irvine Company and will be constructed as a part of the Phase I office development.

#17 Central Expressway / Bowers Avenue – The County's *Comprehensive County Expressway Planning Study* (2003) identifies widening of Central Expressway to six lanes between Lawrence Expressway and San Tomas Expressway without high occupancy vehicle (HOV) lanes as a Tier 1 project. Since Central Expressway is six lanes wide at Bowers Avenue, the improvements would consist of removing the HOV lane designations.

Status: Completed - Santa Clara County constructed the improvements at this intersection when the HOV lanes were removed in 2010.

#25 San Tomas Expressway / Scott Boulevard – The County's *Comprehensive County Expressway Planning Study* (2003) identifies a Tier 1C improvement at the intersection (adding a second westbound right-turn lane from westbound Scott Boulevard onto northbound San Tomas Expressway).

Status: The improvement has not been implemented by Santa Clara County.

#36 San Tomas Expressway / El Camino Real – The *Comprehensive County Expressway Planning Study* (2003) has identified the addition of a second left-turn lane on the eastbound approach to this intersection as a Tier 1 project.

Status: The improvement has not been implemented by Santa Clara County.

Use of Traffic Volumes from 2008 EIR

Fehr & Peers used background traffic volumes from the 2008 EIR for the traffic analysis of potential project impacts. These volumes were used to maintain consistency between the current traffic analysis and the analysis prepared for the 2013 Addendum. A review of available traffic count data showed that counts conducted in 2013 were similar to, or in some cases lower than, the background traffic conditions studied in the 2008 EIR. When the 2013 Addendum was prepared, the City was consulted on the traffic volumes for the analysis and accepted this approach in order to determine if there were any relative changes in the impacts identified in the 2008 EIR due to the proposed land use changes. Therefore, updated counts were not used in the traffic analysis and impact evaluation.

Please feel free to call if you have any questions on our responses.

Sincerely,

FEHR & PEERS

Robert Eckols
Senior Associate

FEHR PEERS

May 20, 2014

Carlene Matchniff
Vice President
Irvine Company
690 N. McCarthy Boulevard, Suite 100
Milpitas, CA 95035

Subject: Response to City Comments on Traffic Impact Analysis Update for Santa Clara Square Development in Santa Clara, California

Dear Carlene:

This letter responds to comments received from the City of Santa Clara traffic engineer, Dennis Ng, on the updated traffic impact analysis for the Santa Clara Square project. The two questions raised by the City's staff are related to the reductions assumed in the trip generation.

Mixed-Use Reductions

As stated in the VTA TIA Guidelines (March 2009), mixed-use developments with employment and employee-serving retail can take a three percent reduction off the employment trips. To qualify for this reduction, the guidelines state that the employee-serving retail must be integrated into the "employment complex" and must not have a dedicated parking area, which is the condition for the Phase I Office retail space. Therefore, for the Phase I office development, Fehr & Peers applied the VTA mixed-use three percent reduction to the daily, AM and PM peak hour trips. In addition, due to the close proximity between the Phase II and III office developments and the retail center, Fehr & Peers also applied the three percent mixed-use reduction in office trips for Phases II and III since the office and retail spaces are within walking distance. Given that a substantial portion of the retail uses in the center are restaurants (quality and in-line) that may not be open during the AM peak hour, the mixed-use reductions for Phases II and III were only applied to the daily and PM peak hour trips.

Transportation Demand Management (TDM) Measures

The applicant is proposing to implement the same TDM program measures presented in the original Augustine-Bowers EIR to reduce single-occupancy vehicle trips and parking demand:

- Provide physical improvements, such as sidewalk improvements, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel.
- Connect individual sites with regional bikeway system.
- Provide on-site transit information kiosks.
- Implement a carpool/vanpool program, e.g., carpool ride matching for employees, assistance with vanpool information, provision of vanpool vehicles, etc.
- Develop a transit use incentive program for employees in the project area, such as on-site distribution of passes and/or subsidized transit passes for local transit systems.
- Provide preferential parking for carpools.
- Provide a guaranteed ride home program.
- Implement a flextime policy.
- Provide on-site services such as ATMs, dry cleaning facilities, exercise room, cafeteria, etc.
- Provide or contribute to a shuttle system for employees to access local transit services within the City.
- Provide showers and lockers for employees bicycling or walking to work.

With the TDM measures identified, which include transit subsidies, we assumed a ten percent reduction and a two percent reduction for proximity to a major bus stop.

Please feel free to call if you have any questions on our responses.

Sincerely,

FEHR & PEERS

Robert Eckols
Senior Associate

Appendix I

Water Supply Assessment

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A WATER SUPPLY ASSESSMENT FOR A PROPOSED OFFICE/RETAIL DEVELOPMENT AT 2455-2727 AUGUSTINE DRIVE AND 3333 BOWERS AVENUE

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara ("City") approved and adopted an Urban Water Management Plan in 2011;

WHEREAS, California Water Code Section 10910 and Section 15155(b) of the Guidelines to the California Environmental Quality Act ("CEQA") require a water utility to prepare a Water Supply Assessment for development applications for "water-demand projects";

WHEREAS, Section 15155(b) of the CEQA Guidelines and Section 10910(g) of the California Water Code require the governing body of a public water system that will serve a "water demand project" to determine whether to approve a water supply assessment at a regular or special meeting;

WHEREAS, the City is a public water supplier within the City limits and the City Council of the City of Santa Clara is the governing body of the City's public water system;

WHEREAS, the City of Santa Clara requires that landscaping for projects be drought tolerant and recycled water be used for irrigation, cooling towers and other permitted uses when properties are proximate to recycled water resources to reduce the cumulative use of potable water;

WHEREAS, on April 17, 2014, the proponent of a development project ("Applicant") requested a Water Supply Assessment for an office/retail development at 2455-2727 Augustine Drive and 3333 Bowers Avenue ("Project");

WHEREAS, under Section 15155(a)(1)(C) of the CEQA Guidelines and Section 10912(a)(3) of the Water Code, a project that includes more than 250,000 square feet of office space requires a Water Supply Assessment. Accordingly, the Applicant requested an Assessment for the Project on April 17, 2014; and,

WHEREAS, City Staff prepared a Water Supply Assessment for the Project on May 2, 2014 ("Project WSA"), a true and correct copy which is attached hereto as Exhibit A.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Exhibit A. The Water Supply Assessment for the proposed development at 2465-2727 Augustine and 3333 Bowers, is attached hereto and incorporated as if fully set forth herein.

2. Approval of Project WSA. The Council has reviewed the Project WSA at a regular public meeting conducted on May 20, 2014. Based upon the data and conclusions set forth therein, and the evidence and testimony presented at the public meeting, the Council hereby finds that there is adequate water to supply the Project without creating a negative impact on the groundwater basin and that the City has an adequate supply to provide water for the project during single or multiple dry years for at least a 20-year projection, and the Council hereby approves the Project WSA.

3. No Obligation to Act on the Project Application. The Council's approval of the Project WSA is limited to approving the Project WSA; approving the Project WSA does not approve the application for the Project. Nothing in this resolution or the Council's approval of the Project WSA shall be construed as requiring the City or its Council to consider, act on, approve, conditionally approve, deny, or take any other action on the application to develop the Project.

4. Direction to Staff. Staff is hereby directed to include the Project WSA, the 2010 City of Santa Clara Urban Water Management Plan, and any other applicable Urban Water Management Plan related documents in the appendix Addendum No. 2 of the Environmental Impact Report for the Project.

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE SANTA CLARA STADIUM AUTHORITY, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibit A, Project Water Supply Assessment

Exhibit A

CITY OF SANTA CLARA
WATER AND SEWER UTILITIES

SANTA CLARA SQUARE

DEVELOPMENT APPLICATION

WATER SUPPLY ASSESSMENT FOR COMPLIANCE WITH CALIFORNIA WATER CODE SECTION 10910

Approved by City Council
Resolution # TBD

1500 WARBURTON AVE
SANTA CLARA, CA 95050

SANTA CLARA SQUARE

DEVELOPMENT APPLICATION

WATER SUPPLY ASSESSMENT FOR COMPLIANCE WITH CALIFORNIA WATER CODE SECTION 10910

Table of contents

Executive Summary 3
Introduction 4
Water supply 5
- Projected potable water supply 7
- Groundwater 9
- Projected groundwater supply 9
- Projected recycled water supply 12

Water demands 14
- Projected water demand for the proposed project 16
- Projected water demand for other proposed projects 18

Comparison of water demand and water supply 21
- Single dry year 21
- Multiple dry year 21

Conclusion 26
Appendix A 27
Appendix B 28
Appendix C 29
Appendix D 30
Appendix E 31

SANTA CLARA SQUARE

WATER SUPPLY ASSESSMENT FOR COMPLIANCE WITH CALIFORNIA WATER CODE SECTION 10910

EXECUTIVE SUMMARY

This water supply assessment ("WSA") has been prepared by the City of Santa Clara ("City") Water and Sewer Utilities to provide updated water supply information for the Santa Clara Square project ("Project"). The WSA will be included with the Addendum to the environmental impact report ("EIR Addendum") that the City is preparing for the Project in accordance with the California Water Code and the California Environmental Quality Act ("CEQA"). A WSA is solely advisory and does not constitute a commitment to supply water for a project. The City is the CEQA lead agency for the Santa Clara Square project and has an independent obligation to analyze the Project's potential water supply impacts as part of the EIR Addendum.

In May 2009, the City certified an environmental impact report ("EIR") prepared pursuant to CEQA for a previously proposed project, referred to as the Augustine-Bowers Office Park (the "2009 project"). The 2009 project included 1,969,600 square feet of office and 35,000 square feet of retail uses, or a total of 2,004,600 square feet of development. In September 2008, the City Council approved a WSA for the 2009 project ("2008 WSA"), prior to the adoption of the City's currently applicable 2010 Urban Water Management Plan ("UWMP"). The 2008 WSA was attached as Appendix G to the 2009 project EIR. The 2008 WSA determined that the 2009 project would require 366.6 acre-feet per year (acre ft/year) of water, and this projected demand was incorporated into the demand projections of the 2010 UWMP, which was adopted by the City Council in 2011. The Irvine Company acquired the site for the approved 2009 project in 2012.

In 2014, the Irvine Company proposed amending the site development plan to include 16.8 acres of existing office park development adjacent to the project, and to modify the size of the development to have 1,862,100 net square feet (nsf) of office space, 138,000 nsf of retail space, and 661,900 nsf of landscaping. The 2014 proposed Project would result in 4,500 square feet less development than approved for the 2009 project. As currently proposed, the Santa Clara Square project would utilize 360.9 acre ft/year of water, or approximately 5.7 acre ft/year less than the demand projected in the 2008 WSA. The Project will also use approximately 43.5 acre ft/year of recycled water for a large portion of new landscaping and reduce the project's potable demand to 317.4 acre ft/year, or 49.2 acre ft/yr less than the 2008 WSA demand projection.

This WSA updates the proposed Project's water demand with reference to the 2010 UWMP. It should be noted that the 2008 WSA for the prior project was analyzed with respect to the assumptions contained in the 2005 UWMP that was in effect at that time. Consistent with the California Water Code, the UWMP considers the City's water supply and demand over a 25-year period under normal, single dry, and multiple dry year conditions. Based on the use of conservative demand assumptions, the City's ability to manage demand if necessary during drier periods, the possibility of implementing additional conservation measures and increased recycled water use, and potential supply augmentation, the UWMP concludes that the City will be able to meet demand, including the Project's water use, under all of the future scenarios considered in the plan. As a result, this WSA concludes that City water supplies will also be sufficient to meet Project demand in normal, single dry, and multiple dry years over a 25-year analysis period, exceeding the California Water Code's 20-year analysis period requirement for Water Supply Assessments.

INTRODUCTION

The Santa Clara Square project ("Santa Clara Square" or the "Project") is located on approximately 47.6 acres at 2455-2727 Augustine and 3333 Bowers in the City of Santa Clara ("City"). The project would demolish the existing commercial buildings and construct 1,862,100 net square feet (nsf) of office space and 138,000 nsf of retail space. The Project also entails developing 661,900 square feet of new landscape, which will be irrigated with recycled water where available.

In 2009, the City certified an environmental impact report (EIR) and approved an application for the Augustine-Bowers Office Park located at 2620-2727 Augustine Drive (the "2009 project"), including 1,969,600 square feet of office and 35,000 square feet of retail uses.[1] The City water utility approved a WSA for the proposed development in September 2008 using the 2005 UWMP. The 2008 WSA was attached as Appendix G to the 2009 project EIR. After the approval of the 2008 WSA, the Project site was sold to the Irvine Company, which subsequently proposed to modify the site development plan to include 16.8 acres of existing office park development adjacent to the project, 1,862,100 net square feet (nsf) of office space, 138,000 nsf of retail space, and 661,900 nsf of landscaping. In April 2014, the water utility confirmed that the 2008 proposed development had been incorporated into the 2010 UWMP water demand estimates and projections.[2]

On April 17, 2014 the Applicant submitted a request for a new Water Supply Assessment ("WSA" or "Assessment") in accordance with the California Water Code and the California Environmental Quality Act in conjunction with the review of the proposed Project. This second Assessment includes a supplemental water supply analysis which updates the Project description and the Project's water demand and supply in the context of the current 2010 UWMP.

The City of Santa Clara's City Council approved and adopted an Urban Water Management Plan in 2011 ("UWMP" or "2010 UWMP"). The 2010 UWMP did not specifically include or address the 2009 project since it was proposed and evaluated prior to the adoption of the 2010 UWMP. However, the UWMP included projected increases in water demand due to densification and intensification of both residential and non-residential land uses, and incorporated the 2009 project's water demand as analyzed in the 2008 WSA and included in the certified 2009 EIR.

This Assessment relies on the data contained in and used to develop the UWMP. Unless noted, all figures in this Assessment are in acre-feet and are for total water demand or supply, i.e. both potable and recycled water.

The findings of this Assessment will be submitted to the City Council for approval and included in the environmental review process. The City's approval, denial, conditional approval or any act on this Assessment does not guarantee that the Project will be approved and does not obligate the City to approve, deny, conditionally approve, take any action, or make any decision on the Project application.

[1] Augustine-Bowers Office Park EIR, certified by City Council Resolution No. 09-7618, May 9, 2009.

[2] Augustine-Bowers Office Park WSA approved by City Council Resolution #08-7564 on September 30, 2008.

The City of Santa Clara has four sources of water. These sources include two treated water sources, groundwater, and recycled water. Contracts for the two treated water sources, the Santa Clara Valley Water District ("SCVWD" or "District") and the San Francisco Public Utilities Commission ("SFPUC"), are contained in Appendices A and B respectively. The City purchases recycled water from South Bay Water Recycling ("SBWR"). The contract for recycled water is contained in Appendix C. The City also owns and operates 27 groundwater wells located within the City's boundaries.

Recycled water use within the City is limited by the availability of acceptable uses and proximity to the recycled water distribution system. The use of treated surface water from SCVWD and SFPUC is limited by the respective contracts.

The City has projected meeting anticipated future water demands using the City's four existing water supplies and water conservation. The City's analysis of future water demand and available supply, which will be discussed later in this Assessment, indicates that additional water supplies are not necessary to meet current projected demands. Tables 1a and 1b below show the anticipated volume of water that will be used from each source to meet the expected demands projected in the UWMP. The calculation of the future water demands for this Project will be discussed in detail later in this Assessment.

Table 1a – With SFPUC
Water Supply Projections by Water Source (acre-ft/yr) [3,4]

Source	2010	2015	2020	2025	2030	2035
Groundwater	13,980	23,048	23,048	23,048	23,048	23,048
SFPUC	2,454	5,040	5,040	5,040	5,040	5,040
SCVWD	4,372	4,570	4,570	4,570	4,570	4,570
Recycled Water	2,409	4,000	4,300	4,500	4,500	4,500
Conservation	0	694	795	874	930	930
Total	23,215	37,352	37,753	38,032	38,088	38,088

The current contract with SFPUC indicates that if certain conditions are met, the City may be required to reduce or eliminate its take from SFPUC. Table 1b incorporates all of the assumptions listed above and the additional assumption that the SFPUC supply will be unavailable for 2018 and beyond. In a worst case scenario, the City of Santa Clara could lose its anticipated 4.5 MGD (5,040 acre-ft/yr) supply from SFPUC, reducing the total water supply projections by 5,040 acre-ft/yr from 2018 through 2035.

[3] Water Supply Agreement between The City and County of San Francisco and Wholesale Customers in Alameda County, San Mateo County and Santa Clara County, July 2009.

[4] Page 89 of Master agreement provides "The allocation of that total amount (9 MGD) between San Jose and Santa Clara shall be as set forth in their individual Water Sales Contracts" Santa Clara's portion of the 9 mgd is half.

Table 1b – Without SFPUC
Water Supply Projections by Water Source (acre-ft/yr)[5]

Source	2010	2015	2020	2025	2030	2035
Groundwater	13,980	23,048	23,048	23,048	23,048	23,048
SFPUC	2,454	5,040	0	0	0	0
SCVWD	4,372	4,570	4,570	4,570	4,570	4,570
Recycled Water	2,409	4,000	4,300	4,500	4,500	4,500
Conservation	0	694	795	874	930	930
Total	23,215	37,352	32,713	32,992	33,048	33,048

If the City was required to eliminate the usage of water from SFPUC, the City would consider maintaining its existing 2010 UWMP total water supply projections by increasing groundwater utilization, increasing imported SCVWD surface water supply, or a combination of the two supplies.[6]

The City of Santa Clara's 2002 Water Master Plan examined possible mitigation measures to be taken in the event that the supply from SFPUC was lost either temporarily or long term. These mitigations included the increased use of groundwater and treated water from the District. As a result of the analysis in the 2002 Master Plan two new wells (wells 32 and 34) were installed in the area north of Highway 101 in a previously untapped area of the basin. In the last 10 years, from 2004-2013, the City of Santa Clara has pumped between 13,930 acre-ft and 15,943 acre-ft of groundwater annually. These volumes are lower than the amount that has historically been pumped. The historic high for groundwater utilization occurred in FY1986/87 when 23,048 acre-ft was extracted. The historic high for groundwater production also occurred prior to the installation of wells 32 and 34, in a previously untapped portion of the City. Each of these wells has a production rating of 1,000 gpm or 1,613 acre-ft/year. Therefore, the use of 23,048 acre-ft/yr as a supply for groundwater is conservative based on the availability of the two new wells.

Increased use of recycled water could also be used to mitigate a portion of the loss of other supplies. From 2011 - 2012, the City expanded its recycled water distribution system by 30 percent and increased the system from 26 miles to 34 miles.

[5] City of Santa Clara Urban Water Management Plan, page 24.

[6] City of Santa Clara 2002 Water Master Plan.

PROJECTED POTABLE WATER SUPPLY

The Santa Clara potable water system is separated into four interconnected zones in order to provide optimum pressures throughout the City. The four pressure zones and the location of the Project are shown in Figure 1.

Figure 1

Pressure Zones

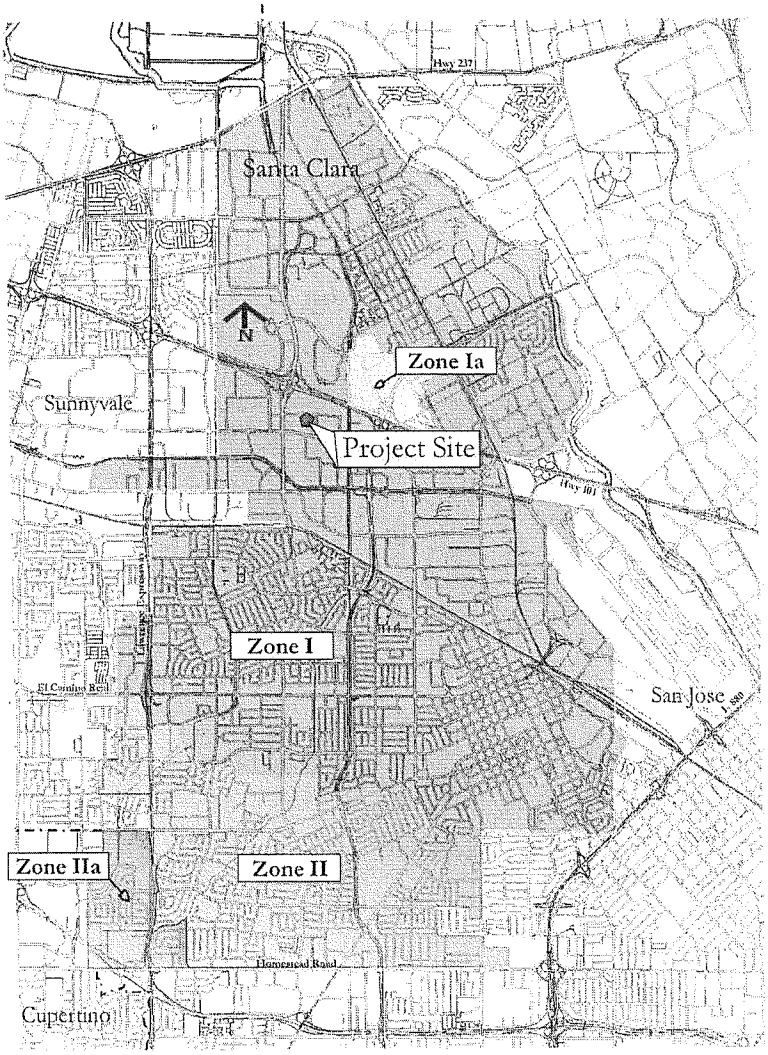
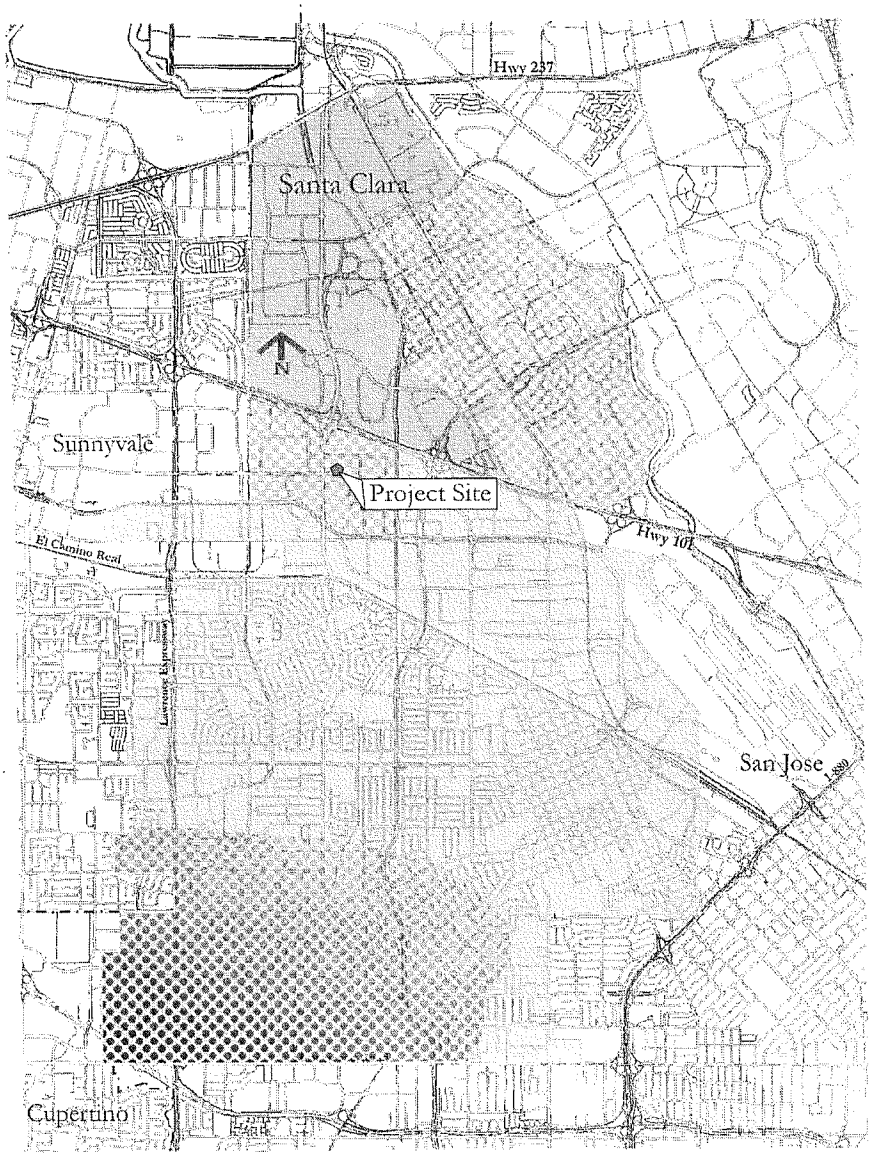


Figure 2 shows the water source by area. As shown in Figure 2, water purchased from SFPUC is used to supply water north of Highway 101. Treated surface water purchased from the SCVWD is used in conjunction with groundwater to supply water to the southern portion of the City. The Project is in an area of Zone I that is mainly served by a blend of SFPUC Hetch Hetchy water and the City's well water supply.

Figure 2

Source of Water by Area



SFPUC Hetch-Hetchy

Blend of SFPUC Hetch Hetchy and Well Water

City of Santa Clara Well Water

A blend of Well Water and SCVWD treated surface water

GROUNDWATER

PROJECTED GROUNDWATER SUPPLY

The City of Santa Clara is supplied by groundwater from the Santa Clara Valley Groundwater Basin. The Santa Clara Valley Groundwater Basin extends from the Coyote Narrows at Metcalf Road in San Jose to Santa Clara County's northern boundary. The basin is bounded on the west and east by the Santa Cruz and Diablo Ranges, respectively. The mountain ranges converge at Coyote Narrows to form a sub basin. The sub basin is 22 miles long and 15 miles wide, at its widest point, and has a 225 mile surface area. District staff estimates that the operational storage capacity of the sub basin is 350,000 acre feet with an estimated maximum annual withdrawal of 200,000 acre feet.[7]

The Santa Clara Valley Groundwater Basin is not adjudicated. The allowable withdrawal or safe yield of groundwater by the City of Santa Clara is dependent on a number of factors, including: withdrawals by other water agencies; the quantity of water recharged to the basin; and the carryover storage (water available for use but not used in prior years) from each previous year. The SCVWD estimates the amount of carryover storage in April of each year and reviews and modifies the basin's groundwater management strategy to avoid subsidence while allowing for groundwater use as needed to meet demand.[8] The most recent evaluation by the California Department of Water Resources indicates that the Santa Clara Valley Groundwater Basin and the Santa Clara Sub-basin are not in overdraft.[9,10]

The City currently operates 27 wells for extracting potable groundwater from the basin. The City's wells are strategically distributed around the City. The exact location of the wells is not included in this document for security reasons. This distribution of wells adds to the reliability of the water system and minimizes the possibility of localized subsidence due to localized over-drafting. The 2010 UWMP contained a detailed analysis of the historic pumping rates and the depth to water at each well. Minor seasonal fluctuations in the depth to water were noted in the analysis but there is no evidence of declining water table or over-drafting.

The City has well capacity that is not currently being used.[11] The water utility analyzes the capacity of the wells by dividing the actual groundwater production by the theoretical groundwater production if all wells were run at their rated capacity. This calculation yields a "utilization factor" which approximates the percentage of time the wells are run or the percentage of the total groundwater production capacity that is utilized. The utilization factor for the City's wells is currently 22% with several wells being used at less than 10% of their rated capacity. The District has not determined a resource limit to the City's use of groundwater; rather it has represented its ability to obtain sufficient quantities of water supply for the overall water requirements as stated in the City's 2010 UWMP. The amount of groundwater pumped over the period from FY1985/86 to FY2011/12 is shown in Figure 3 below.

---

[7] City of Santa Clara 2010 Urban Water Management Plan, page 28

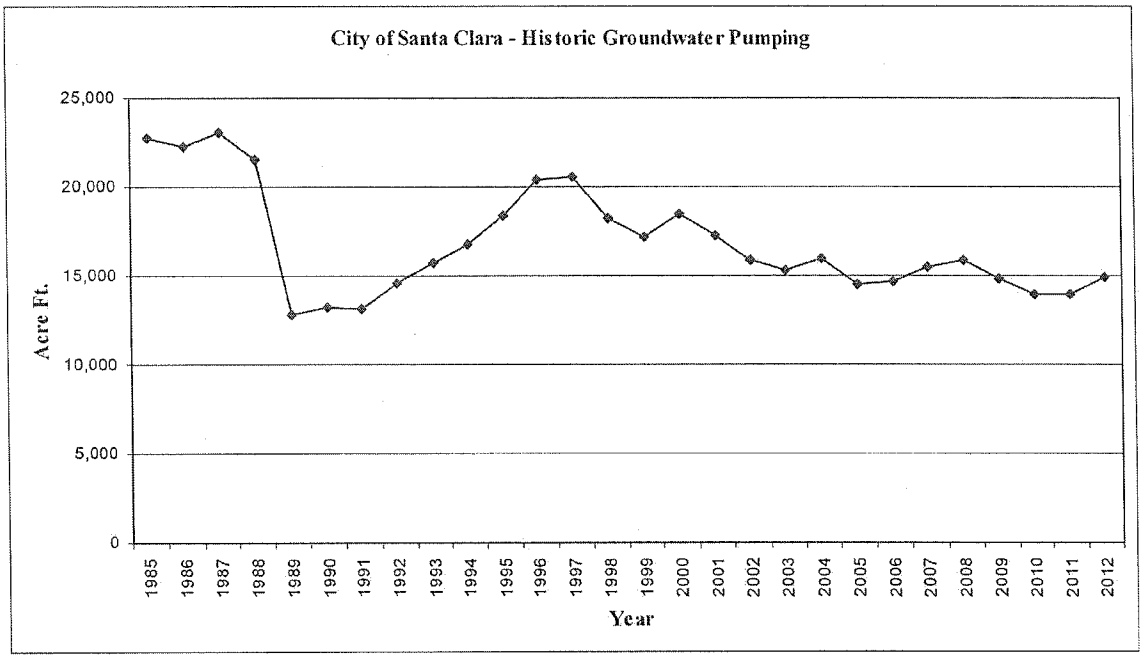
[8] Santa Clara Valley Water District, 2010 Urban Water Management Plan

[9] Department of Water Resources, California's Groundwater Update 2003, DWR Bulletin 118 www.groundwater.water.ca.gov/bulletin118/update2003.

[10] 3515 Monroe Street WSA approved by City Council Resolution #13-8090 on December 3, 2013, Appendix E

[11] City of Santa Clara 2010 Urban Water Management Plan, Appendix G

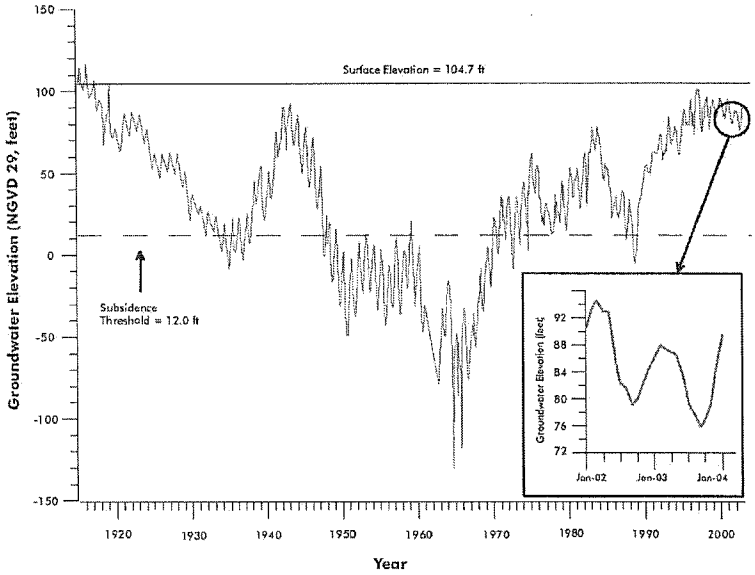
Figure 3



The most recent information from DWR indicates that neither the Santa Clara Valley Basin, nor the Santa Clara Sub Basin, is currently listed as over drafted.[12] As shown in Figure 4 below, even when the City was at the historic peak for groundwater production FY1986/87, the basin was not approaching overdraft.

Figure 4

Hydrograph for Santa Clara Valley Sub Basin Index Well (07S01E07R013)[13]



[12] Department of Water Resources, California's Groundwater Update 2003, DWR Bulletin 118 www.groundwater.water.ca.gov/bulletin118/update2003/

[13] Santa Clara Valley Water District, Groundwater Conditions 2002/2003, January 2005

The 2010 UWMP projects that the City's groundwater use will increase from approximately 13,980 acre-feet per year in 2010 to 20,048 acre-feet per year in 2015 and remain at that level in subsequent years (see Table 1a/b). At the time that the 2010 UWMP was being prepared, groundwater use projections for the Santa Clara Valley Groundwater Basin had not been finalized for water planning purposes by other water providers in the region. This led the City to use each water provider's 2005 groundwater use projections. In 2005, agencies only projected groundwater use through 2030. At that point, in the absence of retailer projections for 2035, a rough projection was made using the average five-year incremental increase in cumulative groundwater demand. As a result, the 2010 UWMP cumulative groundwater demand for all groundwater producers in the basin, using conservative future extraction assumptions, indicate that by 2035, groundwater use could be approximately 166,000 acre-feet per year compared with an estimated withdrawal capacity of approximately 200,000 acre-feet per year.[14]

Groundwater use projections were subsequently finalized in the 2010 UWMPs adopted by other basin users. Table 2 compares the 2010 UWMP estimates with the projected groundwater use identified by each water service provider for 2035.

Table 2
Projected Santa Clara Valley Groundwater Basin Use
2035 (acre-feet per year)

Retailer	City(s) Served by Retailer	Projected Ground Water Use in Santa Clara 2010 UWMP (Table 34)	Projected Ground Water Use in other jurisdictions' 2010 UWMPs
		2035	**2035**
City of Santa Clara	City of Santa Clara	23,048	23,048
San Jose Water Company	Campbell, Cupertino, San Jose, Saratoga, Los Gatos, Monte Sereno	78,522	61,940
San Jose Municipal Water System	San Jose	25,085	15,888
Great Oaks Water Company	San Jose	32,314	9,302
California Water Service Company (Los Altos District)	Cupertino, Los Altos, Los Altos Hills, Mountain View, Sunnyvale	4,447	3,492
City of Mountain View	Mountain View	45	285
City of Sunnyvale	Sunnyvale	2,940	1,000
TOTAL		**166,400**	**114,955**

Sources:
San Jose Water Company 2010 UWMP, page 19 Table 16;
San Jose Municipal Water System 2010 UWMP, page 4-7, Table 4-4;
Great Oaks Water Company 2010 UWMP, page 19 Table 19A;
California Water Service Company (Los Altos Suburban District) 2010 UWMP, page 43, Table 4.1-1;
City of Mountain View 2010 UWMP page 5-22, Table 5-6;
City of Sunnyvale 2010 UWMP, page 4-5, Table 4-4.

Table 2 shows that the actual groundwater use projections are substantially lower than estimated for the water service providers considered in the 2010 UWMP. By 2035, the 2010 UWMP estimates indicate that Santa Clara Valley Groundwater Basin extractions, including the City's use of 23,048 acre-feet per year, will be approximately 114,955 acre-feet per year, or more than 50,000 acre-feet per year lower than estimated in the 2010 UWMP. The projected cumulative 2035 demand level would also be substantially

[14] 2010 UWMP, page 54, Table 34.

below the basin's estimated 200,000 acre-feet per year safe yield. The groundwater demand projections finalized after the City adopted the 2010 UWMP provide further evidence that the City's projected groundwater use would not individually or cumulatively generate adverse effects to local or regional groundwater supplies and aquifer conditions over time.[15]

PROJECTED RECYCLED WATER SUPPLY

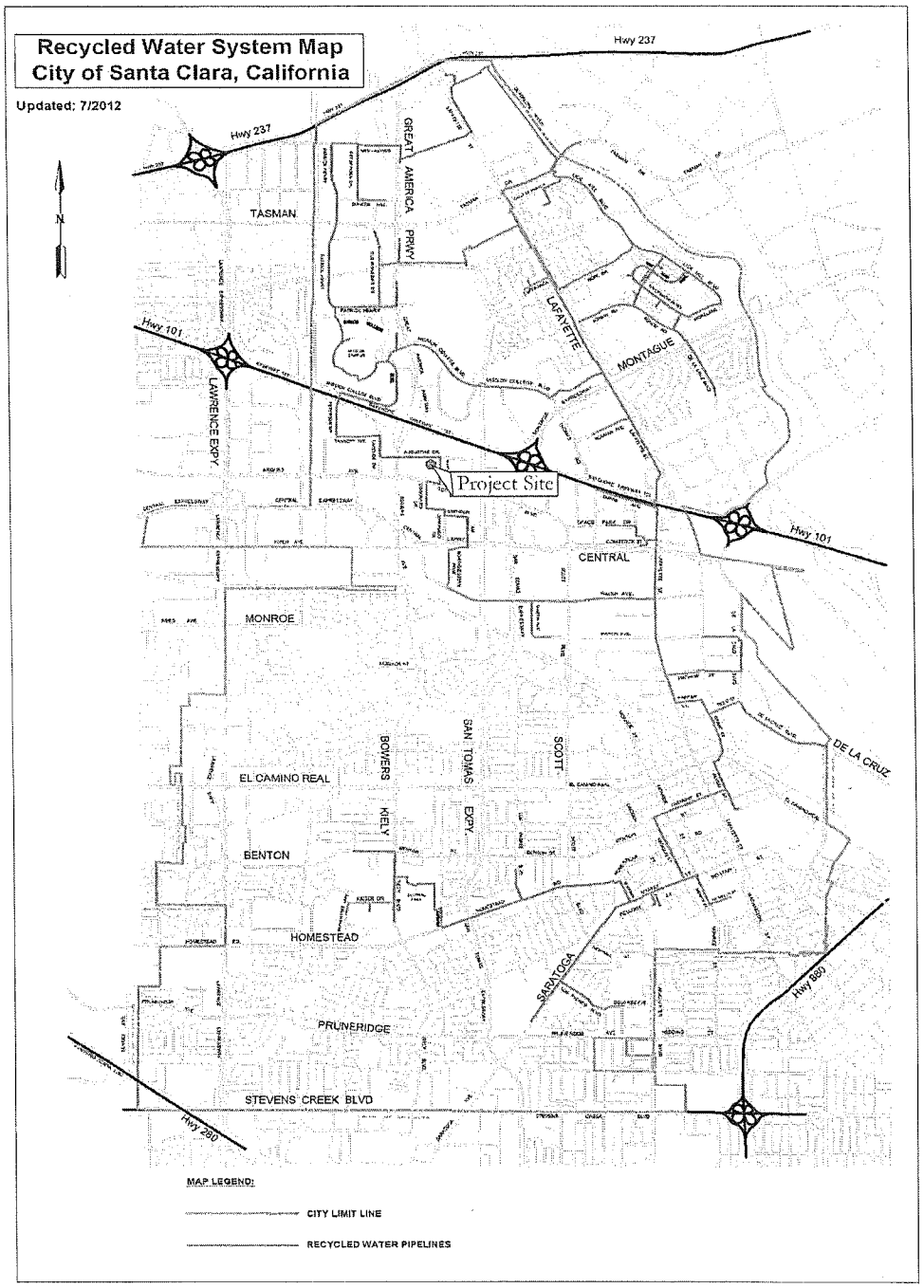
Recycled water is currently available to all but one parcel (2465 Augustine) at the Project site. Recycled water will be used for irrigation wherever available for irrigation use. In the future, the recycled water main may be extended to serve the 2465 Augustine parcel; however, for this analysis irrigation demand for the parcel without current access to recycled water was assumed to be met with potable water (see Appendix D).

The recycled water available in the City is provided by South Bay Water Recycling (SBWR) and meets current regulations of the California Department of Public Health for unrestricted use. This designation allows for the use of recycled water for irrigation and industrial use within specific guidelines. As noted in the 2010 UWMP there is ample capacity within the recycled water system. The San Jose/Santa Clara Water Pollution Control Plant currently produces in excess of 100 million gallons per day of water that meets recycled water standards, however system-wide recycled water sales are approximately 10 million gallons per day. The recycled water distribution system is shown in Figure 5 below.

The recycled water system has operated since 1989 with minimal interruptions in service. SBWR strives to reduce the number of instances, duration, and magnitude of any service interruptions. The use of recycled water at any site is contingent upon the completion of the necessary arrangements in accordance with SBWR, City of Santa Clara and California Department of Public Health rules and regulations regarding the use of recycled water. In addition, payment must be made of applicable fees, rates and charges. These fees/rates and charges may include but are not limited to charges for major facilities described above and delivery charges for the recycled water used.

[15] 3515 Monroe Street WSA approved by City Council Resolution #13-8090 on December 3, 2013, Appendix E

Figure 5


Recycled Water System Map
City of Santa Clara, California
Updated: 7/2012
N
Hwy 237
Hwy 237
TASMAN
GREAT AMERICA PRWY
LAFAYETTE
MONTAGUE
Hwy 101
LAWRENCE EXPY
Project Site
Hwy 101
CENTRAL
MONROE
DE LA CRUZ
SCOTT
SAN TOMAS EXPY
BOWERS
EL CAMINO REAL
KIELY
BENTON
HOMESTEAD
SARATOGA
Hwy 880
PRUNERIDGE
STEVENS CREEK BLVD
Hwy 280
MAP LEGEND:
CITY LIMIT LINE
RECYCLED WATER PIPELINES

The 2010 UWMP projected increases in water demand using an "End Use" model. Two main steps are involved in developing an End Use model: (1) establishing base year water demand at the end-use level (such as toilets, showers) and calibrating the model to initial conditions and (2) forecasting future water demand based on future demands of existing water service accounts and future growth in the number of water service accounts. The calculations assumed that the density of residential housing would increase over the study period and that redevelopment and changes would result in water demand increases in other sectors.

After establishing the base year, the water demand at the end-use is calculated by breaking down total historical water use for each type of water service account (single family, multifamily, commercial, irrigation, etc.) to specific end uses (such as toilets, faucets, showers, industrial processes and irrigation).[16]

The basic methodology of the model is to break down water usage into an average consumption per account type. Projections are made regarding potential reductions in average consumption based on water conservation programs, and natural replacement of less water efficient processes with more efficient processes. These projections were used to adjust the future average consumption per account figures. Projections of the future number of accounts for each user type of the future number of accounts are also calculated, typically based on other technical studies such as Association of Bay Area Governments ("ABAG") Projections or Census data. The projected number of accounts is based on the projected number of housing units for residential or the projected number of jobs in the case of the industrial and commercial categories. Job projections were taken from the ABAG publication, Silicon Valley Projections. Once both the number of accounts and the average consumption per account are calculated, the number of accounts for each future year was multiplied by the average consumption per account for that year to arrive at a total water demand for each user type. The 2010 UWMP projected increases for each user category in five-year increments. The projected increases for each category are contained in Table 3 below.

Table 3
Projected changes in water demand from the 2010 UWMP (acre-feet)

Year	SFD	MFD	Commercial	Industrial	Institutional	Municipal	System Loss	Total
2010-2014	3,097	1,242	(638)	2,218	282	251	1	6,453
2015-2019	481	151	359	369	48	36	50	1,494
2020-2024	360	96	395	390	37	29	45	1,352
2025-2029	381	122	434	415	37	28	49	1,466
2030-2035	481	218	91	452	41	31	48	1,332

The City has recognized that the end use model used to derive the demand projections in both the 2010 UWMP and the 2005 UWMP generates conservative estimates of future water demand. The 2005 UWMP, for example, overestimated the City's actual water use in 2010—the first five-year projection analyzed in the plan—by more than 7,770 acre-feet. The 2005 UWMP also projected that City water use in 2005 would increase by approximately 2,200 acre-feet in 2010. In 2010 the City's actual water use declined by approximately 3,200 acre-feet from 2005.[17]

[16] For purposes of this Assessment, office space is a subset of a commercial end-use.

[17] 3515-3585 Monroe Street WSA approved by City Council Resolution # 11-7836 on March 15, 2011, pages 15-16, Tables 7 and 8.

The 2010 UWMP projections assume that compared to 2010, City water demand will grow by more than 8,000 acre-feet in 2015, a relatively large 35% increase. As shown in Table 4, however, the City's actual water demand since 2010 has not reflected the growth in water consumption assumed in the 2010 UWMP. If future water deliveries follow the same growth rate as in the actual water deliveries for 2010-2012, then by 2015 overall water deliveries will be significantly less than the levels projected in the 2010 UWMP.

Table 4
Actual City Water Deliveries and System Losses
Compared with Projected Water Deliveries, (acre-feet per year)

	2010 (actual)	2011	2012
Actual Water Deliveries	20,806	20,687	21,193
Projected Water Deliveries, 2010 UWMP	20,806	22,097	23,387
Difference	-	(1,410)	(2,194)

Source: 3700 El Camino Real WSA approved by City Council Resolution # 13-8031 on April 23, 2013, Table 7.
Note: Includes water deliveries and system losses reported by the City and excludes recycled water use.

As discussed above, the 2005 UWMP projections overestimated the City's 2010 water use by more than 7,770 acre-feet per year (actual 2010 use of 23,213 acre-feet per year versus projected use of 30,986 acre-feet per year). As shown in Table 5 and Figure 6, however, the end use model used to prepare the 2010 UWMP estimates that City demand will rapidly increase after 2010 and eventually approach the levels projected for 2030 in the 2005 UWMP.

Table 5
Projected Water Demand, 2010-2030
2005 UWMP and 2010 UWMP

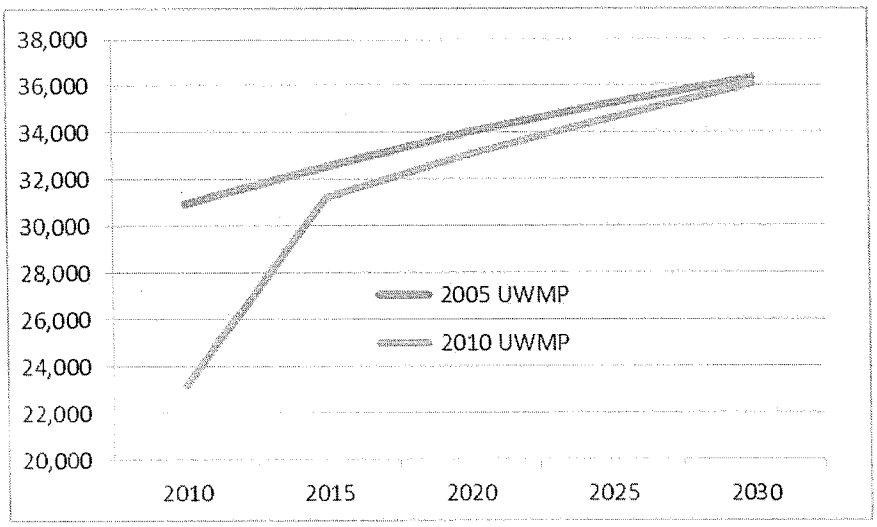
	2010	2015	2020	2025	2030
2005 UWMP	30,986	32,559	34,004	35,254	36,337
2010 UWMP	23,213	31,259	33,053	34,605	36,071
Change	(7,773)	(1,300)	(951)	(649)	(266)

Sources: see Table 1; 3515-3585 Monroe Street WSA approved by City Council Resolution # 11-7836 on March 15, 2011, page 15, Table 7.

Table 5 and Figure 6 show that following a large assumed demand increase of more than 8,000 acre-feet per year by 2015, the end use model produces demand estimates in the 2010 UWMP that approximate the demand levels and trends projected the 2005 UWMP. By 2030, the last projection year in the 2005 UWMP, the difference between the projected demand levels in each plan is only 266 acre-feet per year.[18]

[18] 3515 Monroe Street WSA approved by City Council Resolution #13-8090 on December 3, 2013, Appendix E

Figure 6
Projected Water Demand Trendlines
2005 UWMP and 2010 UWMP (acre-feet per year)



Sources: see Table 5.

The 2010 UWMP assumption that the City's demand will eventually approximate the 2005 UWMP projection levels appears to be conservative because the 2005 projections are known to have significantly overstated actual City demand in 2010. As shown in Table 4, actual water demand after the 2010 UWMP was adopted has also been significantly below the rate of growth projected for the 2010-2015 period. Reflecting these results, WSAs prepared and approved by the City since the 2010 UWMP was adopted have concluded that "overall system demand is significantly lower than … projected by the 2010 UWMP" and that "overall, the [City's] water demands are less than projected by the End Use model."[19] Empirical data since 2005 provides substantial evidence that the end use model used to prepare the 2010 UWMP generates conservative projections that are significantly higher than actual City water use over time.[20]

PROJECTED WATER DEMAND FOR THE PROPOSED PROJECT

The total water demand for this Project is calculated to be 360.9 acre ft/yr. Due to the reduction in potable water demand from the use of recycled water for most of the new landscaping on site, the potable water demand for the Project is calculated to be 317.4 acre ft/yr. The calculations for the Project's water demand was determined using project square footage found in Appendix D.

WATER USAGE FOR THE SANTA CLARA SQUARE PROJECT INCLUDED IN THE 2010 UWMP

A WSA for the Project site was previously approved in September 2008, prior to the adoption of the City's 2010 UWMP. The 2008 WSA, which was based on the 2005 UWMP, determined that the Project would require 366.6 acre ft/yr of water. The demand projection from the 2008 WSA was subsequently incorporated into the 2010 UWMP's future demand projection, and a 366.6 acre ft/year demand was assumed in the 2010 UWMP for the Project.

---

[19] *See, e.g.,* (a) the 3700 El Camino Real WSA approved by City Council Resolution # 13-8031 on April 23, 2013, Page 14; (b) the 3000 Bowers Avenue WSA approved by City Council Resolution # 12-7963 on August 28, 2012, page 13; and (c) the 2200 Lawson Lane WSA approved by City Council Resolution #12-7964 on August 28, 2012, page 13.

[20] 3515 Monroe Street WSA approved by City Council Resolution #13-8090 on December 3, 2013, Appendix E

The Project site was sold after the 2008 WSA was prepared and the EIR for the 2009 project was certified by the City in May 2009. In 2014 the original site development plan was modified to reflect the proposed Project, which reduces total development by approximately 4,500 square feet from the approved 2009 project. As currently proposed, the Santa Clara Square Project would utilize 360.9 acre ft/yr, or approximately 5.7 acre ft/yr less than the demand included in the 2008 WSA. The 2008 WSA took into account historic water usage of 84.5 acre ft/yr for the former land use at the Project site, and determined that the 2009 project would increase demand by 282.1 acre ft/year from historical levels. Updated usage information for the site, including the additional 16.8 acres included in the Project, show a combined historical demand of 46.8 acre ft/yr. Compared to that historic usage at the site, the calculated water demand for the Project is a net increase of 314.1 acre ft/yr.

Using updated water use assumptions, and the new, lower level of historic usage information, the projected net increase in water demand for the Project would increase from 282.1 acre ft/yr, as estimated in the 2008 WSA, to 314.1 acre ft/yr. The total water demand for the Project, however, will be lower than the 366.6 acre ft/year level identified in the 2008 WSA and incorporated into the 2010 UWMP. As a result, the Project does not increase demands on City water supplies attributable to the Project and included in the overall 2010 UWMP supply and demand projections. The 2008 WSA also assumed that no recycled water would be available for Project use. Since that time, recycled water distribution has been extended to almost all of the Project parcels and would be available to meet external irrigation demand of approximately 43.5 acre ft/year (see Appendix D). In contrast with the 2008 WSA, the Project's use of recycled water will reduce potable demand to approximately 317.4 acre ft/year. Based on the assumption that 46.8 acre ft/year has historically been used at the site, the Project's net increase over historical potable use is 270.6 acre ft/year, or 11.5 acre ft/year less than the potable water increase identified in the 2008 WSA. As a result, the Project will not increase total water demand and potable water demand above the levels incorporated for the Project into the 2010 UWMP. Nevertheless, to provide a conservative assessment, this WSA will assume that (1) the projected demand for the Project represents an increase of 32 acre ft/yr in contrast with the 2009 project based on the newer historical use data, and (2) that the 2010 UWMP only reflected the incremental 282.1 acre ft/yr of demand assumed in the 2008 WSA rather than the total project demand of 366.6 acre ft/yr for the approved 2009 project.[21]

ESTIMATED HISTORIC WATER USAGE FOR THE SANTA CLARA SQUARE PROJECT

The historic water usage of 84.5 acre ft/yr for the former land use at the original Project site was taken into account in the 2008 WSA. Newer usage information for the original Project site and the additional three parcels added in Project modifications show a combined historical demand of 46.8 acre ft/yr. The 2010 UWMP incorporated the historical and additional 2009 project demand of 366.6 acre ft/yr, and the Project demand will be 360.9 acre ft/yr, lower than the total project demand assumed in the UWMP. To provide a conservative analysis, however, this assessment will address the City's ability to meet an assumed increased water demand of 32 acre ft/yr under the conservative assumptions noted earlier. Based on the calculated water demand for the proposed Project minus the historic usage at the site, the net increase in the total water demand for this Project is calculated to be 314.1 acre ft/yr.

[21] Under the Water Code, the CEQA lead agency must make a final determination regarding the availability of and impacts that could be associated with water supplies for a project. Section 4.11.2.2 of the draft EIR for the 2009 project concluded that "Implementation of the proposed project would result in a *net increase of water use* on-site of 327,500 gallons per day" (emphasis added). In addition, Appendices D and E show that total historical demand since 2005 within the Project, which includes additional developed areas that were not included in the 2008 WSA, was substantially below the 84.5 acre ft/year level assumed in the 2008 WSA, and also below the 46.8 acre ft/year assumed for the additional existing uses in the Project area. As a result, the net potable demand increase for the 2009 project was likely greater than 282.1 acre-feet/yr.

ESTIMATED WATER DEMAND FOR PROPOSED DEVELOPMENT

Water demand for the proposed Project was calculated based on the average daily demand for the 1,862,100 nsf of office space, 138,000 nsf of retail space and the 661,900 square feet of new landscape. The method and data used to arrive at the estimated water demand for the Project are found in Appendix D of this Assessment.

WATER DEMAND TO BE MET BY RECYCLED WATER

Portions of the proposed Project currently have access to recycled water, which will be used to irrigate 503,900 square feet of new landscaping. This results in a 43.5 acre ft/year reduction in potable water demands for the Project. Although recycled water service may be extended to serve the remaining portion of the project site, the 158,000 square feet of new landscaping that does not currently have recycled water service available will be calculated as potable water demand.

SUMMARY OF EXISTING AND ESTIMATED WATER DEMANDS

The complete analysis of the estimated water demands is contained in Appendix D of this Assessment. A summary of the existing and estimated water demands for the Project site are found in Table 6 below.

Table 6
Existing and Estimated Water Demand Per Year for Project Site

	Status	Gal/yr	Acre-ft/yr
Office Space	Proposed	95,153,310.0	292.0
Retail Space	Proposed	3,828,120.0	11.7
Irrigation (Recycled)	Proposed	14,162,109.5	43.5
Irrigation (Potable)	Proposed	4,440,590.0	13.6
Historical Usage for Project Site	Existing	-15,249,845.5	-46.8
Total Demand (increase per year)		102,334,284.0	314.1
Total Demand (increase per year) Included in 2008 WSA (incorporated in the 2010 UWMP)		91,919,887.2	282.1
Change in Total Demand		10414396.8	32.0

PROJECTED WATER DEMAND FOR OTHER PROPOSED PROJECTS

The projected water demand for other development projects that were not specifically considered in the development of the 2010 UWMP were analyzed in conjunction with this Assessment. The complete listing of projects and their associated water demands are contained in Appendix E. Tables 7 and 8 show a summary of the projected water demand changes by user category. If the timeframe for a project to be built spans several years, the earliest possible date was used to calculate the changes in Tables 7 and 8. The use categories of single-family dwelling ("SFD"), multi-family dwelling ("MFD"), commercial, industrial, institutional, and municipal match the use categories used in the development of the 2010 UWMP. The values in Tables 7 and 8 below summarize the projected changes in water demand for each user category and the planning period in which the change is expected to occur. If a proposed project resulted in a change of use, such as a commercial building being converted to single-family residential housing, the existing water demand was subtracted from the corresponding category and the new water

demand was added to the category for the new use. Therefore, in the example cited earlier, the historic water demand for the commercial building would be subtracted from the commercial category and the new demand for the proposed single-family dwellings would be added to the SFD column.

Table 7

Changes in water demand for proposed projects excluding Santa Clara Square (Acre-ft/yr)*

Year	SFD	MFD	Commercial	Industrial	Institutional	Municipal	Total
2010 - 2014	0.0	0.0	720.5*	0.0	0.0	0.0	720.5*
2015 - 2019	158.0	159.6	388.4	0.0	0.0	0.0	706.0
2020 - 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2025 - 2029	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2030 - 2034	0.0	0.0	0.0	0.0	0.0	0.0	0.0

* Updated water demand to reflect the replacement of the original 3333 Scott Blvd. Water Supply Assessment's water demand of 384.4 acre-ft/yr. (Resolution #12-7933). This updated water demand takes into account the historical usage of 9.5 acre-ft/year.

Table 8 below contains the calculated changes in water demand from all the proposed projects listed in Appendix E, including the projected water demand from the Project. The analysis performed was identical to the analysis for Table 7 above. Although the increase in multiple-family demand exceeds the MFD amount in Table 3, the City is still within the water demand projections for all category uses in 2015-2019.

Table 8

Changes in water demand for proposed projects including Santa Clara Square Assuming 32 acre-ft/yr of Project Demand not Included in 2010 UWMP (Acre-ft/yr)*

Year	SFD	MFD	Commercial	Industrial	Institutional	Municipal	Total
2010 - 2014	0.0	0.0	752.5*	0.0	0.0	0.0	752.5*
2015 - 2019	158.0	159.6	388.4	0.0	0.0	0.0	706.0
2020 - 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2025 - 2029	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2030 - 2034	0.0	0.0	0.0	0.0	0.0	0.0	0.0

* Updated water demand to reflect the replacement of the original 3333 Scott Blvd. Water Supply Assessment's water demand of 384.4 acre-ft/yr. (Resolution #12-7933). This updated water demand takes into account the historical usage of 9.5 acre-ft/year.

Water demands for some user categories are higher than was projected by the End Use Model, however, these are offset by other categories of users that have water demands that were lower than projected. The current overall system demand is significantly lower than was projected by the 2010 UWMP. Table 9 shows the projected demands from the 2010 UWMP. Table 10 shows the actual potable water demand for calendar years 2005 through 2013. The recycled water demand for calendar year 2013 was 3,126 acre ft. The 2010 UWMP demonstrated that adequate water supplies exist to meet the demands noted in Table 9 during a normal water year. Overall, the water demands are less than projected by the End Use Model. Therefore, the increase in water demand from the proposed development falls within the total projected water demand increases described in the 2010 UWMP.

Table 9
2010 UWMP Demand Projections by Category

Year	SFD	MFD	Commercial	Industrial	Institutional	Municipal	System Loss	Total
2015	8,603	5,868	4,879	5,150	950	723	1,086	27,259
2020	9,084	6,019	5,238	5,519	998	759	1,136	28,753
2025	9,444	6,115	5,633	5,909	1,035	788	1,181	30,105
2030	9,825	6,237	6,067	6,324	1,072	816	1,230	31,571
2035	10,306	6,455	6,158	6,776	1,113	847	1,278	32,933

Table 10
Actual Potable Water Sales (Acre Ft-yr)

Year	SFD	MFD	Commercial	Industrial	Institutional	Municipal	System Loss	Total
2005	6,346	5,013	6,963	4,972	903	1,207	996	26,400
2006	6,312	5,044	6,924	5,111	902	1,200	1,222	26,715
2007	6,535	5,288	7,310	5,022	1,025	1,396	707	27,283
2008	6,425	5,166	7,012	4,720	955	1,267	718	26,263
2009	5,914	4,771	5,668	3,246	686	536	888	21,709
2010	5,506	4,626	5,517	2,932	668	472	1,085	20,806
2011	5,516	4,658	5,622	2,603	617	482	1,188	20,687
2012	5,843	4,754	5,896	2,460	671	522	1,047	21,193
2013	5,976	4,836	5,886	2,408	709	473	1,387	21,675

SINGLE DRY YEAR

The 2010 UWMP projects that during a single dry year, the City projects no reduction in supplies from groundwater. Per a SCVWD document dated March 16, 2011[22], treated surface water is not expected to be reduced in a single dry year event until 2030, when it could be reduced anywhere from 0-20%. For planning purposes, the 20% worst case scenario will be used in all projections. SFPUC has indicated that during a single critical dry year, SFPUC will reduce their total water supply by 10% from 184 mgd to 152.6 mgd in a single dry year. The City of Santa Clara will receive 1.17% of the 152.6 mgd.[23] Recycled water use and water conservation are projected to remain unchanged or potentially increase due to public awareness, during a critical dry year. The resulting analysis of available supplies is shown in Tables 11a and 11b below. During a single critical dry year, there is no projected shortfall in total available water supplies if the City receives Hetch Hetchy water until 2035. If the City does not receive Hetch Hetchy water, after contract negotiations with SFPUC in 2018, there is a projected water supply shortfall after 2030. However, future water supply projects are expected to provide between 5,000-6,000 acre-feet per year.[24] This additional supply will help to cover any expected shortage until 2030 in a single dry year drought if the City loses the current SFPUC contracted Hetch Hetchy water.

Table 11a
Projected Supply versus Demand Comparison – Single Dry Year (Acre-ft/yr)

Year	2015	2020	2025	2030	2035
Supply Totals	34,313	34,714	34,993	34,135	34,135
Demand Totals	31,259	33,053	34,605	36,071	37,433
Difference as % of Supply	8.9%	4.8%	1.1%	-5.7%	-9.7%
Difference as % of Demand	9.8%	5.0%	1.1%	-5.4%	-8.8%

Table 11b
Projected Supply versus Demand Comparison – Single Dry Year Without SFPUC Supply (Acre-ft/yr)

Year	2015	2020	2025	2030	2035
Supply Totals	34,313	32,713	32,992	29,392	29,392
Demand Totals	31,259	33,053	34,605	36,071	37,433
Difference as % of Supply	8.9%	-1.0%	-4.9%	-22.7%	-27.4%
Difference as % of Demand	9.8%	-1.0%	-4.7%	-18.5%	-21.5%

MULTIPLE DRY YEAR

During a multiple dry year event, the City projects no reduction in supplies from groundwater. Per a SCVWD document dated March 16, 2011[25], treated surface water is not expected to be reduced in a multiple dry year event until 2025, when it could be reduced anywhere from 0-20%. For planning purposes, the 20% worst case scenario will be used in all projections. SFPUC has indicated that during multiple critical dry years the City can expect a maximum reduction of SFPUC water supplies of 43% of normal.[26] SFPUC has indicated that in the second and third year of a drought, they will reduce their

[22] City of Santa Clara 2010 Urban Water Management Plan, Appendix H
[23] City of Santa Clara 2010 Urban Water Management Plan, Appendix I
[24] City of Santa Clara 2010 Urban Water Management Plan, page 46
[25] City of Santa Clara 2010 Urban Water Management Plan, Appendix H
[26] City of Santa Clara 2010 Urban Water Management Plan, Appendix I

water supply by 20% from 184 mgd to 132.5 mgd. For SFPUC supplies, Table 12a assumes a worst-case scenario based on a replication of the 1987-1992 multiple dry year event. The City of Santa Clara will still receive 1.17% of 132.5 mgd.[27] Table 11b assumes that SFPUC water is unavailable after 2018.

Recycled water use is projected to remain unchanged during a multiple dry year event. The City also assumes no change in water conservation when projecting demands for multiple dry year events for conservative projecting purposes. The resulting analysis of all available supplies is shown in Table 12a and 12b below. During a multiple critical dry year event, there is a projected shortfall in available water supplies independent of whether the City receives or does not receive Hetch Hetchy water after contract negotiations with SFPUC in 2018. However, future water supply projects are expected to provide between 5,000-6,000 acre-feet per year.[28] This additional supply will help to cover any expected shortage until 2030 in the third year of a multi-year drought if the City loses the current SFPUC contracted Hetch Hetchy water.

Table 12a
Supply and Demand Comparison – Multiple Dry-Year Events
(assumes SFPUC supply exists beyond 2018)

		2015	2020	2025	2030	2035
Multiple-dry year *first* year supply	Supply totals	37,352	37,753	38,032	35,088	35,088
	Demand totals	31,259	33,053	34,605	36,071	37,433
	Difference	6,093	4,700	3,427	(983)	(2,345)
	Difference as % of Supply	16.3%	12.4%	9.0%	-2.8%	-6.7%
	Difference as % of Demand	19.5%	14.2%	9.9%	-2.7%	-6.3%
Multiple-dry year *second* year supply	Supply totals	37,352	37,753	38,032	35,088	35,088
	Demand totals	32,726	34,734	36,371	37,949	37,949
	Difference	4,626	3,019	1,661	(2,861)	(2,861)
	Difference as % of Supply	12.4%	8.0%	4.4%	-8.2%	-8.2%
	Difference as % of Demand	14.1%	8.7%	4.6%	-7.5%	-7.5%
Multiple-dry year *third* year supply	Supply totals	37,352	37,753	38,032	35,088	35,088
	Demand totals	33,163	35,064	36,674	38,210	38,210
	Difference	4,189	2,689	1,358	(3,122)	(3,122)
	Difference as % of Supply	11.2%	7.1%	3.6%	-8.9%	-8.9%
	Difference as % of Demand	12.6%	7.7%	3.7%	-8.2%	-8.2%

[27] City of Santa Clara 2010 Urban Water Management Plan, Appendix L

[28] City of Santa Clara 2010 Urban Water Management Plan, page 46

Table 12b

Supply and Demand Comparison – Multiple Dry-Year Events(assumes SFPUC supply does not exist beyond 2018)

		2015	2020	2025	2030	2035
Multiple-dry year *first* year supply	Supply totals	37,352	32,713	32,992	33,048	33,048
	Demand totals	31,259	33,053	34,605	36,071	37,433
	Difference	6,093	(340)	(1,613)	(3,023)	(4,385)
	Difference as % of Supply	16.3%	-1.0%	-4.9%	-9.1%	-13.3%
	Difference as % of Demand	19.5%	-1.0%	-4.7%	-8.4%	-11.7%
Multiple-dry year *second* year supply	Supply totals	37,352	32,713	32,992	33,048	33,048
	Demand totals	32,726	34,734	36,371	37,949	37,949
	Difference	4,626	(2,021)	(3,379)	(4,901)	(4,901)
	Difference as % of Supply	12.4%	-6.2%	-10.2%	-14.8%	-14.8%
	Difference as % of Demand	14.1%	-5.8%	-9.3%	-12.9%	-12.9%
Multiple-dry year *third* year supply	Supply totals	37,352	32,713	32,992	33,048	33,048
	Demand totals	33,163	35,064	36,674	38,210	38,210
	Difference	4,189	(2,351)	(3,682)	(5,162)	(5,162)
	Difference as % of Supply	11.2%	-7.2%	-11.2%	-15.6%	-15.6%
	Difference as % of Demand	12.6%	-6.7%	-10.0%	-13.5%	-13.5%

Even in this worst case scenario, the projected shortfall in available water supply is minimal and well within the margin of error related to the projections and is therefore negligible. The tables above assume no increase in conservation or recycled water use, and also include conservatively overstated future water demands from the 2005 UWMP end use model. The City's actual water use has remained below the levels indicated in the 2010 UWMP using the same methodology.

The projections also assume that conservation savings assumed for normal years will not change during drier hydrological periods. The 2010 UWMP explains the City's legal authority to implement additional voluntary and mandatory conservation measures (e.g., drought curtailment of outdoor irrigation activities) that would significantly reduce water use during a single dry year, multiple dry years or in response to other supply shortfalls. The 2010 UWMP notes, for example, that the projections "...yield a conservative estimate since during a critical multiple dry year event, mandatory conservation measures and increased recycled water usage would be expected to reduce potable water demand"[29]. The 2010 UWMP identifies specific, mandatory water use prohibitions and enforcement mechanisms that the City will implement to reduce water demand as necessary to address water supply limitations in the future.

[29] City of Santa Clara 2010 Urban Water Management Plan, page 84

Table 13
Water Saving Procedures to be Undertaken by the City During Dry Year and Major Supply Interruptions

Plan	Plan 1	Plan 2	Plan 3	Plan 4
Drought Stage	Advisory	Voluntary	Mandatory	Emergency Curtailment
Reduction	Up to 10%	10% to 20%	21 to 49%	50% or greater
1. Water Use Reduction Target				
a) Single family	NA	80% -90% of base year	50% -80% of base year	50% of base year
b) Master metered multi- family	NA	80% -90%of base year	50% -80% of base year	50% of base year
c) Non-residential	NA	80% -90%of base year	50% -80% of base year	50% of base year
2. Water Use Restrictions				
a) Water waste by irrigation	Prohibited	Prohibited	Prohibited	Prohibited
b) Cleaning sidewalks, hard surfaces, etc.	Prohibited	Prohibited	Prohibited	Prohibited
c) Washing vehicle w/o shut off valve on hose	Prohibited	Prohibited	Prohibited	Prohibited
d) Decorative fountains, operating maintaining	No restriction	Prohibited	Prohibited	Prohibited
e) Water for construction purposes	No restriction	Restricted (1)	Restricted (1)	Restricted (1)
f) Water waste due to effective plumbing / leaks	Prohibited	Prohibited	Prohibited	Prohibited
g) Landscape irrigation	No restriction	Prohibited from 9AM to 6PM	Prohibited from 9AM to 6PM	Prohibited
h) Restaurant water service unless patron requests	No restriction	Prohibited	Prohibited	Prohibited
i) New swimming pool or pond construction	No restriction	Restricted	Restricted	Prohibited
j) Filling or refilling swimming pools	No restriction	Restricted	Restricted	Prohibited
k) Hydrant flushing, except for health and safety	No restriction	Prohibited	Prohibited	Prohibited
l) New irrigation connections for new planting	No restriction	Restricted (2)	Restricted (2)	Prohibited (2)
m) Irrigation of golf courses except greens and tees	No restriction	No restriction	Restricted (1)	Restricted (1)
3. Enforcement				
a) First violation	Warning	Warning	Warning, Citation, up to $500 fine	Warning, Citation, up to $500 fine
b) Second violation	Warning	Warning	Warning, Citation, $100 to $1,000 fine	Warning, Citation, $100 to $1,000 fine
c) Subsequent violations	Warning, citation, $100 to $1,000 fine, flow restrictor	Warning, citation, $100 to $1,000 fine, flow restrictor	Warning, citation, $100 to $1,000 fine, flow restrictor, termination of service	Warning, citation, $100 to $1,000 fine, flow restrictor, termination of service
d) Restrictor removal charge	$50	$50	$50	$50
e) Second restrictor removal charge	$100	$100	$100	Remains for duration
(1) Recycled water only can be used; (2) New landscaping supplied by recycled water allowed without restriction.				

Source: 2010 UWMP, page 72, Table 37.

Table 13 shows that the City can feasibly implement and enforce mandatory water use reduction measures that would reduce water demand by more than 50% from normal levels. The largest potential shortfall projected in the 2010 UWMP is approximately 21.5% of demand in a single dry year, without SFPUC supplies, in 2035 (see Table 11b). As shown in Table 13, the City anticipates that demand could be reduced by 20%, the approximate magnitude of the maximum projected shortfall in the 2010 UWMP, by implementing the advisory and voluntary measures included in water use management plans 1-2. If necessary, Table 10 also shows that the City has the capacity to mandate additional demand reductions of 21%-49% under plan 3, and greater than 50% by implementing the measures included in water use management plan 4. These reduction levels would substantially exceed the maximum projected shortfalls in the 2010 UWMP. The 2010 UWMP projections, however, conservatively assume that none of the demand management measures identified in Table 13 would be implemented during potential shortfall periods. As a result, the projections conservatively overstate the level of City water demand that would be expected to occur during dry years, multiple dry years or other periods of reduced water supply when these measures would be in effect.

The 2010 UWMP identifies several additional conservation programs that the City is implementing or expects to implement in the future. Although the 2010 UWMP reflects conservation savings from some of these measures (see Table 1a, 1b), the projections do not fully account for additional demand reductions, especially during drier periods. The conservation measures identified in the 2010 UWMP include the following:

(a) General Plan policies that focus on producing a reliable, safe potable water supply, promote water conservation, expand recycled water use, and facilitate water supply coordination with the SCVWD[30];

(b) City water supply management measures that increase reliability and reduce potential vulnerability to physical impacts, such as locating wells over a geographically distributed area and maintaining standby power supplies to operate water system facilities during emergencies[31];

(c) The adoption of City ordinances prohibiting wasteful water use[32];

(d) Authority to implement and enforce an outdoor watering schedule that would reduce the frequency and volume of external water use during drier periods[33];

(e) Tracking water consumption for City accounts in a manner that allows for email or other expedited communication regarding water use reduction requirements if necessary to address shortfalls[34];

(f) Providing technical assistance (e.g., water audits) to help reduce water use by high consumption accounts[35];

(g) Providing low-water use landscaping assistance for single family water consumers and for larger landscapes[36];

(h) Offering rebates with the SCVWD for high efficiency clothes washers[37];

---

[30] City of Santa Clara 2010 Urban Water Management Plan, pages 64-65 Table 36
[31] City of Santa Clara 2010 Urban Water Management Plan, pages 65-70
[32] City of Santa Clara 2010 Urban Water Management Plan, pages 65-71
[33] City of Santa Clara 2010 Urban Water Management Plan, page 71
[34] City of Santa Clara 2010 Urban Water Management Plan, page 78
[35] City of Santa Clara 2010 Urban Water Management Plan, page 87
[36] City of Santa Clara 2010 Urban Water Management Plan, pages 88, 90-91

(i) Commercial and industrial water conservation technical assistance, including audits, pre-rinse retrofits for food service businesses, and water efficiency rebates[38];

(j) Conservation and recycled water use incentive pricing[39];

(k) A high efficiency toilet retrofit rebate program administered by the SCVWD[40]; and

(l) Adoption of a landscaping water conservation ordinance in January, 2011 to reduce water use associated with external irrigation[41].

The 2010 UWMP demand projections do not consider the effects of the City's demand management authority and conservation programs beyond normal year conservation estimates. As a result, the projections overstate the City's demand in general and particularly during drier years when the City would act to reduce demand in response to potential supply shortfalls.[42]

CONCLUSION

The proposed demolition of the existing buildings and construction of the 1,862,100 nsf of office space, 138,000 nsf of retail space, and 661,900 square feet of new landscape located at 2455-2727 Augustine and 3333 Bowers is projected to require 360.9 acre ft/yr of total water use, 317.4 acre ft/yr of potable water demand due to 43.5 acre ft/yr of recycled water use for irrigation, an increase in total water demand within the City by 314.1 acre ft/yr from historical use on the Project site, and an increase in potable demand of 270.6 acre ft/yr above historical levels on the site. The previously approved 2008 WSA for the site projected a total demand of 366.6 acre ft/yr for the Project, and a 282.1 acre ft/yr above historical levels on the site. The Project will not increase total or net potable demand above the levels assumed for the 2009 project and incorporated into the 2010 UWMP. To provide a conservative analysis, this WSA further analyzed the City's ability to meet Project demand assuming, as discussed above, that the Project would use 32.0 acre ft/yr of potable water above the levels incorporated for the site in the 2010 UWMP. The analysis shows that, even under these conservative assumptions, a 32 acre ft/yr water demand increase from this Project is consistent with the growth projections in the 2010 UWMP. The City's 2010 UWMP concluded that sufficient water supplies exist to meet the projected demand. This Assessment also analyzed the impacts of changes in contractual limitations on water supply, development projects, and other additional factors that have occurred since the original 2010 UWMP was developed. Therefore, based on the analysis contained in this Assessment, the City of Santa Clara Water Utility has determined that there are sufficient water supplies to provide service to the proposed project at 2455-2727 Augustine and 3333 Bowers.

[37] City of Santa Clara 2010 Urban Water Management Plan, pages 91-92
[38] City of Santa Clara 2010 Urban Water Management Plan, pages 92-94
[39] City of Santa Clara 2010 Urban Water Management Plan, page 94-96
[40] City of Santa Clara 2010 Urban Water Management Plan, pages 97-98
[41] City of Santa Clara 2010 Urban Water Management Plan, Appendix M
[42] 3515 Monroe Street WSA approved by City Council Resolution #13-8090 on December 3, 2013, Appendix E

8.A.	**File No.(s)**:	**PLN2014-10256, PLN2014-10257, PLN2014-10258, PLN2014-10259, PLN2014-10260, PLN2014-10381, CEQ2014-01172 *(Santa Clara Square)***
	Location:	2620-2790 Augustine Drive and 2455-2585 Augustine Drive, a 47.57-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006)
	Applicant/Owner:	The Irvine Company LLC
	Request:	**Adopt Addendum No.2** to previously certified EIR; **General Plan Amendment #80** from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II & III]; **Rezone** from Planned Development (PD) to Planned Development (PD) [Retail Center], and from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III] to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development; Approval of **Development Agreement Amendment No. 2** with The Irvine Company LLC and 2525 Augustine Drive LLC; **Architectural Review** Approval of project design and sign program.
	CEQA Determination:	Addendum to Certified Environmental Impact Report
	Project Planner:	Yen Han Chen, Associate Planner
	Staff Recommendation:	**Recommend City Council Approval**, subject to conditions

Notice: The notice of public hearing for Item 8.A. was posted and mailed to property owners within 500 feet of the project site.

Discussion: Yen Chen gave a brief presentation on the project.

Carlene Matchniff, Vice President of Apartment Development with The Irvine Company, gave a presentation on the project highlighting the architecture, landscaping, connectivity, varied retail, and sustainability of the project. It was also confirmed that the phase one office development has signed a lease with Ericsson. Ms. Matchniff introduced John Murphy, Senior Vice President of Retail Development, who presented examples of Irvine developments completed in southern California, highlighting the overall quality, design, and occupancy of those developments. Mr. Murphy highlighted the features specific to the Santa Clara Square project including wide sidewalks, lighting, signage, parking, architecture and landscaping.

The Commission inquired if shade studies had been completed. It was confirmed that shade studies are not part of a typical process for this type of development; however, given the concerns presented, the Irvine Company would be completing shade and line of sight studies.

The Commission confirmed that the grocery retail space would be 40,000 square feet and that Ericsson will fully occupy the phase one office space.

The Commission discussed the traffic improvement measures associated with the project. It was explained that each of the improvement projects are tied into the phasing of the project and would be completed concurrent with the development of said phases. It was noted that various traffic demand management (TDM) measures would be evaluated for possible implementation, including shuttle and ride home programs.

The Public Hearing was opened.

Eric Foracher, PSI Realty Partners representing UCSB, stated that the project is a good improvement to the area, noting the retail and high quality office space. Mr. Foracher requested that he be able to comment on the final plans before they are approved as UCSB has a long term lease at 2505 Augustine Drive and wants the sight lines over Highway 101 to be preserved and not lost to this project. Architecture is part of UCSB's image.

Linda Lozatte, PSI Realty Partners representing UCSB, stated that her company has had good communication with Irvine and wants to ensure that PSI Realty Partners will continue to remain part of the formal process to review all aspects of project. Ms. Lozatte requested that the project go through the Architectural Review Committee rather than be approved at the City Council hearing. Ms. Lozatte noted that the current location of the parking garage may impact line of sight for the UCSB building and requested that line of sight and shade studies be completed.

In a rebuttal statement Carlene Matchniff noted that Irvine will continue to work with PSI Realty Partners and requested that the final plans be approved outside of the Architectural Review Committee. Ms. Matchniff confirmed that Irvine will complete line of sight and shadow studies, and stated that being required to go through the Architectural Review Committee would be excessive since the office buildings match the design of the approved phase one office buildings.

The Public Hearing was closed.

The Commission deliberated on the process by which the plans will be reviewed and approved. It was confirmed that the project being heard had not been reviewed by the Architectural Review Committee.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt the Environmental Impact Report (EIR) Addendum No. 2 to the Augustine-Bowers Office Park EIR (6-0-1-0, Sweeney absent).

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve General Plan Amendment #80 for the property located at 2620-2790 Augustine Drive and 2455-2585 Augustine Drive (6-0-1-0, Sweeney absent).

A motion to approve the rezone was discussed. It was noted that while Irvine had committed to complete line of sight and shade studies, it was not required in the conditions of approval. The Commission differentiated between the office and retail components of the project, noting that the office portion of the project is what has the neighboring property concerned.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council approve the rezone from Planned Development (PD) to Planned Development (PD) [Retail Center], and from Light Industrial (ML) to Commercial Park (CP) [Office Phases II & III], for the property located at 2620-2790 Augustine Drive and 2455-2585 Augustine Drive (5-1-1-0,

Stattenfield dissenting, Sweeney absent) with the following revision:

1. Condition P2 in the Conditions of Approval shall be revised to read: "Refer the project design, including the sign program, to the Director of Planning and Inspection for review and approval for Retail Center, and to the Architectural Committee for Office Phases II and III. Line of sight and shadow studies shall be required for Office Phases II and III.

Motion/Action: The Commission motioned to adopt a resolution recommending that the City Council adopt an Ordinance to approve the Amendment No. 2 to the Development Agreement for the property located at 2620-2790 Augustine Drive and 2455-2585 Augustine Drive (6-0-1-0, Sweeney absent).

Motion/Action: The Commission motioned to recommend that the City Council refer the project design to the Architectural Review Committee for the office development in phases two and three for the property located at 2620-2790 Augustine Drive and 2455-2585 Augustine Drive (6-0-1-0, Sweeney absent).

Planning Commission

STAFF REPORT

Meeting Date: 05/28/14

Agenda Item # 8.A.

Planning and Inspection Department
City of Santa Clara, California

Project Name:	**Santa Clara Square**
File:	**PLN2014-10256, PLN2014-10257, PLN2014-10258, PLN2014-10259, PLN2014-10260, PLN2014-10381, CEQ2014-01172**
Location:	2620-2790, 2424, 2465 and 2475 Augustine Drive, a 47.57-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101 (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006)
Applicant / Owner:	Carlene Matchniff, The Irvine Company
Subject:	A General Plan Amendment from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II & III], Rezone from Planned Development (PD) to Planned Development (PD) [Retail Center], Rezone from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III], Vesting Tentative Parcel Map removing the existing lot lines [Retail Center], Architectural Review [Retail Center] and Development Agreement Amendment No. 2 with The Irvine Company LLC and 2525 Augustine Drive LLC to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, and Adopt EIR Addendum No. 2 to the Certified EIR, SCH# 2008052065
CEQA Determination:	Addendum to the Certified EIR
Project Planner:	Yen Han Chen, Associate Planner, (408) 615-2450, ychen@santaclaraca.gov

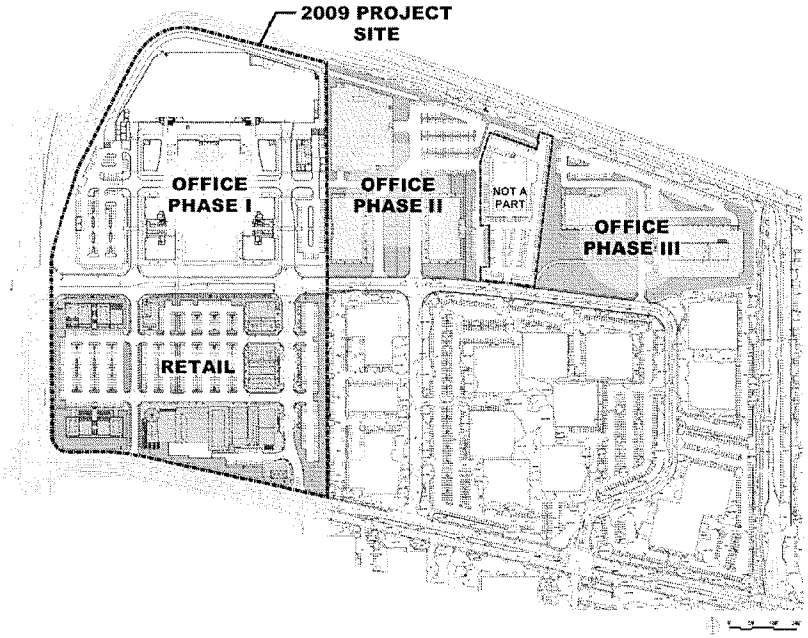
EXECUTIVE SUMMARY:

The applicant is requesting to amend the previously approved 1,969,600 square feet of office development and 35,000 square feet of retail development (2009 Project, PLN2008-06859). The proposal will shift the approved office development south of Augustine Drive from the 2009 Project to make room for 125,000 square feet of retail specialty center and relocate the remaining approved office uses immediately to the east of the Office Phase I on the north side of Augustine Drive. This 2014 Project provides for the development of an office campus in two phases, totaling no more than 1,243,300 million square feet of office space, and up to 125,000 square feet of retail space, on the Retail and Office Phases II and III properties, for a total (inclusive of Office Phase I) of up to 2,000,100 square feet of development, or 4,500 square feet less than the total development that was approved in the 2009 Project. The neighborhood serving specialty retail center will provide much needed retail to the surrounding properties and community. The proposed office development location directly adjacent to the Highway 101 is more suitable for office use and could serve as a buffer for the future residential use in areas south of Augustine Drives as designated in Phase III of the 2010-2035 General Plan.

The applicant is requesting that the approval of the architectural design and sign program for the current retail proposal be considered by the Director of Planning and Inspection. Major modifications to the architecture of buildings from that currently proposed would require Architectural Committee review and approval.

Project Data

	Approved (2009 Project)	Proposed (2014 Project)
General Plan Designation	High Intensity Office/R&D	High Intensity Office/R&D [Office Phases I, II & III] / Community Commercial [Retail]
Zoning District	PD (Planned Development)	PD (Planned Development) [Office Phase I] CP (Commercial Park) [Office Phases II & II] / PD (Planned Development) [Retail]
Land Use	Office and Retail	Office Retail
Lot Size	30.73 acres	47.57 acres
Floor Area (FAR%)	Maximum 1.50	Max 2.0 [Office Phases] Max 0.5 [Retail]
Building Square Footage (sf.)	1,969,600 sf. of office / 35,000 sf of retail	618,800 sf. of office / 13,000 sf. of retail [Office Phase I] 1,243,300 sf. of office [Office Phase II & III] 125,000 sf of retail [Retail]
Parking Ratio	3.3spaces/1000 sf.	3.3spaces/1000 sf. [Office Phases] 1 space/200 sf. [Retail] 1 space/3 outdoor seats [Retail]



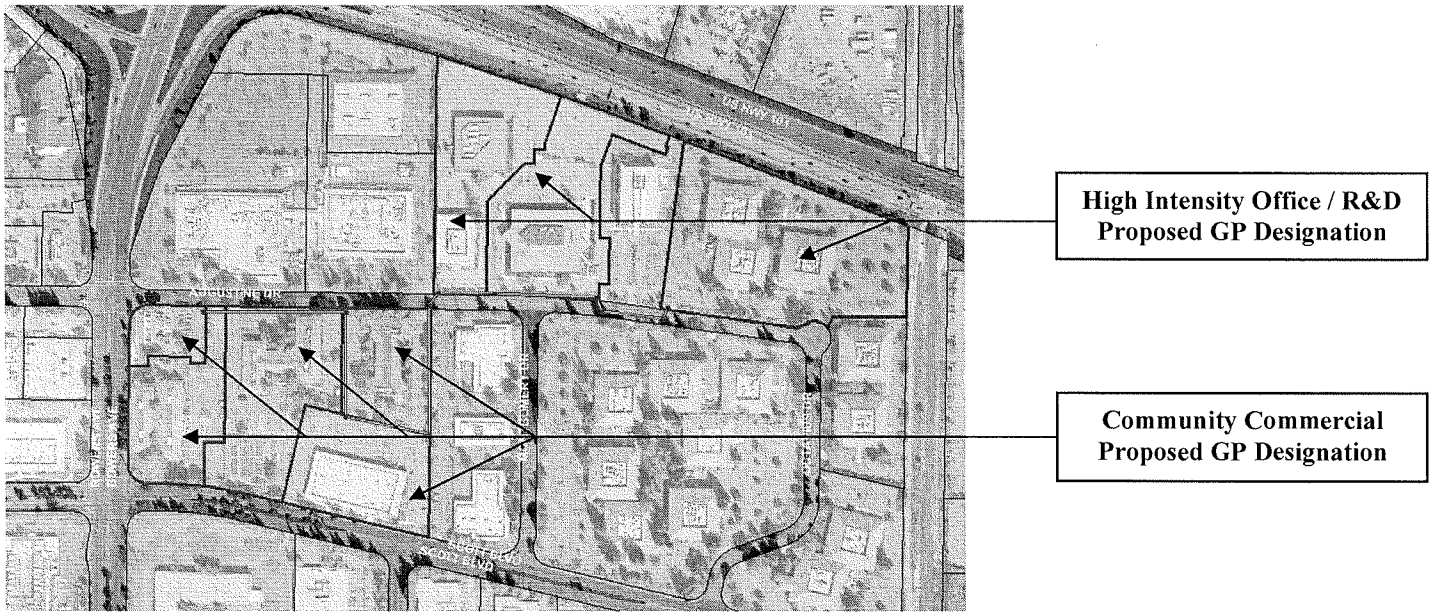
Santa Clara Square Project – 2014 Project Site Plan

Site Location and Context

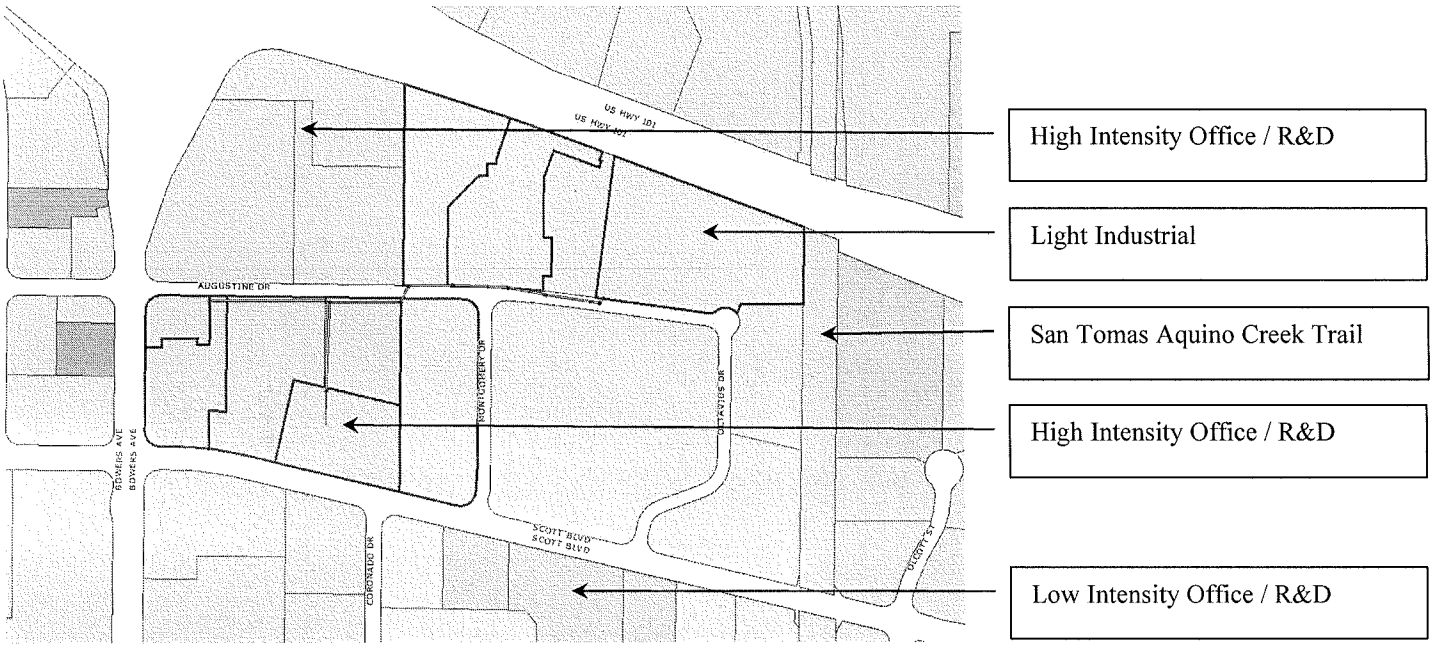
Surrounding Land Uses: The approximately 47.6-acre project site is comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101. The project site is currently developed with several one and two-story office/industrial buildings, a restaurant, (totaling 645,860 square feet), and associated surface parking lots. The project proposes to demolish all of these existing buildings and site improvements.

Development in the project area includes commercial and light industrial uses with building heights up to 12 stories tall. The project site is bound by US 101 to the north, Bowers Avenue to the west, Scott Boulevard to the south, and San Tomas Aquino Creek to the east. To the north of US 101 are several high density office buildings. To the east and south of the project site, on both Scott Boulevard and Augustine Drive, are numerous one- and two-story office/industrial buildings similar to those located on the project site. To the west of the project site, on the west side of Bowers Avenue, are several fast food restaurants, a 10-story hotel, a gas station, and the City of Santa Clara Central Substation.

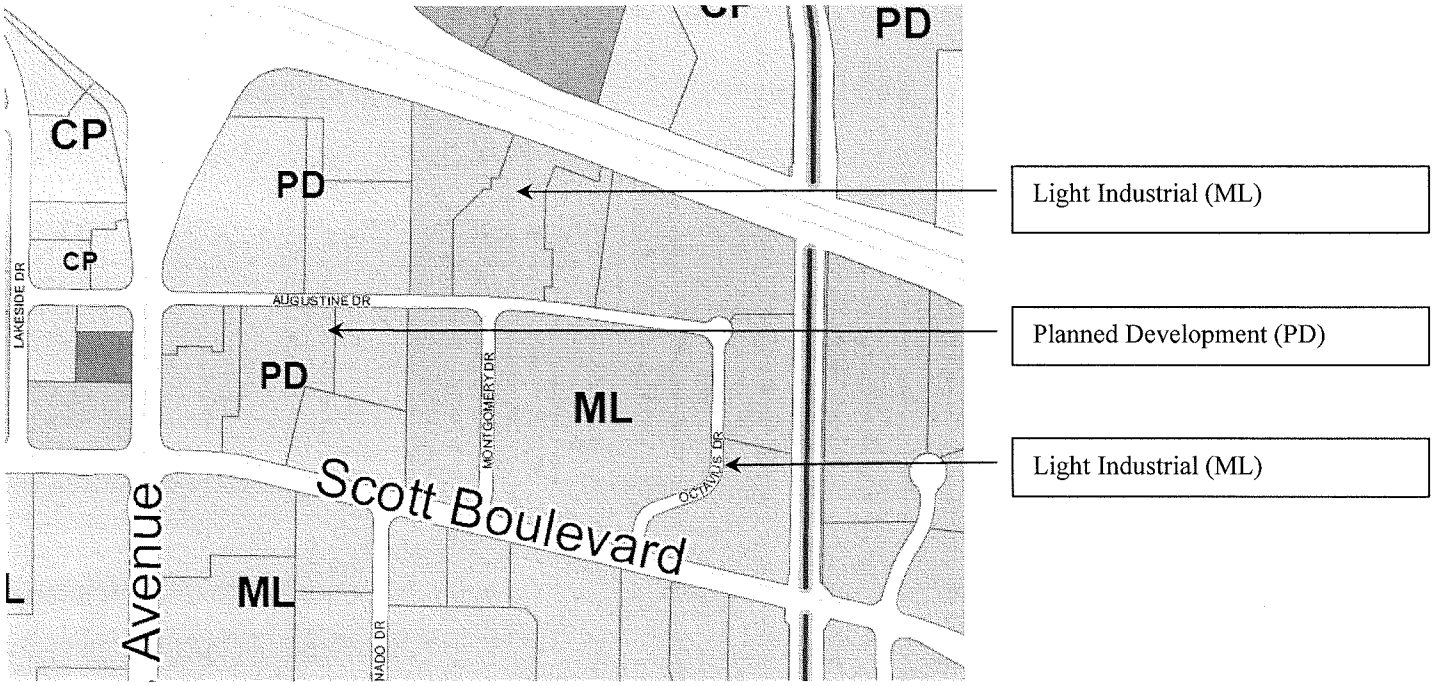
To the north, south and west, the surrounding area has designations of Office/Research and Development in the City of Santa Clara General Plan and are zoned PD (Planned Development), CP (Commercial Park) and ML (Light Industrial); and properties designated Light Industrial and zoned ML (Light Industrial) are located to the east and south of the project.



Aerial Photo



General Plan Map



Zoning Map

Background

Previous Permits:

The 2009 Project (Augustine-Bowers Office Park Project) was approved by the City Council on May 5, 2009, which included the following:

- Certifying an Environmental Impact Report (EIR);
- Adopting a Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations;
- A General Plan Amendment from Light Industrial to High Intensity Office/R&D land use designation;
- A rezone from ML-Light Industrial and PD (ML)-Planned Development (Light Industrial); and
- A Development Agreement

The 2009 Project allowed for the construction of 1,969,600 square feet for office uses and up to 35,000 square feet for retail development in buildings of up to fourteen (14) stories, up to 244 feet in height with a maximum parking ratio of 3.3/1000 square feet averaged over the Project Site. The project included parking in four 5-story parking structures and surface lots for a total of 6,586 parking spaces on-site.

The Development Agreement allowed for a phased development of the project and its associated facilities and improvements. The DA set forth contributions to the City's Housing Fund to assist with creating and subsidizing affordable housing. The project also contributes to the City's Trails, Open Space and Parks, and included contributions to mitigate traffic impacts.

The City Council on July 2, 2013 amended the 2009 Project (renamed the Santa Clara Technology Campus Project), which included the following:

- Addendum No. 1 to Augustine-Bowers Office Park Environmental Impact Report;
- Amendment to the Planned Development Zoning District for Santa Clara Technology Campus Project; and
- First Amendment to the Development Agreement

The Santa Clara Technology Campus Project provided for the development of an office campus in two phases, roughly equal in size, totaling approximately 1,200,000 square feet of office development and up to 35,000 square feet of retail space. One phase is located to the north of Augustine Drive and the other phase to the south. The development proposal consist of one 8-story office building, two 6-story office buildings, amenity buildings (café, fitness, retail and conference facilities), and associated surface and structured parking in each of the phases. Office Phase I is currently under construction.

Project Analysis

Project Description: *Santa Clara Square Office Phase I*, approved and under construction, consists of approximately 618,800 square feet of office space and 13,000 square feet of retail space located in three 6-8 story office buildings, amenity buildings (cafe, fitness, retain and/or conference space), and associated surface and garage parking. The accessory retail use in Office Phase I will serve local employees and visitors. *Santa Clara Square Retail Center* is a 125,000 square feet of specialty retail center on the parcel south of Augustine Drive. The proposed specialty retail center will include a major anchor tenant grocery store, sit down restaurants, and boutiques. *Santa Clara Square Office Phases II and III* propose to shift the

approved office development from the 2009 Project site to make room for the Retail Center. Office Phases II and III are currently proposed to consist of 6-8 story office buildings with associated surface and structured parking at a ratio of 3.3/1000. The proposed Office Phase III development will provide bicycle and pedestrian connectivity to the existing San Tomas Aquino Creek Trail, and both Office Phases will provide open space for employee activities. Accessory, or secondary, small-scale supporting retail uses that serve local employees and visitors are also permitted.

Environmental Determination: The EIR Addendum concludes that the proposed 2014 Project (Santa Clara Square) would not result in new significant adverse impacts or an increase in severity of any previously identified significant impacts identified and studied in the EIR. The addendum provides an analysis of each environmental issue identified in the EIR to determine whether new effects would occur or new mitigation measures should be required. The Proposed Project's potential impacts are less than those analyzed in the EIR. The Proposed Project's potential impacts related to cumulative impacts remain significant and unavoidable, though less severe than the 2009 project. No new or substantially increased significant impacts will result from the Project. The previous Mitigation Monitoring or Reporting Program remains in effect for this project, although the Addendum proposes some minor modifications to the mitigation measures.

Neighborhood Compatibility: While the visual character of the area will be altered by replacing the existing industrial park development with a retail specialty center and taller office buildings and parking structures, the project is visually compatible with surrounding land uses. The overall site design and architecture are compatible with the City's Design Guidelines. Architectural review of the site design, building architecture, elevations, building materials, and other design details ensures compatibility with surrounding land uses.

General Plan and Zoning Conformance:
The General Plan will be amended to designate the Retail Center site as Community Commercial. This classification is intended for retail and commercial uses that meet local and neighborhood demands. Permitted uses include, among others: community shopping centers and supermarkets; restaurants, and neighborhood-type services. The proposed specialty retail center will include a major anchor tenant grocery store, sit down restaurants, and boutiques. The neighborhood serving specialty retail center will provide much needed retail to the community, and is compatible with the surrounding land uses. The Retail Center site will be rezoned to Planned Development (PD). The permitted uses and development standards to this PD Zoning District are stated in the Development Plans. The permitted uses in this PD Zoning District are the same as that allowed for in the Community Commercial Zoning District. The setbacks for the buildings along Bowers Avenue and Augustine Drive are 20 feet and along Scott Boulevard the setback is 10 feet. The retail center proposes one parking space for each 200 square feet of floor area regardless of the number of seats, and sets the minimum two-way drive aisle widths at 24' for standard 90" parking. Other than this change, the parking standards are in line with the City's Parking Regulations. This PD Zoning District authorizes the Director of Planning to approve deviations of up to 10% for development regulations such as building setbacks, building separation and parking. The City's Architectural Review process will ensure that the landscaping and signage program is consistent and complementary with the building architecture and site design, and that they conform to applicable design guidelines.

The General Plan will be amended to designate the Office Phase II and III properties from Light Industrial to High Intensity Office/R&D. In addition, the project proposes to rezone the Office Phase II and III properties from Light Industrial (ML) to Commercial Park (CP). The proposal is consistent with the General Plan

designation of High Intensity Office/R&D, which encourages campus-like developments for corporate headquarters, R&D and supporting uses. The General Plan states that development in this classification should not exceed a Floor Area Ratio (FAR) of 2.00, while parking should be designed within structures or below-grade. The majority of parking is accommodated within multi-level garages in Office Phases II and III. These multi-level garages are encouraged to create significant landscaping within CP Zoning District. As such, these parking structures are not included in the building coverage. The CP Zoning District calls for buildings not to cover a total of more than 25% of the area of any lot. The proposal conforms to the CP Zoning District in that the project creates a campus at the desired FAR outlined in the General Plan that utilizes exemplary design principles. The Zoning Administrator has the authority to grant minor modifications to parking space, height, area and yard regulations. A "minor modification" shall in no event be deemed to be greater than 25% of the dimensions of the area, space, height, or other requirements provided in the zoning ordinance. The plans and elevation for the Office Phases II and III are conceptual and shall comply with the development standards called for in the zoning ordinance.

The General Plan was designed as a "Progressive Plan" that breaks down a 25-year planning horizon into three planning phases: short-term (present until 2015); medium-term (2015- 2015); and long-term (2025 - 2035). The short- and medium-term General Plan designation for the Office Phase II and III properties is Light Industrial, and the long-term General Plan designation is High Density Residential. The long-term General Plan designation also provides for implementation flexibility. Given the long-term air emissions and noise associated with the adjacent Highway 101, maintaining commercial use of Office Phase II and III rather than introducing new sensitive residential receptors which would require buffers and other measures to reduce exposure to air pollution and noise is considered to be a more efficient use of these properties. Therefore office use is more appropriate than residential for the Office Phase II and III properties.

With a General Plan Amendment from High Intensity Office/R&D to Community Commercial, the Retail Phase of the project will be consistent with the General Plan.

The 2014 Project is consistent with the short-term and medium-term designations of the General Plan, because it includes specialty retail services that will enhance future mixed uses in this area of the City, including future residential, and because it is not inconsistent with the City's long-term vision for increasing overall residential densities in this area of the City, the 2014 Project does not conflict with the General Plan. The proposed Office Phase II and III could serve as a buffer between the noise and particulate matter generated by Highway 101 and future residential use in areas south of Augustine Drive as designated in the long-term Land Use Diagram.

Circulation and Parking: The project is located in Climate Action Plan District 1 (north of Caltrain) where the Office Phase II and III developments will be required to achieve 20% Vehicle Miles Traveled reduction, 10% of which must come from a Transportation Demand Management "TDM" program. Existing bus stops located on Bowers Avenue and Scott Boulevard will be replaced and improved to VTA's requirements. New pedestrian crosswalks will be at signalized intersections and a mid-street crossing on Augustine Drive has been added to the project. A multi-use trail has been added to the south side of Augustine Drive to accommodate both pedestrians and bicyclists. In addition, bike lanes will be provided along the property's Augustine Drive, Bowers Avenue and Scott Boulevard frontages. The project will also provide a creek trail connecting Augustine/Octavius Drive to the San Tomas Aquino Creek Trail. Various traffic signal improvements and modifications are proposed for the intersections and roadways surrounding the project

site, including right-of-way dedications. As a condition of approval, bicycle facilities shall be provided at the main entrance and/or high visible areas. The number of bike lockers and racks will depend on the building square footage of development and proposed parking stalls.

The retail specialty center is accessed from Augustine Drive or Scott Boulevard by four driveways. The design concept is to provide two main drive aisles through the retail center which access the surface parking. The PD development standards for the retail center propose one parking space for each 200 square feet of floor area regardless of the number of seats. The outdoor dining will be parked at one space for each three seats. The proposed minimum two-way drive aisle width is 24 feet for standard 90 degree parking. The parking standards are generally consistent with the City's parking regulations. The proposal does decouple the requirement for parking associated with indoor seating for eating and dining establishments.

The Office Phase II and III properties are accessed from Augustine Drive. Office Phase II has three access driveways from Augustine Drive. The primary driveway is aligned with Montgomery Drive. One of the other driveways is shared with the parcel which is not part of the proposed project. Office Phase III is served by one access driveway. Office Phases II and III are served by surface parking and parking garages. The proposed parking ratio remains the same as 2009 Project at 3.3/1000.

Vesting Tentative Parcel Map:
The Vesting Tentative Parcel Map was reviewed by the City's Subdivision Committee and determined to be complete on April 22, 2014. For the Retail Center, South of Augustine Drive, existing lot lines are to be removed through the tentative and final map approval process. The consideration and action on the Vesting Tentative Parcel Map is a function of the City Council.

Architecture: City staff supports the applicant's request that the project design for the specialty retail center, including the sign program, be referred to the Director of Planning and Inspection for review and approval. The proposed Development Plans provide sufficient details for the public to understand the scope, scale and materials of the project. The Office Phase II & III plans and elevations are conceptual in nature and will be required to obtain architectural review and approval at a later date. If there are no significant changes to the design and architecture of the office buildings, and where the project is consistent with Gateway or Office Phase I, final architectural review will be handled by the Director of Planning and Inspection.

The retail specialty center is comprised of single story buildings with associated surface parking. The height of Buildings A, B and C is approximately 28 feet with the top of store fronts at 18 feet. The height of Building H is approximately 28 feet with top of store front at 12 feet. The height of Buildings F, G and the Market is approximately 46 feet with the top of store fronts at 12 feet. These buildings are taller and provide a vertical element to better integrate with surrounding developments. These buildings give the impression of 2 story store front even though most tenants will occupy them are single story tenant spaces. The design does allow future tenants to be two stories where it makes sense for the business and subject to the overall approved square feet for the center. The sloped tiled roof areas, cement plaster wall finish with cast stone base, aluminum store front systems, wood trellis structure, and steal framed fabric awnings are typical building elements. The applicant has provided images showing the general direction and feel of the project. These images reflect additional detail building and landscape features along the store fronts. The applicant has also provided signage details for the free standing signs and general building signage locations. The final

size and quantity will be set in a Master Sign program to be reviewed and approved by the Director of Planning and Inspection.

Office Phases II & III are designed to reflect the similar elements of the Santa Clara Gateway development and Office Phase I that is currently under construction and reflects the unique nature of this site and its surroundings. The parking facility that is along Highway 101 will employ a screening plan similar to Office Phase I. The final screening solution would include a combination of architectural and landscape considerations. The campus will feature a generously landscaped central courtyard promoting interaction among the future employees. The buildings are elegant and refined in their design. Currently, all the plans and elevations presented are conceptual in nature and will be refined. The materials and finishes will be in similar to that currently employed on Irvine's Santa Clara Gateway project at Great America Way and Office Phase I.

The project will incorporate "Green Building" design and aim for LEED Silver certification, or equivalent, to support sustainable building practices, promote energy conservation in design, materials and use. Final building design, including all green building measures, will be approved as part of the final architectural review and issuance of building permits. Key sustainable elements will include energy efficient systems and materials, employee showers, and bicycle lockers to promote alternative modes of transportations, the use of recycled water for flushable fixtures and outdoor landscaping, and electric vehicle charging stations.

Landscaping: The proposed landscape plan is incorporated into the project design for both the office and retail developments. The project is conditioned to provide street trees, a minimum 2:1 on- or off-site replacement for trees removed as part of the proposal. The project also proposes to install a variety of shrubs, ground cover, and vines as part of the landscaping scheme.

The retail development proposes a palm theme for the main pedestrian street with olives trees for the parking court areas. Palms are proposed as an accent along the frontage of the building housing the market. The perimeter landscaping will be enhanced with the addition of Coast Redwood trees. Outdoor seating with shade structures are provided throughout the retail center. The main service yard is screened from public view along Scott Boulevard. The addition of redwood trees, retail Building H and pedestrian connection along Scott Boulevard to Main Street helps to provide an aesthetically pleasing pedestrian street frontage. Existing trees along the east property line are proposed to remain. The tree replacement plan specifies 36 inch box Coast Redwood, 18 feet in height fruiting olive trees, and 18 feet brown trunk height palms.

The landscape concept for the office development provides a central space between the buildings which may include campus serving amenities, such as sports courts, event space, and seating areas. Architectural shade structures, outdoor seating and function areas will be designed into the office portion of project. These elements will be provided in the central function areas and adjacent to the amenity buildings consistent with elements provided in the Gateway Project and Santa Clara Square Office Phase I.

Stormwater (C3) Requirements: The project will be required to comply with the Municipal Regional Stormwater Permit issued by the Regional Water Quality Control Board. The proposed site design measures include self-treating areas which include: 1) landscaping and pervious paving around the building and parking lot, and 2) biotreatment cells in the parking medians and open landscape areas.

Public Contact

Public Notices and Comments: Public Notices and Comments: A notice of public hearing for this item was posted within 500 feet of the site and was mailed to property owners within 500 feet of the project site. A Notice of Hearing for the General Plan Amendment and proposed project was published in the Santa Clara Weekly on May 14, 2014. At the time of preparation of this staff report, seven comment letters to the project were received. No public comments in opposition were received on the proposed project. For the property surrounded by Office Phase II & III, the property owner is concerned with possible shadowing of the building which is currently occupied by U.C. Santa Cruz Extension program. They have requested that a shadow study and a line of sight study be performed, and that future building location plans and design be reviewed by the Architectural Committee.

City Council Study Session: The applicant on February 11, 2014 presented the project to City Council during a study session. Based on the comments heard at the City Council Study Session, the applicant has further refined the proposal for the specially center that would link to the offices nearby. The applicant has worked with staff to add the mid-street crossing, additional bike and pedestrian connections. The applicant has also added a retail pad along Scott Boulevard, and refined the retail walking street. The primary change to the drawings presented to Council is the addition of vertical element for the retail buildings.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the project provides an opportunity to locate a specialty retail center adjacent to high quality office developments and to nearby future residents. The project will increase the amount and diversity of retail services in a transit, bicycle and pedestrian friendly location that would further enhance the City's General Plan development priorities for this area. The project site is located in an urbanized area served by existing municipal services, and the physical development of the project site would localize employment in a central geographic area. The landscape and open space concept for the office development include campus serving amenities, such as sports courts, event space, and seating areas. Both the retail and office developments provide shade structures and outdoor seating areas. These onsite private open space and recreational facility help to meet the needs of tenants and patrons of this project. The project includes the construction of street and intersection improvements at Augustine Drive and Bowers Avenue, and the payment of local and regional traffic impact fees and fair share contributions toward the cost of improvements at Central Expressway and Bowers Avenue, San Tomas Expressway and Scott Boulevard, San Tomas Expressway and El Camino Real, and Montague Expressway and Trimble Road. The project will also provide a creek trail connecting Augustine/Octavius Drive to the San Tomas Aquino Creek Trail.

RECOMMENDATION:

That the Planning Commission adopt resolutions for the project, subject to conditions approval, to:

1) Recommend that the City Council approve the EIR Addendum No. 2;
2) Recommend that the City Council approve the General Plan Amendment #80 from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II & III];
3) Recommend that the City Council approve the Rezone from Planned Development (PD) to Planned Development (PD) [Retail Center], Rezone from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III]; and
4) Recommend that the City Council adopt an Ordinance to approve the Development Agreement Amendment.

5) Recommend that the City Council refer the project design to the Director of Planning and Inspection for review and approval.

Documents Related to this Report:

1) ***Planning Commission Resolution – Approval of EIR Addendum No.2 to Augustine-Bowers Office Park EIR***
2) ***Planning Commission Resolution – Approval of General Plan Amendment #80***
3) ***Planning Commission Resolution – Approval of Rezoning from PD to PD and ML to CP***
4) ***Planning Commission Resolution – Approval of Second Amendment to Development Agreement***
5) ***Second Amendment to Development Agreement***
6) ***Conditions of Approval - Rezone***
7) ***EIR Addendum No.2 to Augustine-Bowers Office Park EIR***
8) ***Applicant Letter of Justification dated May 15, 2014***
9) ***Correspondence as of May 22, 2014***
10) ***Development Plans***

I:\PLANNING\2014\Project Files Active\PLN2014-10256 2620-2790 Augustine Dr (SCSQ)\PC\PC Staff Report Santa Clara Square_v3.doc

IRVINE COMPANY
Since 1864

RECEIVED
MAY 15 2014
PLANNING DIVISION

May 15, 2015

Kevin Riley
Director of Planning and Inspection
City of Santa Clara
1500 Warburton Ave.
Santa Clara, CA 95050

Re: Santa Clara Square Applications

Gentlemen:

The Irvine Company is pleased to submit the application package to the City of Santa Clara for Planning Commission and City Council hearings for development within our ownership known as Santa Clara Square. Santa Clara Square is bound by the 101 Bayshore Freeway, Bowers Avenue, Scott Boulevard, and is bisected by Augustine Drive. Formerly known as the Augustine Bowers Park Project Development Agreement, and associated PD Permit, these applications are within the envelope of what was envisioned under the previous entitlement for this area.

There are two applications submitted as part of this submittal which further refine development activities on the site. First, The Santa Clara Square Retail Specialty Center project amends the previously approved 1,969,600 square feet of office development and 35,000 square feet of retail development for a total of 2,004,600 square feet (2009 Project), and provides for the development of an approximate 125,000 Retail Specialty Center with a major anchor tenant grocery, sit down restaurants, and boutiques. This Project converts some of the approved office use for the site into more appropriate and much needed retail use in an underserved area. The Project Site will be processed with a PD Amendment to allow for the development of a retail center totaling approximately 125,000 square feet in single story buildings with associated surface parking. In addition, the Project requires a General Plan Amendment (from Light Industrial to Community Commercial) so that the General Plan is consistent with the Project's provision of retail uses on the Project Site to meet local retail needs. The Project Site will also require a Vesting Tentative Tract Map, and Architectural Review.

Our second application is for future Office along the 101 Bayshore Freeway. The Office Phase 2 and 3 shifts the approved Office development from the 2009 Augustine Bowers Project to a more appropriate location along the freeway frontage and makes space for the expansion of the Retail Specialty Center to the more appropriate retail serving location at the corner of Bowers Avenue and Scott Boulevard. The Santa Clara Square Office Project will be developed in phases. Office Phase 1 is currently under construction, and Office Phase 2 and 3 will be developed in the future when more refined architectural and landscape plans have been designed and submitted. Office Phases 2 and 3 requires a General Plan Amendment [from Light Industrial to High-Intensity Office/Research & Development (R&D)] and a Zone Change [Light Industrial (ML) to Commercial Park (CP)] to allow flexibility in how the remaining approved development from the 2009 Project can be configured. The total development (office and retail use), including the proposed Retail Specialty Center, Office Phase 1 that is currently under construction, and the Office Sites proposed for rezoning, will not exceed the total development of 2,004,600 square feet that was approved in 2009. Office Phases 2 and 3 are currently proposed to consist of office buildings between 6 and 8 stories in height with associated surface and structured parking at a ratio of 3.3/1,000. For purposes of the Office application a "typical" site plan has been submitted, however, it is conceptual and subject to change when a new site plan, architectural and landscape plans are prepared in the future.

The timing of this application is critical as we plan on beginning the Retail Center construction activities in June 2014. We plan on opening the Retail Center in the Fall of 2015. We look forward to working with staff on the processing of these applications and should you have any questions, please do not hesitate to contact me.

Thank you,

Carlene Matchniff
Vice President, Entitlements & Public Affairs
The Irvine Company

cc: Steve Lynch, City Planner
Yen Chen, Associate Planner
Alexander Abbe, Assistant City Attorney

SANTA CLARA
Valley Transportation Authority

RECEIVED
MAY 22 2014
PLANNING DIVISION

May 22, 2014

City of Santa Clara
Department of Planning
1500 Warburton Avenue
Santa Clara, CA 95050

Attention: Yen Chen

Subject: City File No. PLN2014-10256 / Santa Clara Square

Dear Mr. Chen:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan Amendment for Community Commercial on 14.15 acres and High-Intensity Office/R&D on 16.84 acres for a site located south of US 101, north of Scott Boulevard, on both sides of Augustine Drive. We have the following comments.

Transportation Impact Analysis (TIA) Report
VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more new peak-hour trips. Based on the information provided on the size of this project, a TIA may be required. Please refer to Section 2.1, Items 5) and 6) of VTA's *TIA Guidelines* when determining whether a TIA will be completed for the project. The updated March 2009 version of the *TIA Guidelines* may be downloaded from http://www.vta.org/cmp/technical-guidelines. For more information on the *TIA Guidelines*, please call Shanthi Chatradhi of the VTA Planning and Program Development Division at 408-952-4224.

If the City determines that a TIA Report is not necessary according to the VTA CMP Guidelines, the Addendum to the EIR should clearly state any assumptions behind the determination. VTA also requests that the City send the Addendum to VTA if that is the outcome.

Transportation Demand Management / Trip Reduction
The area of the project is not a transit-rich area, based on present transit service levels, dispersed land uses and lack of a fine-grained street network surrounding the project. The project site is directly served only by Local Lines 57 and 58, which run at half-hourly intervals, and the Limited 304 and ACE Yellow Line Shuttle, which only run during commute hours. The site is approximately 2 miles from the nearest Caltrain station. Given the project's location, VTA encourages the City to work with the project sponsor to identify other Transportation Demand Management (TDM) measures to reduce single-occupant vehicle trips to the project site. Effective TDM measures to improve non-auto mode share could include parking cash-out or parking pricing, carpool incentives, and/or public-private partnerships or employer contributions

to provide improved transit service in the area (for example, shuttles to Caltrain, ACE, or VTA Light Rail). VTA also encourages the City to establish an enforceable trip reduction target for the project with a monitoring component.

Existing Bus Service

VTA provides bus service along Bowers Avenue adjacent to the project site and maintains a bus stop on Bowers Avenue, north of Scott Boulevard. In order to provide convenient access to transit service, VTA recommends that the project provide the following improvements for this bus stop:

- Minimum 22' wide curb lane or bus duckout consistent with VTA standards
- Minimum 10' X 55' PCC bus stop pavement pad
- Minimum 8' X 40' sidewalk adjacent to the bus stop area
- Place trees and landscaping back of the sidewalk in the bus stop area, away from the bus stop loading zone

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

SC1402

Law Offices of
Linda J. LeZotte
1038 Leigh Avenue, Suite 222
San Jose, California 95126
408.823.8200 ▪ Fax 408.269.2472

May 21, 2014

RECEIVED
MAY 22 2014
PLANNING DIVISION

SENT VIA E-MAIL

Mr. Yen Han Chen
Associate Planner
1500 Warburton Avenue
Santa Clara, CA 95050

RE: PLN2014-10256; PLN2014-10258; PLN2014-10259; PLN2014-10260
Santa Clara Square

Dear Mr. Chen:

This letter is a follow up to the letter dated May 6, 2014 regarding the above referenced applications which will be heard by the Planning Commission on May 28th and tentatively by the City Council on June 10th.

In my previous letter I expressed my client's approval of the general plan and zoning requests for the "retail" portion of the projects – Phase I. I also mentioned the items of concern for the "office" portion – Phase II and III.

The purpose of this letter is to expand on our concerns and to request that the Planning Commission make conditions of approval which will address our concerns and forward those to the City Council.

My client, the owner of the property indicated on the conceptual site plan as "not a part of the Project", generally supports the applicant's enhancement of the area with retail and Class A office buildings. The retail will provide modern facilities and establishments which will be attractive to not only the immediate office workers but the local community. Additional Class A office buildings will be beneficial to the City and the surrounding area.

OUR CONCERNS:

As mentioned I my prior letter, our building is occupied by a long term tenant – the University of Santa Cruz Extension campus. This iconic building (UC Building) is used by the University in its marketing and branding efforts. Likewise the City and Chamber of Commerce

has used the UC building in its promotion of the educational facilities in the City of Santa Clara. Any diminution of the visibility of this iconic building or signage from either the east or west direction of Highway 101 would diminish and harm the branding efforts of my client and its tenant – UC Santa Cruz.

Likewise the massing of the buildings and garage as indicted in the "conceptual" site plan portend an overpowering of the UC building which sits back from Highway 101.

Similarly, as mentioned in my prior letter, the height and shadow of the 6-8 foot building on Augustine, will affect the daylighting of the educational uses of the tenant.

While we remain supportive of office uses on this site, my client requests the ability to remain directly engaged in the development of the office site from this conceptual plan to final design and site approval. Therefore, we request that the Planning Commission not approve the conceptual design rather that they adopt and recommend the following Conditions of Approval with regard to Phase II and III - the office project.

1. Refer the conceptual plan to the Architectural Review Committee for further development and approval of the site plan and building design that take into consideration the concerns of my client and UC Santa Cruz, as well as, the results of the two (2) below requested studies.

2. Require that a shadow study be performed prior to design review of a 6 story, 7 story and 8 story. building (Phase II, Bldg 2B) and its effect on the UC building. The study should document the potential implications of the height and massing of the proposed building on the daylighting of the UC building.

3. Require prior to design review a line of site study along Highway 101 from the east and west of the UC building which indicates the visibility (or lack thereof) of the UC building and signage on the UC building from the highway. The study should document the potential implications of the height and massing of the proposed garage (Phase II, Garage 2A) on the UC building and signage.

4. Require notice of meetings of the Architectural Design Committee concerning Phase II and Phase III be made to myself and my client. We acknowledge receipt of prior notices.

Thank you for your assistance in including my two letters in the Planning Commission and City Council packets.

Yours truly,

Linda J. LeZotte
Linda@lezottelaw.com

cc: SF Realty Partners

Linda J. LeZotte
1038 Leigh Avenue, Ste. 222
San Jose, California 95126
408.823.8200 ▪ Fax 408.269.2474

May 12, 2014

RECEIVED
MAY 15 2014
PLANNING DIVISION

Mr. Yen Han Chen
Associate Planner
1500 Warburton Avenue
Santa Clara, CA 95050

RE: PLN2014-10256; PLN2014-10258; PLN2014-10259; PLN2014-10260
Santa Clara Square

Dear Mr. Chen:

Thank you for taking the time to discuss with me the above applications filed by the Irvine Company. As I mentioned in our telephone conversation, this office represents PSAI Realty Partners the owner of property (2505 Augustine) adjacent to the Phase II and III office proposals. Pursuant to the Notice of General Plan Amendment #80 PSAI herewith submits its comments to the applications.

I. GP AMENDMENT – LIGHT INDUSTRIAL TO COMMUNITY COMMERCIAL. PD ZONING AMENDMENT TO ALLOW RETAIL:

Based upon the application submitted, PSAI believes that the introduction of retail as proposed by the application will bring much needed services to the area and will be beneficial to the City, residents and employees in the immediate area.

II. GP AMENDMENT FROM LIGHT INDUSTRIAL TO HIGH INTENSITY OFFICE/RESEARCH; RE-ZONING FROM LIGHT INDUSTRIAL TO COMMERCIAL PARK.

As noted in the drawings submitted with the application, my client's property is surrounded by the proposed project. It is our understanding that the building locations are submitted as a possible configuration for how the applicant would achieve the total development square footage. The project will consist of 6-8 story office buildings, a parking garage and surface parking.

My client's concerns are the building locations and massing and how that would affect the highly desired visibility of our building from the 101 Freeway and adjacent office complexes. Additionally the height of the buildings has the potential to create undesirable shadowing of my client's building. U.C. Santa Cruz Extension program has been the tenant since 2009, and have

the option to extend their lease until 2029. Natural light is not only an environmentally superior way to provide interior lighting, but is most certainly highly conducive to learning.

We have discussed these issues with the Applicant and the current configuration of the buildings, parking garage and surface parking are an attempt to address our concerns. However, the Applicant is not submitting these plans for architectural review. Therefore we are alerting your office to our concerns about the configuration and massing of the buildings and parking garage and their impacts on our building. We will continue to voice our concerns with the configuration of the buildings, parking garage and surface parking until plans are submitted to the City. At that point we will submit further comments. We are hopeful that we will be able to support the project.

Because of the City's short appeal period following review by the Architectural Review Committee, we therefore request that these future building location plans (design) be reviewed instead by the Planning Commission.

As I mentioned in my telephone conversation, we request notice of any hearings or public meetings concerning these applications.

Yours truly,

Linda J. LeZotte
linda@lezottelaw.com

tih
cc: PSAI Realty Partners

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org

RECEIVED
MAY 08 2014
PLANNING DIVISION

May 5, 2014

Yen Han Chen, Associate Planner
City of Santa Clara
Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050

RE: Comments regarding Santa Clara Square - General Plan Amendment (GPA) #80

Dear Yen Han Chen:

Please find enclosed comments from the County regarding Santa Clara Square – General Plan Amendment (GPA) #80. These include comments from the representatives of Roads & Airports Dept. and Dept. of Environmental Health.

The attached comments include concerns the County has regarding traffic impacts of the project, and hazardous materials contaminated sites in the area. If you have any questions regarding coordination of comments on the GPA from the County, please contact Ananth Prasad at (408) 494-1342, in Roads & Airports Dept. or Lani Lee at (408) 918-1977, in Dept. of Environmental Health.

Sincerely,

Ignacio Gonzalez
Director of Planning and Development

cc:
Dawn Cameron, Masoud Akbarzadeh, Ananth Prasad, Ivana Yeung – Roads & Airports Dept.
Michael Balliet, Martha Wien, Lani Lee– Dept. of Environmental Health
Ken Yeager, Alex Shoor - Board of Supervisors District 4
Sylvia Gallegos – Deputy County Executive, County Executive Office

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

May 2, 2014

Yen Han Chen
Associate Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara CA 95050

SUBJECT: Santa Clara Square - General Plan Amendment #80

Dear Mr. Chen:

Thank you for the opportunity to comment on the Santa Clara Square project. The County of Santa Clara Roads and Airports Department requests future notices regarding the project, including any supplemental environmental documents.

Should a supplemental EIR be necessary, the County requests that LOS analysis be conducted using County signal timing for County study intersections and the most recent CMP count and LOS data for CMP intersections. Please contact Ananth Prasad at (408) 494-1342 or Ananth.Prasad@rda.sccgov.org for the correct signal timing.

The *Comprehensive County Expressway Planning Study - 2008 Update* adopted by the Board of Supervisors in March 2009 should be consulted for a list of mitigation measures for significant impacts to the expressways. Should the *Expressway Study* not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

Sincerely,

Dawn S. Cameron
County Transportation Planner

cc: Masoud Akbarzadeh, *County Traffic Engineer*
Ananth Prasad, *Senior Traffic Engineer*

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

7-007

County of Santa Clara

Department of Environmental Health

Hazardous Materials Compliance Division
Site Mitigation Program
1555 Berger Drive, Suite 300
San Jose, CA 95112-2716
(408)918-3400 FAX (408)280-6479
www.EHinfo.org

May 2, 2014

Yen Han Chen, Associate Planner
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Comments on Santa Clara Square - 2620-2800 Augustine Drive; 2423-2475 Augustine Drive

Dear Yen Han Chen:

The Department of Environmental Health (DEH), Site Mitigation Program has reviewed the project listed above and provides the following comments.

The property located at 2620 Augustine Drive is a closed contamination site. The site was closed by the Regional Water Quality Control Board in March 2009. The case was closed with residual contamination in soil and groundwater under the onsite building.

The property located at 2800 Augustine Drive is a closed fuel leak site. The site was closed in August 2009 with residual contamination remaining in soil and groundwater. The site is currently occupied by an active gasoline service station.

In the site vicinity, are other closed cleanup sites and a fuel leak site; and there are open cleanup sites:

GEOTRACKER ID	SITE NAME	CLEANUP STATUS	ADDRESS	CITY
SL0608538702	SANTA CLARA OFFICE CENTER III	COMPLETED - CASE CLOSED	2620 AUGUSTINE DRIVE	SANTA CLARA
SL18362782	ELECTROGLAS	COMPLETED - CASE CLOSED	2901-3001 CORONADO DRIVE	SANTA CLARA
SL18275696	HEWLETT PACKARD - BOWERS AVE	COMPLETED - CASE CLOSED	3175 BOWERS AVE	SANTA CLARA
T0608501286	SHELL	COMPLETED - CASE CLOSED	2800 AUGUSTINE DR	SANTA CLARA
T0608578082	SHELL	COMPLETED - CASE CLOSED	2800 AUGUSTINE DR.	SANTA CLARA
T0608501746	AVANTEK	COMPLETED - CASE CLOSED	3175 BOWERS AVE	SANTA CLARA
T0608591635	IDT	OPEN - INACTIVE	3236 SCOTT BLVD	SANTA CLARA
SL0608551760	LAKESIDE ATRIUM BUILDING	COMPLETED - CASE CLOSED	2880 LAKESIDE DRIVE	SANTA CLARA

Please feel free to contact Lani Lee at (408) 918-1977 or via email at Lani.Lee@deh.sccgov.org if there are any questions.

Sincerely,

Digitally signed by Michael Balliet
DN: cn=Michael Balliet, o=Department of Environmental Health, ou=Consumer Protection Division, email=michael.balliet@deh.sccgov.org, c=US
Date: 2014.05.02 13:22:21 -07'00'

Michael Balliet
Hazardous Materials Program Manager
Site Mitigation Program

Board of Supervisors: Mike Wasserman, Dave Cortese, Ken Yeager, S. Joseph Simitian, Cindy Chavez
County Executive: Jeffrey V. Smith

From: Amah Mutsun [mailto:amahmutsuntribal@gmail.com]

Sent: Sunday, April 13, 2014 4:32 PM

To: Yen Chen

Subject: Re: Santa Clara Square Project, PLN2014-10256, General Plan Amendment #80

Our recommendations are:

Have all crews Cultural Sensitivity Trained.

Have a California Trained Archaeological Monitor on site while digging.

Have a Qualified Trained Native American Monitor on site while digging.

Feel free to contact us if you need our assistance.

Thank you

--

Michelle Zimmer

Enrollment and Communications Officer of the

Amah Mutsun Tribal Band of Mission San Juan Bautista

SANTA CLARA SQUARE RETAIL

Santa Clara, CA

PLN2014-10256, PLN2014-10257, PLN2014-10259, & PLN2014-10260

FINAL PLANNING APPLICATION SUBMITTAL
MAY 1, 2014

RECEIVED
MAY 01 2014
PLANNING DIVISION

IRVINE COMPANY
Since 1864

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9484 Dayton Way
Suite 210
Beverly Hills, CA 90210
tel 310.247.9577
fax 310.247.9590
www.davies.a.com

PLN2014-10256, PLN2014-10257, PLN2014-10259, & PLN2014-10260

13154 10

COVER SHEET

SHEET INDEX

DATE ISSUED	CHANGE IN THIS SHEET SINCE REVISION NO.		
			GENERAL
05-01-14			COVER SHEET
05-01-14		G-001	GENERAL INFORMATION
05-01-14		P-1	PHOTOGRAPHS: ARCHITECTURAL PRECEDENTS
05-01-14		P-2	PHOTOGRAPHS: ARCHITECTURAL PRECEDENTS
			CIVIL
05-01-14		C-1	EXISTING OVERALL SITE PLAN
05-01-14		C-2	PROPOSED OVERALL SITE PLAN
05-01-14		C-2.1	OVERALL SITE PLAN
05-01-14		C-3	PROPOSED SITE PLAN RETAIL
05-01-14		C-4	GRADING AND DRAINAGE PLAN RETAIL
05-01-14		C-5	SECTIONS
05-01-14		C-6	CONCEPTUAL UTILITY PLAN RETAIL
05-01-14		C-7	FIRE ACCESS EXHIBIT RETAIL
05-01-14		S-1	STORMWATER CONTROL PLAN RETAIL
05-01-14		S-2	STORMWATER CALCULATIONS
05-01-14		S-3	STORMWATER CALCULATIONS
05-01-14		S-4	STORMWATER CALCULATIONS AND DETAILS
			LANDSCAPE
05-01-14		L-1	PROPOSED LANDSCAPE SITE PLAN
05-01-14		L-3	LANDSCAPE TREE PLANTING PLAN
05-01-14		L-5	PROPOSED LANDSCAPE TREE REMOVAL AND PROTECTION PLAN
05-01-14		L-5.1	LANDSCAPE TREE PROTECTION NOTES
			ARCHITECTURAL
05-01-14		A-101	RETAIL BLDGS A, B, & C FLOOR PLANS
05-01-14		A-102	RETAIL BLDGS: D & E, RETAIL BLDG F FLOOR PLANS
05-01-14		A-103	MARKET / RETAIL, RETAIL BLDG G FLOOR PLANS
05-01-14		A-301	RETAIL: A & B, D & E, C SOUTH/NORTH ELEVATIONS
05-01-14		A-302	RETAIL F & G EAST ELEVATIONS. RETAIL H NORTH ELEVATION
05-01-14		A-303	MARKET/RETAIL NORTH ELEVATION
05-01-14		A-304	MARKET/RETAIL SOUTH ELEVATION
05-01-14		A-305	MARKET/RETAIL EAST/WEST ELEVATIONS
05-01-14		A-401	CALIFORNIA GREEN BUILDING STANDARDS CHECKLIST
			SIGNAGE
05-01-14		GS-050	PROPOSED SITE SIGN LOCATION PLAN RETAIL
05-01-14		GS-401	RETAIL SIGNAGE DETAILS

PROJECT DIRECTORY

OWNER

IRVINE COMPANY
690 N. McCarthy Blvd., Suite 100
Milpitas, CA 95035
Tele: (408) 957-1265 Fax: (408) 957-0408
Contact: Carlene Matchniff
E-mail: cmatchniff@irvinecompany.com
Contact: Roger DeWames
E-mail: rdewames@irvinecompany.com

CIVIL ENGINEER

HMH
1570 Oakland Road
San Jose, CA 95131
Tele: (408) 487-2200 Fax: (408) 487-2222
Contact: Ray Hashimoto
E-mail: rhashimoto@HMHca.com
Contact: Tony Vignolo
E-mail: tvignolo@HMHca.com

LANDSCAPE ARCHITECT

BURTON LANDSCAPE ARCHITECTURE STUDIO
307 S Cedros Avenue
Solana Beach, CA 92075
Tele: (858) 794-7204 Fax: (858) 794-7207
Contact: Brad Emarine
E-mail: brad@burton-studio.com

ARCHITECT - RETAIL

BCV ARCHITECTS
1527 Stockton Street
4th Floor
San Francisco, CA 94133
Tele: (415) 398-6538 Fax: (949) 398-6521
Contact: Derek Lueck
E-mail: lueck@bcvarch.com

SIGNAGE/GRAPHICS

DAVIES ASSOCIATES, INC.
9424 Dayton Way, Suite 217
Beverly Hills, CA 90210
Tele: (310) 247-9572 Fax: (310) 247-9590
Contact: Noel Davies
E-mail: ndavies@daviesla.com
Contact: Brad Donahue
E-mail: bdonahue@daviesla.com

PERMITTED USES

PERMITTED USES

- PERMITTED USES IN THE FOLLOWING DISTRICTS:
  (A) CC – COMMUNITY COMMERCIAL

- IN ADDITION, THE FOLLOWING USES ARE PERMITTED:
  (A) OUTDOOR USES CONSISTENT WITH THE INTENT OF THE PROPOSED CC DISTRICT USES.

CONDITIONAL USES

- THE FOLLOWING ARE CONDITIONAL USES:
  (A) RESTAURANT WHICH SERVES OR SELLS ALCOHOLIC BEVERAGES.

PROHIBITED USES

- THE FOLLOWING USES ARE PROHIBITED:
  (A) SERVICE STATIONS.

INTERIM USES

- PERMITTED USES IN THE ML (LIGHT INDUSTRIAL) ZONING DISTRICT WITHIN BUILDINGS EXISTING ON-SITE AS OF JANUARY 1, 2009.

ADDITIONAL USES MAY BE PERMITTED BY SECURING AN AMENDMENT TO THIS PD ZONING DISTRICT IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE CHAPTER 18.112 SCCC, AMENDMENTS.

DEVELOPMENT STANDARDS

BUILDING HEIGHT

- NO CITY-IMPOSED LIMITATION ON HEIGHT, BUT SUBJECT TO FEDERAL AVIATION ADMINISTRATION (FAA) REGULATIONS PART 77 HEIGHT RESTRICTIONS.

LOT COVERAGE

- MAXIMUM BUILDING COVERAGE: 50%.
- MINIMUM LANDSCAPE COVERAGE SHALL BE 15%.

SETBACK REGULATIONS

- MINIMUM BUILDING SETBACK FROM PROPERTY LINE ALONG AUGUSTINE DRIVE IS 20 FEET.
- MINIMUM BUILDING SETBACK FROM PROPERTY LINE ALONG BOWERS AVENUE IS 20 FEET.
- MINIMUM BUILDING SETBACK FROM PROPERTY LINE ALONG SCOTT BOULEVARD IS 10 FEET.
- MINIMUM BUILDING SEPARATION IS 15 FEET.

BUILDING AREA

- MAXIMUM BUILDING SQUARE FOOTAGE: 125,000 SQUARE FEET.

PARKING REGULATIONS

- OFF-STREET PARKING RATIO IS 1 SPACE/200 SQUARE FEET, FOR ALL INDOOR USES REGARDLESS OF SEATS.
- PARKING RATIO FOR DEDICATED OUTDOOR SEATING IS 1 SPACE/3 SEATS.
- MINIMUM TWO-WAY DRIVE AISLE WIDTH IS 24'-0" FOR STANDARD 90' PARKING.

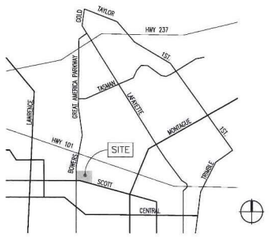
SIGNAGE PROGRAM

- PROPOSED SITE/SIGN LOCATION PLAN SHEET GS-050 & SIGNAGE DETAIL SHEET GS-401 PREPARED BY DAVIES ASSOCIATES, DATED MAY 1, 2014.
- MONUMENT SIGNS SHALL NOT BE LOCATED WITHIN SIGHTLINE TRIANGES OR EASEMENTS WHICH RESTRICT SUCH SIGNAGE.

DIRECTOR OF PLANNING REVIEW

- THE DIRECTOR OF PLANNING MAY APPROVE DEVIATIONS OF UP TO 10% FOR DEVELOPMENT REGULATIONS SUCH AS BUILDING SETBACK, BUILDING SEPARATION AND PARKING.

VICINITY MAP



PROJECT INFORMATION

EXISTING ASSESSOR'S PARCEL NUMBER(S)	216-45-011, 014, 019, 027, 028	
EXISTING BUILDING ADDRESSES	2620 & 2700 AUGUSTINE DR (216-45-027, 028)	
	3333 & 3399 BOWERS AVE (216-45-014, 019)	
	3283 & 3295 SCOTT BLVD (216-45-011)	
PROPOSED ASSESSOR'S PARCEL NUMBER(S)	TO BE DETERMINED	
PROPOSED BUILDING ADDRESSES	TO BE DETERMINED	
PLANNING/ZONING		
PROPOSED USE	COMMERCIAL	
EXISTING GENERAL PLAN DESIGNATION	HIGH INTENSITY OFFICE / R&D	
EXISTING ZONING DESIGNATION	PD	
PROPOSED GENERAL PLAN DESIGNATION	COMMUNITY COMMERCIAL	
PROPOSED ZONING DESIGNATION	PD	
GROSS SITE AREA	±14.15 ACRES (±616,392 SF)	
PROPOSED PUBLIC RIGHT OF WAY DEDICATION:	±0.26 ACRES (±11,224 SF)	
NET SITE AREA:	±13.89 ACRES (±605,168 SF)	
PROPOSED BUILDING GROSS AREA:	±111,168 GSF	
PROPOSED FLOOR AREA RATIO:	0.18	
SITE COVERAGE		
TOTAL NET SITE AREA:	±605,168 SF	100%
MAXIMUM BUILDING COVERAGE:	±302,584 SF	50%
MINIMUM LANDSCAPE COVERAGE:	±90,775 SF	15%
BUILDING COVERAGE PROVIDED:	±111,168 SF	18.4%
LANDSCAPE COVERAGE PROVIDED:	±126,309 SF	20.9%
PARKING		
MIN. PARKING RATIO (BUILDING AREA):	1 SPACE/200 GROSS BUILDING SF	
MIN. PARKING RATIO (OUTDOOR SEATING):	1 SPACE/3 SEATS	
MIN. PARKING REQUIRED (111,168 GSF):	556 SPACES	
MIN. PARKING REQUIRED (162 SEATS):	54 SPACES	
TOTAL PARKING REQUIRED:	610 SPACES	
TOTAL PARKING PROVIDED:	610 SPACES	

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road San Jose, CA 95131 (408) 487-2200 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The use of these original documents, in all or in part, in any form or medium, without the express written consent of the Architect is prohibited. Ownership of all data, including but not limited to, drawings, specifications, plans, reports, models, computer files, and any other data or documents prepared by the Architect, shall remain the property of the Architect. Reproduction of these documents for other projects, or any other purpose, regardless of the intent or purpose of the reproduction, or any alteration of these documents without the express written consent of the Architect is prohibited. Any unauthorized use of these documents shall be at the sole risk and liability of the user.

Plans and elements depicted on this sheet are not representative of actual or as-built conditions. Lot lines, setbacks, and other site information may be approximate. Refer to "Boundary" sheets for precise information.

© Copyright 2012

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job No. 13154.10
Date 5/1/2014
Checked by JK
Scale

GENERAL INFORMATION

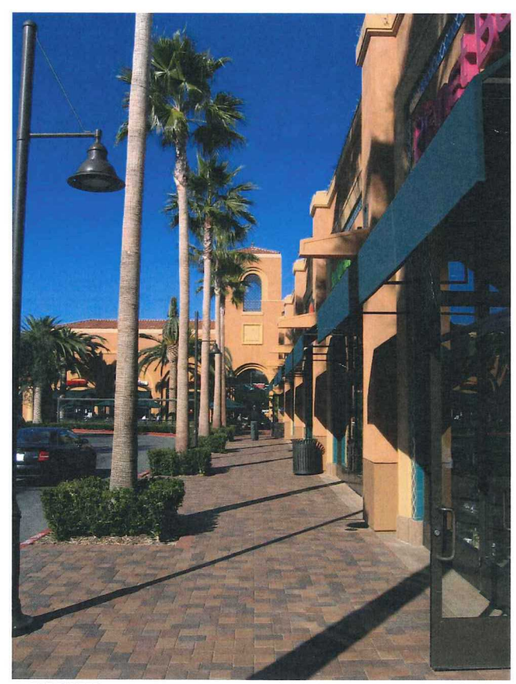
G-001

THE BLUFFS

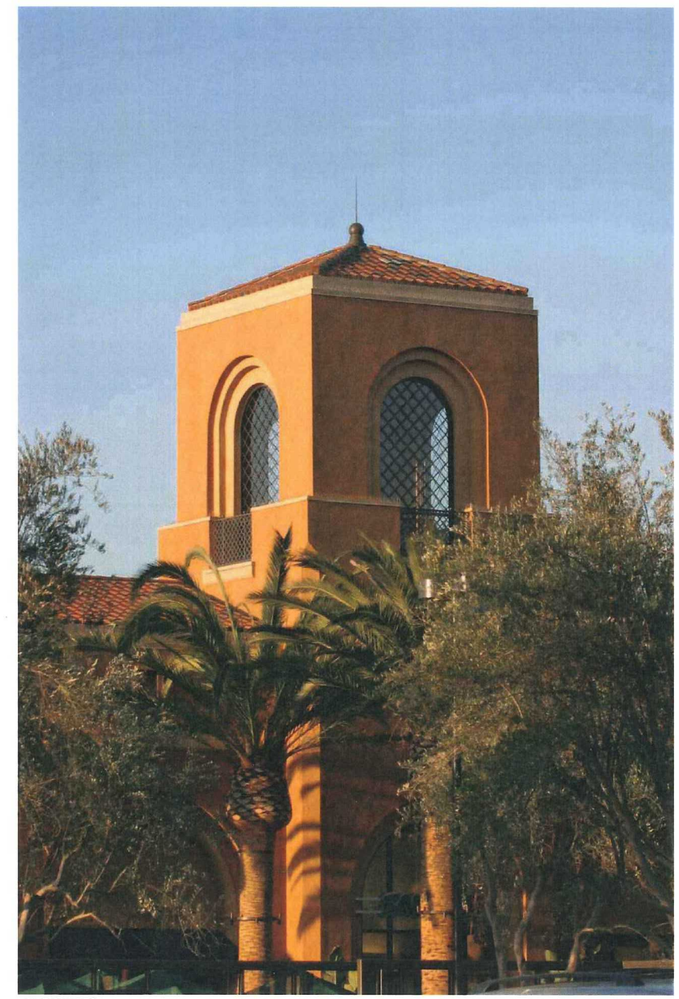
PORPHYRIOS

THE BLUFFS

PORPHYRIOS



THE BLUFFS



THE BLUFFS

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2090
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9454 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9527
fax 310.247.9590
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The art, in the graphic expression, and all ideas, concepts, or designs, expressed herein, are the exclusive property of DAVIES ASSOCIATES, INC. (DA) and shall not be reproduced, copied, or used for any purpose without the express written consent of DAVIES ASSOCIATES, INC. (DA). DA hereby grant limited rights for any use of the art, ideas, concepts, or designs expressed herein, unless in writing signed by DAVIES ASSOCIATES, INC. (DA) to the extent that DA is not an artist for commercial hire, or a commercial artist, DA hereby grant limited rights for any use of the art, ideas, concepts, or designs expressed herein, to the extent that DA is a commercial artist for hire, however, these rights are limited solely to the purpose for which DA was hired to create the art, ideas, concepts, or designs.

Project Engineering transfer design water of scale and use are the responsibility of the project engineer. DA is not responsible for the accuracy of the engineering information provided by the project engineer.

© Copyright 2012

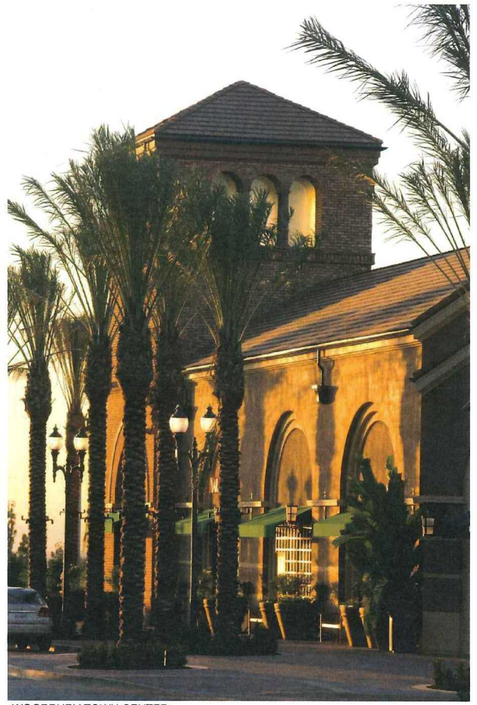
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/14
PLANNING APPLICATION RE-SUBMITTAL	4/3/14
FINAL PLANNING APPLICATION SUBMITTAL	5/12/014

Job. No.	
Date	12/03/2013
Checked by	DKL
Scale	NTS

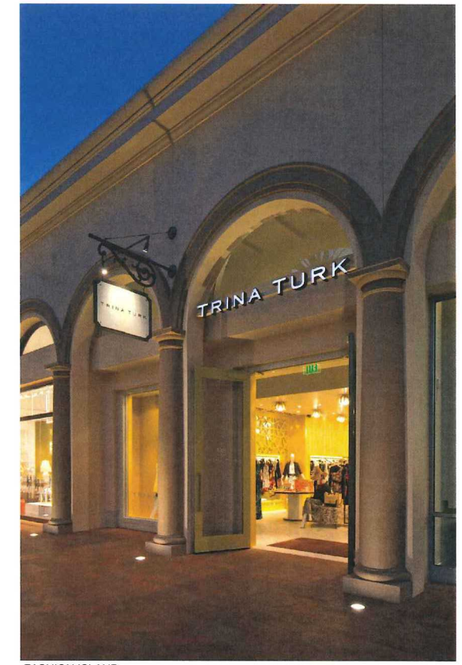
PHOTOGRAPHS: ARCHITECTURAL PRECEDENTS

P-1



WOODBURY TOWN CENTER

FASHION ISLAND



FASHION ISLAND

PORPHYRIOS

PORPHYRIOS

FASHION ISLAND

PORPHYRIOS

BCV

burton
Landscape Architecture Studio
397 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9601 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9577
fax 310.247.9580
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set is the exclusive property of the Irvine Company and is to be used only for the project and site specified herein. Unauthorized use of these documents is prohibited. Reproduction, publication or other use of these documents without the written consent of the Irvine Company is prohibited. Any use of these documents on other projects or at other locations is prohibited. Any use of these documents on this project by persons other than those persons specifically authorized by the Irvine Company is prohibited.

© Copyright 2013

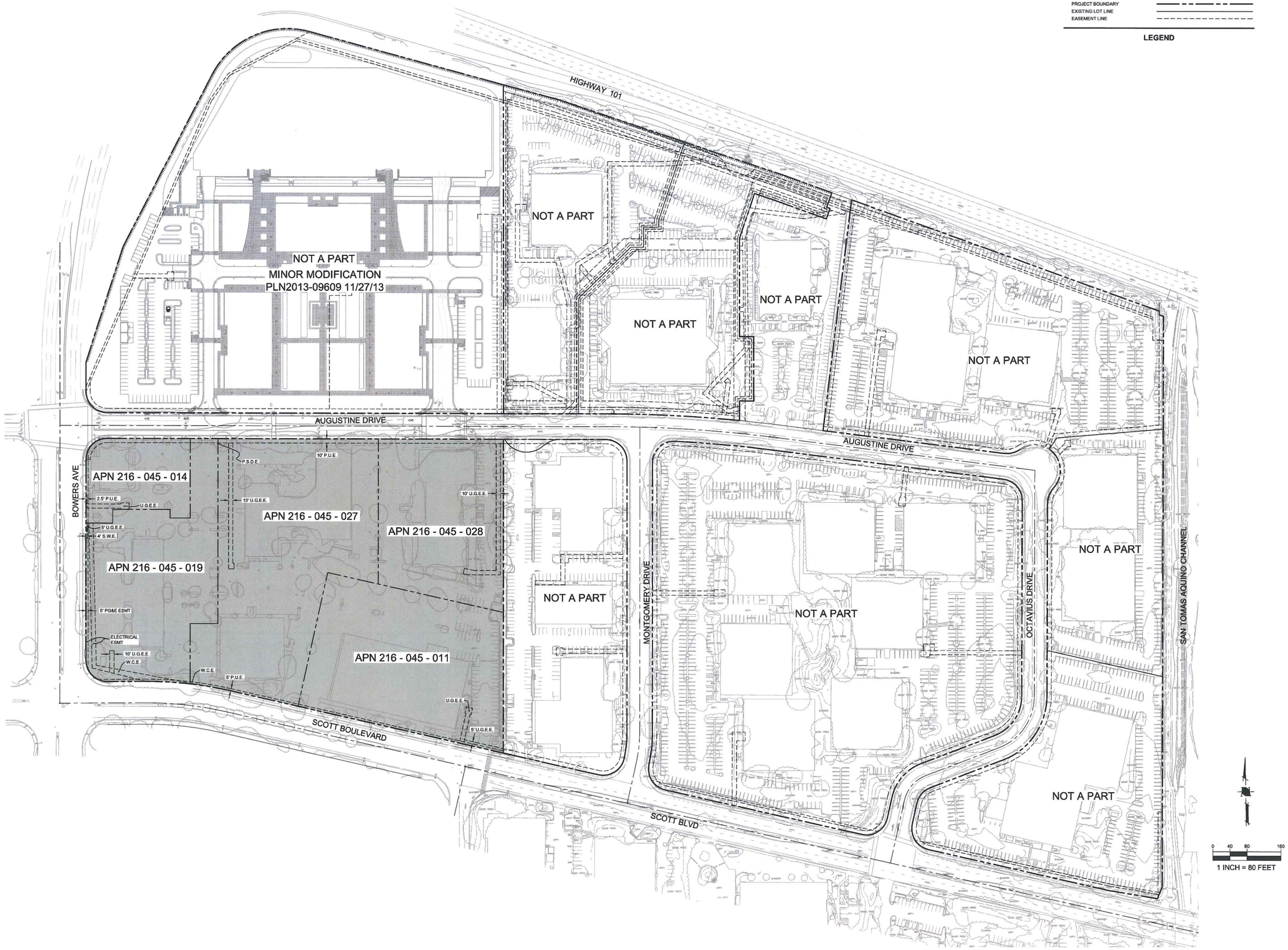
Submitted	Date
PLANNING APPLICATION SUBMITTAL	2/19/14
PLANNING APPLICATION RE-SUBMITTAL	4/9/14
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job. No.	
Date	12/03/2013
Checked by	DKL
Scale	NTS

PHOTOGRAPHS: ARCHITECTURAL PRECEDENTS

P-2



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHcos.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 207
Beverly Hills, CA 90210
tel 310.247.9930
fax 310.247.9990
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The use of these plans, regardless of the intended purpose, shall be limited to the original site for which they were prepared and publication thereof is expressly limited to such use. Reproduction or publication by any other person or entity, in any form, is prohibited. Visual contact with these plans shall constitute prima facie evidence of acceptance of these restrictions. Only those plans signed in ink by the Landscape Architect are valid. Do not scale drawings. Use only dimensions and notes. Verify dimensions, location and grade prior to use.

© Copyright 2012

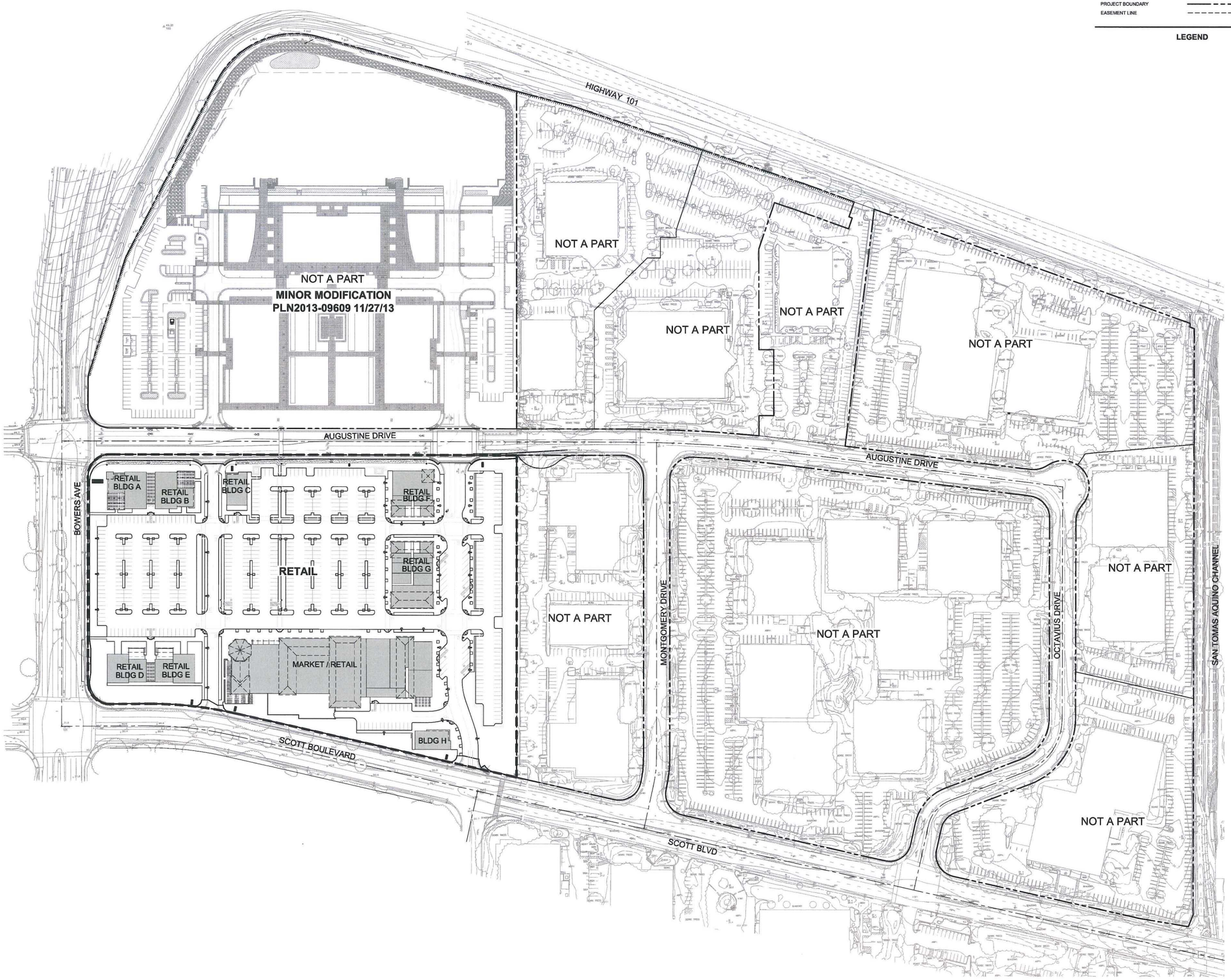
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 80'

EXISTING OVERALL SITE PLAN

C-1



PROJECT LIMITS
PROJECT BOUNDARY
EASEMENT LINE

LEGEND

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Burton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9922
fax 310.247.9990
www.davies.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This and all other copyright documents, such as letters, drawings, specifications, and computer software, prepared by or on behalf of the Irvine Company LLC ("IC") and/or its consultants, shall remain the property of IC and may not be used for any purpose other than that for which they were prepared or provided to IC pursuant to a written agreement between IC and the author of the document. Without limiting the foregoing, no other person or entity may use, copy or distribute these documents in any form without the prior written consent of IC and/or its consultants. In the event such prior written consent is given, all copyright notices must be retained and shall be deemed non-project licensed mission.

Any use of these documents by IC or its consultants on any other project, or any use by IC or its consultants on this project after the termination of IC's or its consultant's rights to do business in the State of California, shall be deemed to be a material breach of the agreement between IC and its consultant, and IC and its consultants shall have no liability or responsibility for such use. Any use by IC or its consultants on this project after such termination shall be deemed non-project licensed mission.

© copyright 2012

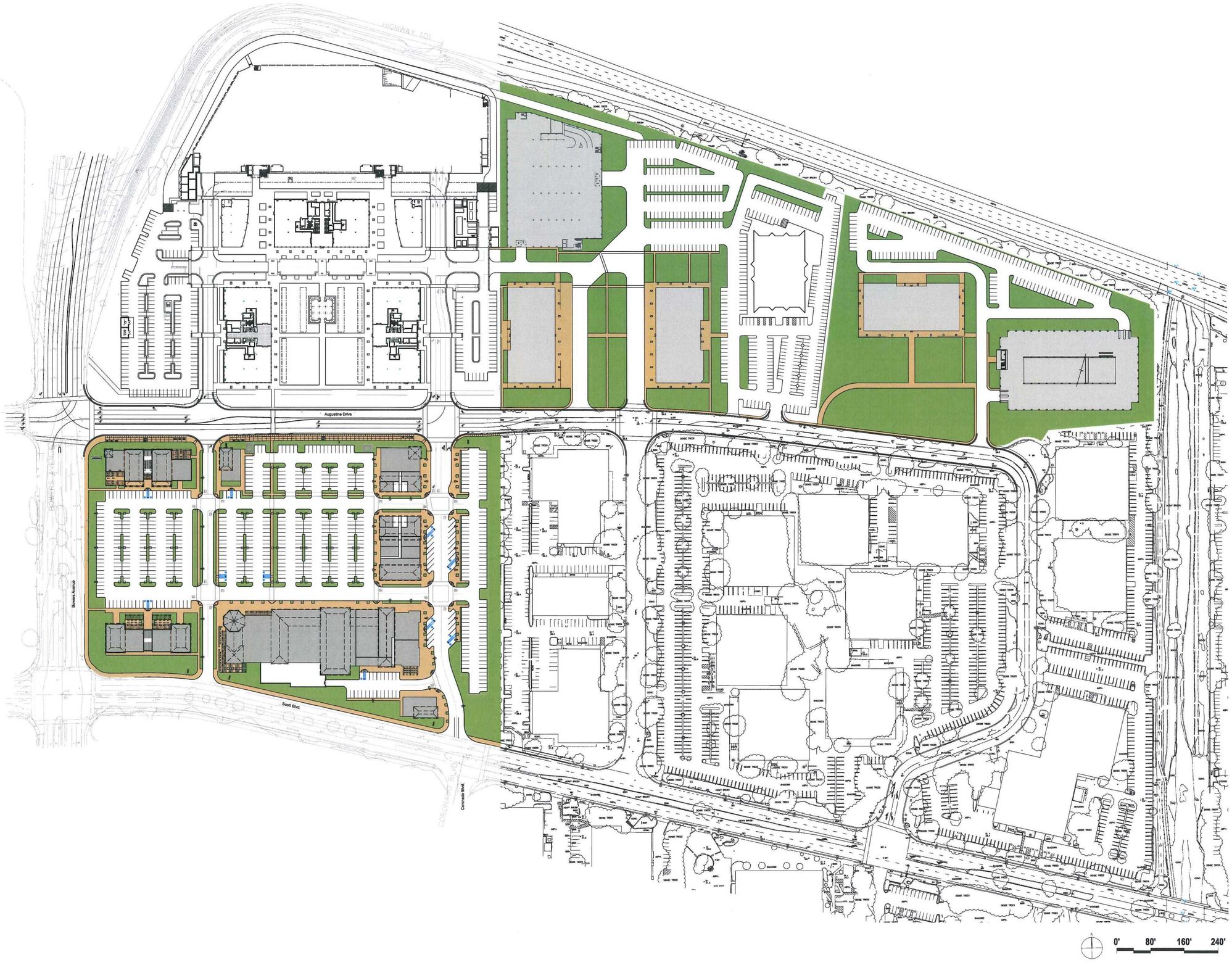
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 80'

PROPOSED OVERALL SITE PLAN

C-2



BCV

burton
Landscape Architecture Studio
307.5 Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 210
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of plans, designs, ideas, and specifications is the property of the Architect and shall remain the property of the Architect. The reproduction, alteration, or use of any portion of these plans, designs, ideas, and specifications without the written consent of the Architect is prohibited by law and will be prosecuted to the full extent of the law. The Architect is not responsible for any changes made to these plans, designs, ideas, and specifications by others. The Architect is not responsible for any use of these plans, designs, ideas, and specifications on any other project or at any other location. © Copyright 2012

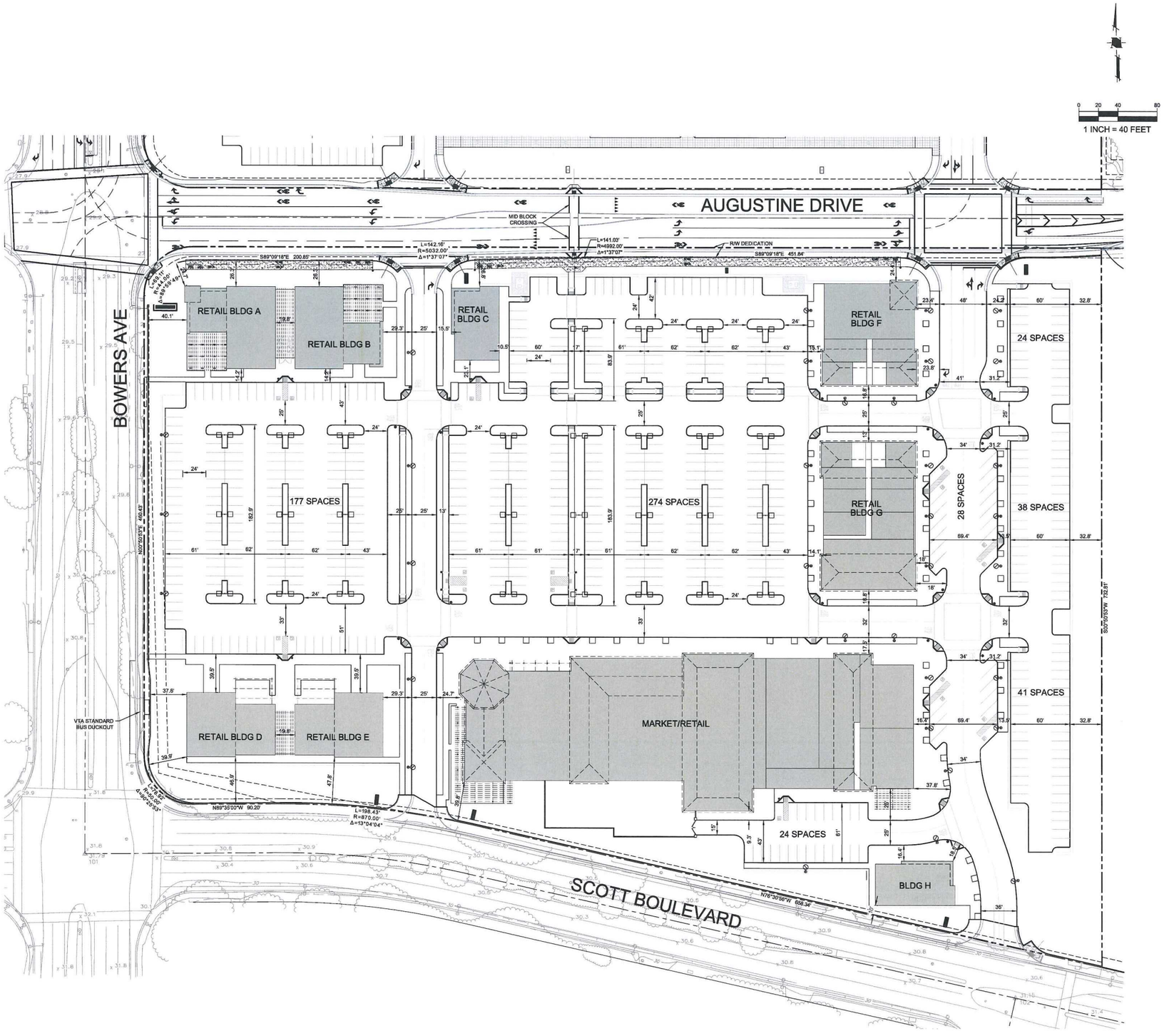
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	13154.10
Date	4/9/2014
Checked by	BE
Scale	1" = 40'

OVERALL SITE PLAN

C-2.1



PROJECT BOUNDARY
EASEMENT LINE

LEGEND

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road San Jose, CA 95131 (408) 487-2200 HMHrco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Burton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9932
fax 310.247.9930
www.davies.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of plans, properties, and all their contents are the property of Burton Landscape Architecture Studio (BCV), HMH, and Davies Associates (DA). All rights are reserved by the Consultants. Any use of these plans by others without the express written consent of the Consultants is prohibited. Reproduction or distribution of these plans or any portion thereof without the express written consent of the Consultants is prohibited. The Consultants shall not be liable for any damages that arise out of the modification of these plans by others. Copyright 2012 © Burton Landscape Architecture Studio

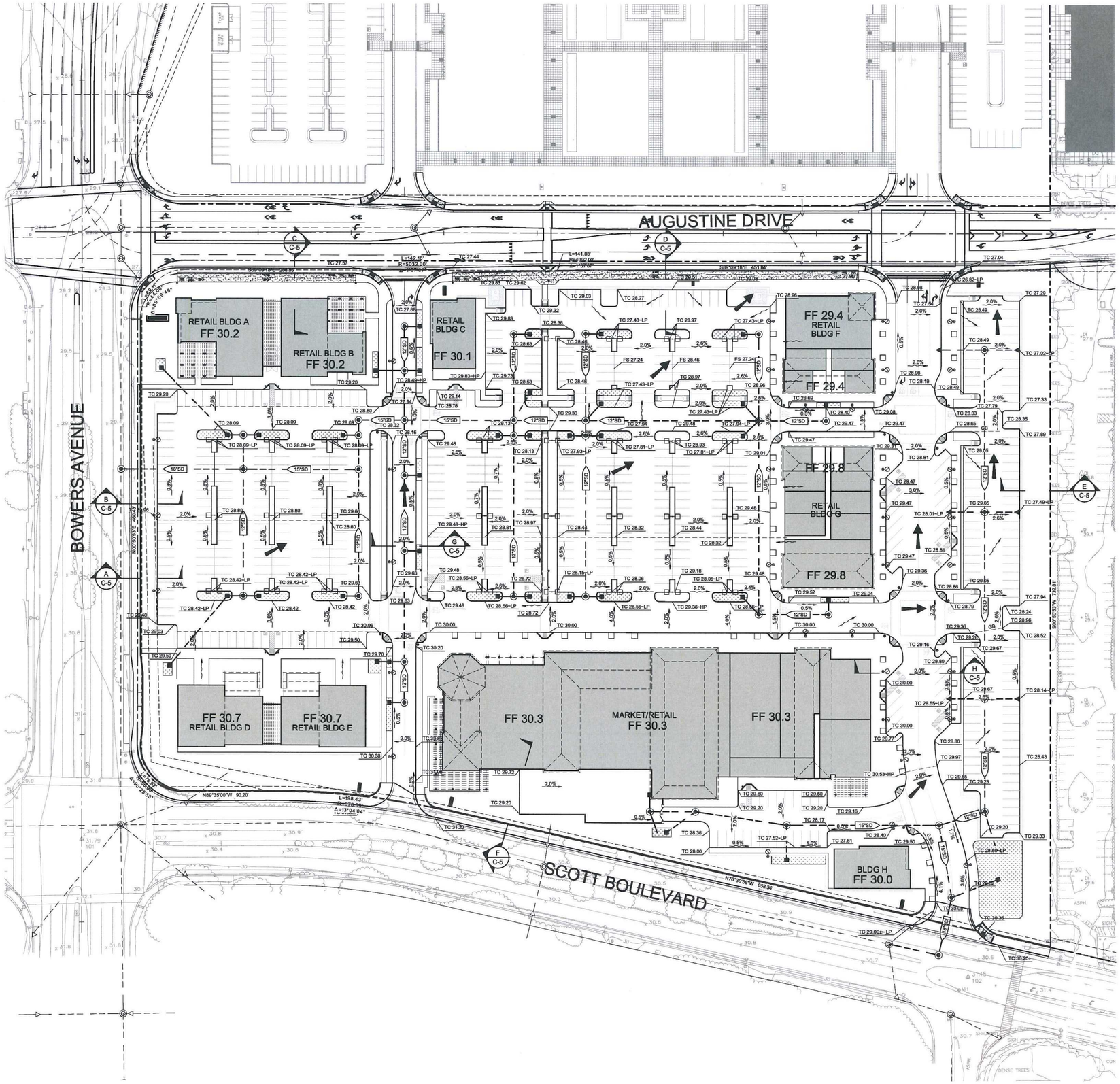
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Job. No.	4298.00
Date	4/9/2014
Checked by	TV
Scale	1" = 40'

PROPOSED SITE PLAN RETAIL

C-3



PROJECT BOUNDARY	
STORM DRAIN PIPE	
STORM DRAIN PIPE (EXISTING)	
EASEMENT LINE	
STORM DRAIN MANHOLE	
STORM DRAIN MANHOLE (EXISTING)	
CURB INLET	
CURB INLET (EXISTING)	
CATCH BASIN	
CATCH BASIN (EXISTING)	
CURB CUT	
HIGH POINT SPOT ELEVATION	x HP
LOW POINT SPOT ELEVATION	x LP
GARAGE SURFACE ELEVATION	GS
FINISH FLOOR ELEVATION	FF
PAD ELEVATION	PAD
STORM DRAIN FORCE MAIN	SD FM
STORM DRAIN DIVERSION MANHOLE	SDDM
FINISH SURFACE	FS
FINISH GRADE ELEVATION	FG
FLOW LINE	FL
TOP OF CURB ELEVATION	TC
PERCENT AND DIRECTION OF SURFACE FLOW DRAINAGE	X%
OVERLAND RELEASE PATH	
BIOCELL	

LEGEND

WEIGHTED 'C' FACTOR

PRE-CONSTRUCTION

SITE AREA		PAVED/IMPERVIOUS AREA		COMMERCIAL BUILDING AREA		LANDSCAPE AREA		AVERAGE 'C'
	SQ.FT.	SQ.FT.	C	SQ.FT.	C	SQ.FT.	C	
RETAIL	616,392	292,736	0.85	173,380	0.80	150,276	0.25	0.69

POST-CONSTRUCTION

SITE AREA		PAVED/IMPERVIOUS AREA		COMMERCIAL BUILDING AREA		LANDSCAPE AREA		AVERAGE 'C'
	SQ.FT.	SQ.FT.	C	SQ.FT.	C	SQ.FT.	C	
RETAIL	598,455	355,685	0.85	115,894	0.80	126,877	0.25	0.71

SUMMARY

THIS PROJECT IS NOT SUBJECT TO HMP PER SCVURPPP REQUIREMENTS.

0 20 40 80

1 INCH = 40 FEET

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9932
fax 310.247.9930
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of plans and specifications, as an instrument of service, is the property of the Irvine Company and shall remain the exclusive property of U.P.I. INC. (UPI) and cannot be reproduced or used for any purpose except as specifically granted in writing by UPI. The reproduction, alteration or use of this design or drawings for any purpose not specifically granted in writing by UPI constitutes a misuse of instruments of service and is prohibited. UPI shall not be liable for any damages, including, but not limited to, special, incidental, or consequential damages, resulting from such reproduction, alteration or use. UPI shall not be responsible for any modifications to the plans and specifications made by others than UPI, or for any reuse of the plans and specifications on other projects or extensions of this project. Any reuse, modification, or extension of the plans and specifications without written verification or adaptation by UPI will be at the user's sole risk and without liability or legal exposure to UPI. The rights of UPI to its ownership and instruments of service are fully preserved and protected by the Federal Copyright Act.

© Copyright 2013

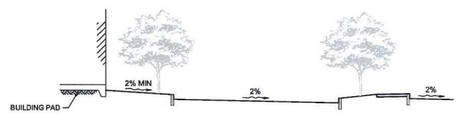
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

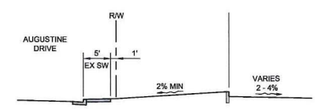
Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 40'

GRADING AND DRAINAGE PLAN RETAIL

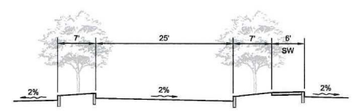
C-4



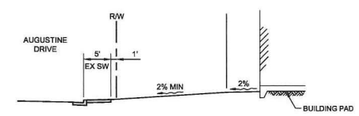
H SECTION
NTS



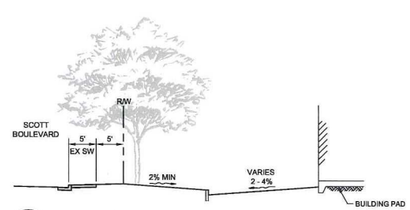
D SECTION
NTS



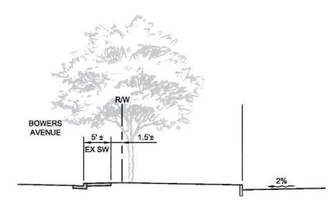
G SECTION
NTS



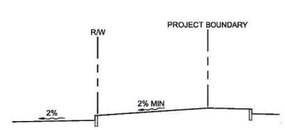
C SECTION
NTS



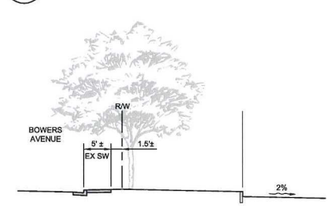
F SECTION
NTS



B SECTION
NTS



E SECTION
NTS



A SECTION
NTS

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9404 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9522
fax 310.247.9690
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for
IRVINE COMPANY
Since 1864

This set of plans, drawings, and all other documents, and all ideas, designs, and plans indicated or represented by such documents, are the property of Burton Landscape Architecture Studio and shall not be used by any person for any purpose other than those agreed to by Burton Landscape Architecture Studio. No such plans, drawings, and documents are to be loaned, copied, reproduced, or otherwise disclosed or distributed without the prior written consent of Burton Landscape Architecture Studio, in its sole discretion, and all such plans, drawings, and documents are to be returned to Burton Landscape Architecture Studio upon request.

Further, documents, including plans, drawings, or work, are deemed to be delivered and accepted for use only in connection with the project specifically identified herein, and not for any other project or purpose, unless specifically agreed to in writing by Burton Landscape Architecture Studio.

© Copyright 2012

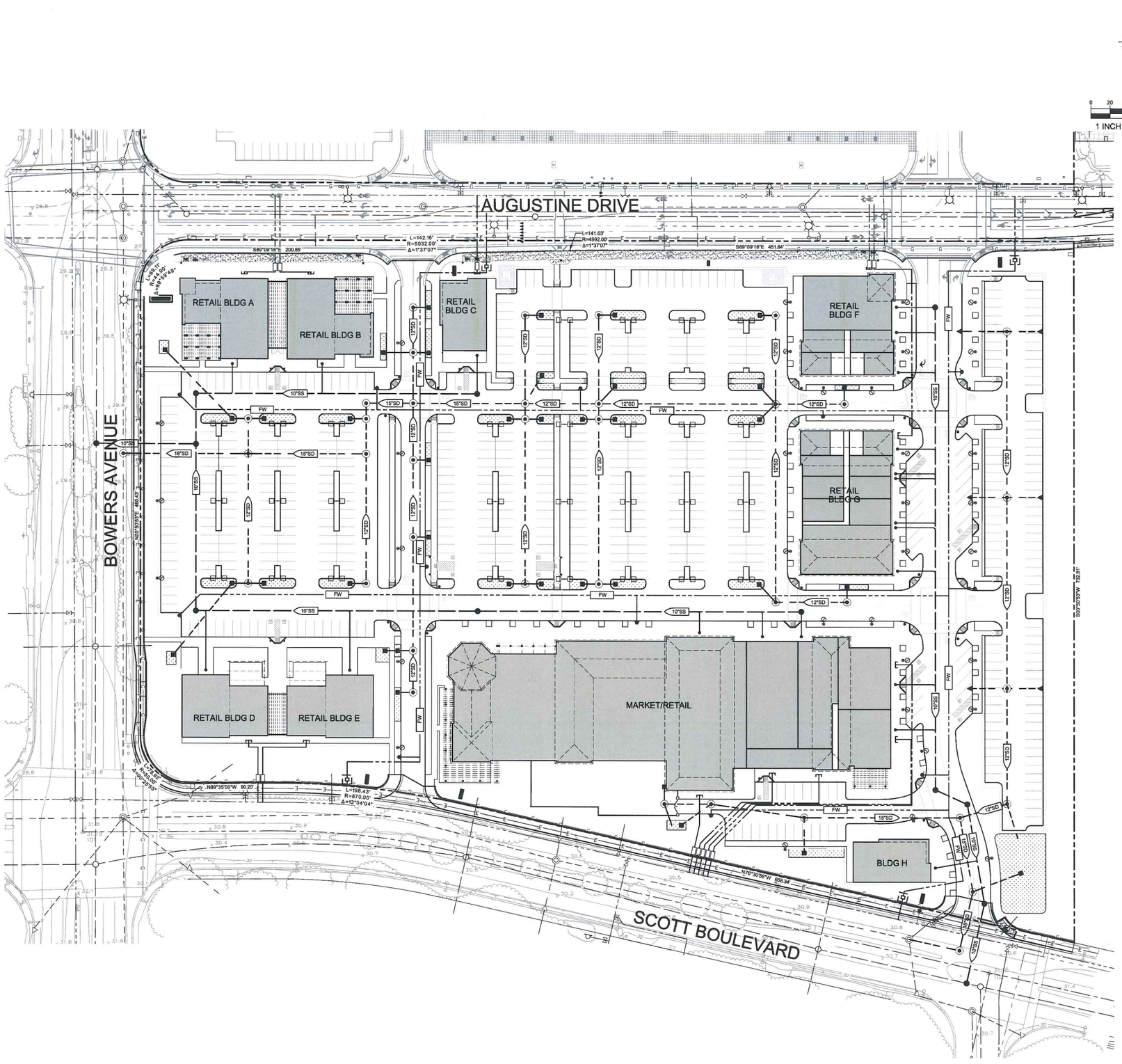
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/10/2014
PLANNING APPLICATION RESUBMITTAL	4/3/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	4289.00
Date	4/8/2014
Checked by	TV
Scale	N.T.S.

SECTIONS

C-5



0 20 40 80

1 INCH = 40 FEET

PROJECT BOUNDARY	
STORM DRAIN PIPE	
STORM DRAIN PIPE (EXISTING)	
SANITARY SEWER PIPE	
SANITARY SEWER PIPE (EXISTING)	
WATER MAIN	
WATER MAIN (EXISTING)	
GAS PIPE (EXISTING)	G
ELECTRIC LINE (EXISTING)	E
EASEMENT LINE	
STORM DRAIN MANHOLE	
STORM DRAIN MANHOLE (EXISTING)	
SANITARY SEWER MANHOLE	
SANITARY SEWER MANHOLE (EXISTING)	
CURB INLET	
CURB INLET (EXISTING)	
CATCH BASIN	
CATCH BASIN (EXISTING)	
CURB CUT	
HIGH POINT SPOT ELEVATION	x HP
LOW POINT SPOT ELEVATION	x LP
GARAGE SURFACE ELEVATION	GS
FINISH FLOOR ELEVATION	FF
STORM DRAIN FORCE MAIN	SD FM
STORM DRAIN DIVERSION MANHOLE	SDDM
BIOCELL	

LEGEND

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9434 Dayton Way
Suite 207
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesinc.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The use of the plans, documents, and all other instruments of service (collectively, "Instruments of Service") prepared by HMH, BCV, DAVIES and burton Studio (collectively, "Consultants") for the project (the "Project") is not intended for purposes other than those specifically stated in the agreement between the Consultants and the Client (the "Agreement"). Any other use or reuse of the Instruments of Service without the express written consent of the Consultants is prohibited. Client shall indemnify and hold the Consultants harmless from any claim or liability resulting from such unauthorized use or reuse.

Client's exclusive remedy shall be the Consultants' sole and exclusive liability for any breach of the Agreement, any negligence, errors or omissions in the Instruments of Service, and any other claim or liability, whether based on contract, tort, or any other legal theory, shall be limited to the Consultants' total fees for the Project.

© Copyright 2012

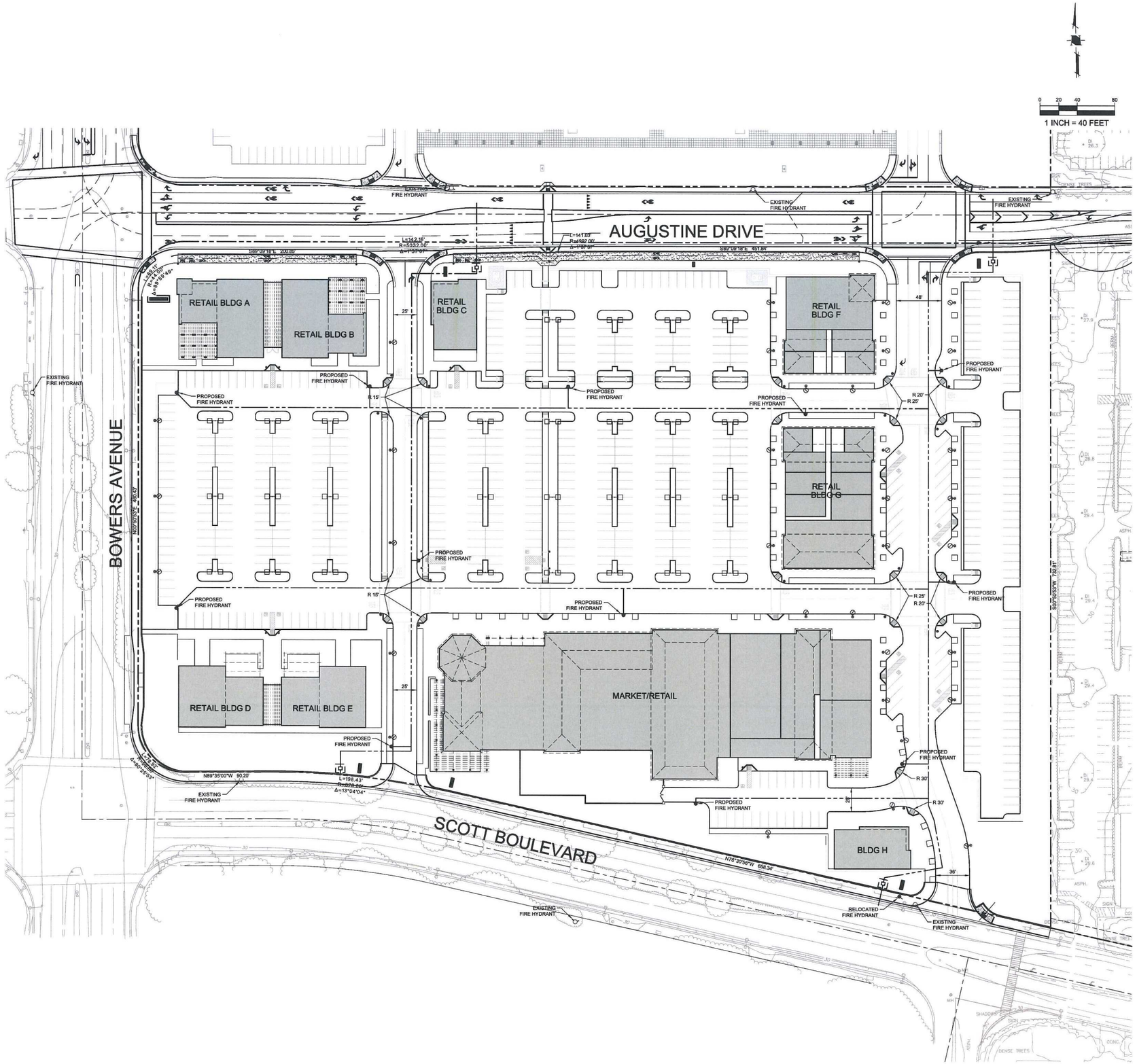
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/13/2014

Revision	Date

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 40'

CONCEPTUAL UTILITY PLAN PHASE 2

C-6



PROJECT BOUNDARY
EASEMENT LINE

LEGEND

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7267 F
www.burton-studio.com

HMH
1570 Oakland Road San Jose, CA 95131 (408) 487-2200 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9630
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

Copyright 2012

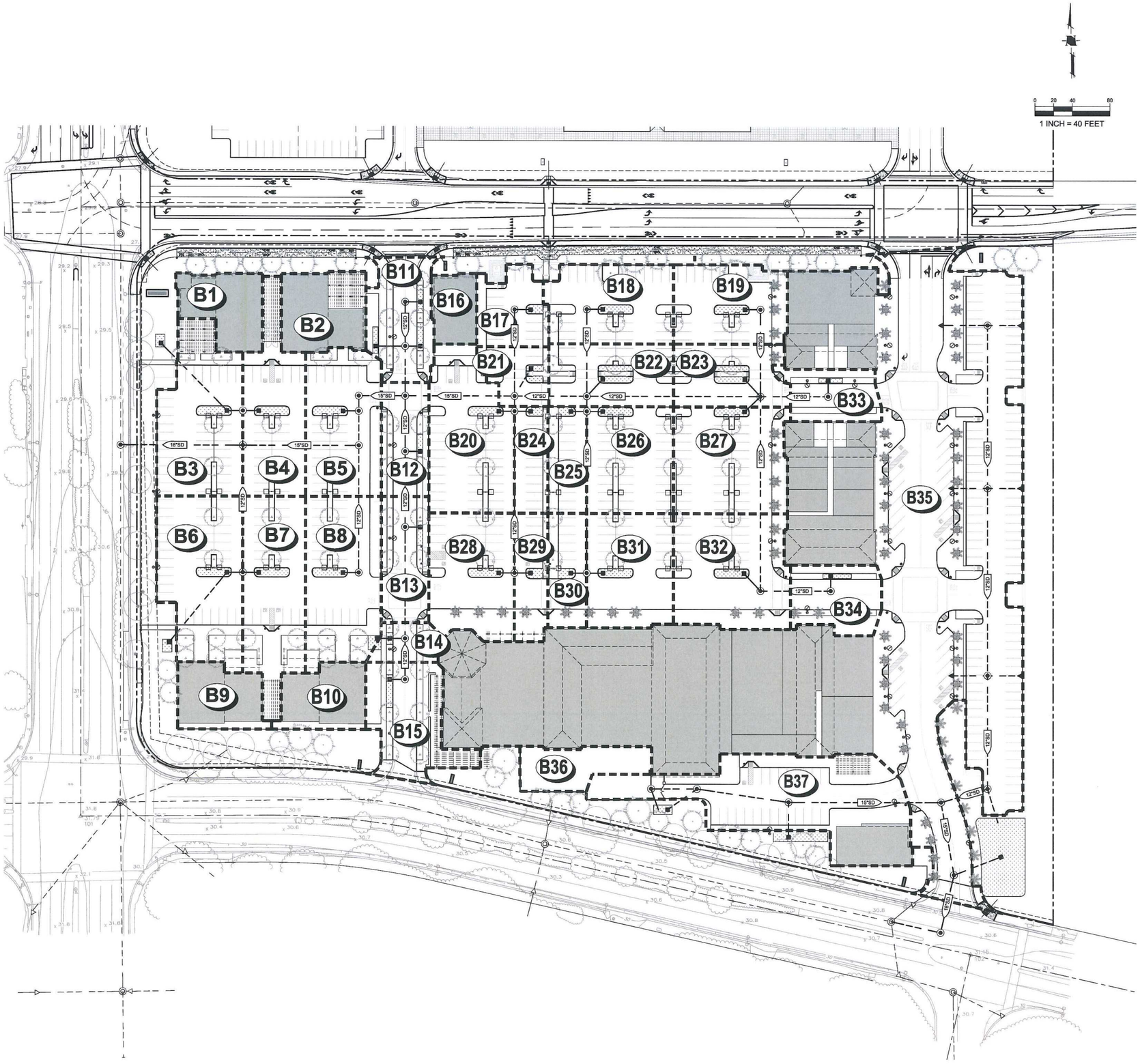
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/28/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 40'

FIRE ACCESS EXHIBIT RETAIL

C-7



PROJECT BOUNDARY	
STORM DRAIN PIPE	
STORM DRAIN PIPE (EXISTING)	
EASEMENT	
STORM DRAIN MANHOLE	
STORM DRAIN MANHOLE (EXISTING)	
CURB INLET	
CURB INLET (EXISTING)	
CATCH BASIN	
CATCH BASIN (EXISTING)	
CURB CUT	
HIGH POINT SPOT ELEVATION	x HP
LOW POINT SPOT ELEVATION	x LP
GARAGE SURFACE ELEVATION	GS
FINISH FLOOR ELEVATION	FF
PAD ELEVATION	PAD
STORM DRAIN FORCE MAIN	SD FM
STORM DRAIN DIVERSION MANHOLE	SDDM
FINISH SURFACE	FS
FINISH GRADE ELEVATION	FG
FLOW LINE	FL
TOP OF CURB ELEVATION	TC
PERCENT AND DIRECTION OF SURFACE FLOW DRAINAGE	x%
OVERLAND RELEASE PATH	
BIOCELL TREATMENT AREA	B
DRAINS TO SELF TREATING LANDSCAPE AREA	
PERVIOUS PAVERS	
BIOCELL	

LEGEND

1. AREAS WITHOUT A HATCH OR BOUNDARY ARE SELF-TREATING LANDSCAPE AREAS

NOTES

STORMWATER TREATMENT AREA

IDENTIFIER	DRAINAGE AREA	REQUIRED TREATMENT	TREATMENT AVAILABLE
B1	6,092 SQ FT	134 SQ FT	135 SQ FT
B2	7,532 SQ FT	166 SQ FT	168 SQ FT
B3	14,848 SQ FT	328 SQ FT	338 SQ FT
B4	11,892 SQ FT	263 SQ FT	338 SQ FT
B5	12,623 SQ FT	279 SQ FT	338 SQ FT
B6	15,221 SQ FT	337 SQ FT	338 SQ FT
B7	13,650 SQ FT	302 SQ FT	338 SQ FT
B8	14,358 SQ FT	317 SQ FT	338 SQ FT
B9	6,110 SQ FT	134 SQ FT	135 SQ FT
B10	6,106 SQ FT	134 SQ FT	210 SQ FT
B11	8,615 SQ FT	190 SQ FT	191 SQ FT
B12	6,181 SQ FT	137 SQ FT	144 SQ FT
B13	6,790 SQ FT	150 SQ FT	156 SQ FT
B14	2,807 SQ FT	62 SQ FT	63 SQ FT
B15	9,995 SQ FT	221 SQ FT	228 SQ FT
B16	3,554 SQ FT	78 SQ FT	195 SQ FT
B17	5,758 SQ FT	127 SQ FT	161 SQ FT
B18	11,208 SQ FT	248 SQ FT	338 SQ FT
B19	9,220 SQ FT	203 SQ FT	338 SQ FT
B20	14,514 SQ FT	320 SQ FT	338 SQ FT
B21	4,072 SQ FT	90 SQ FT	111 SQ FT
B22	8,942 SQ FT	198 SQ FT	243 SQ FT
B23	7,917 SQ FT	175 SQ FT	243 SQ FT
B24	4,156 SQ FT	92 SQ FT	160 SQ FT
B25	4,614 SQ FT	102 SQ FT	164 SQ FT
B26	10,595 SQ FT	234 SQ FT	338 SQ FT
B27	13,719 SQ FT	303 SQ FT	338 SQ FT
B28	11,995 SQ FT	265 SQ FT	338 SQ FT
B29	4,922 SQ FT	109 SQ FT	179 SQ FT
B30	4,940 SQ FT	109 SQ FT	182 SQ FT
B31	11,246 SQ FT	248 SQ FT	338 SQ FT
B32	14,809 SQ FT	328 SQ FT	338 SQ FT
B33	5,481 SQ FT	121 SQ FT	125 SQ FT
B34	6,614 SQ FT	146 SQ FT	150 SQ FT
B35	177,733 SQ FT	3,925 SQ FT	3,996 SQ FT
B36	5,362 SQ FT	118 SQ FT	200 SQ FT
B37	22,735 SQ FT	514 SQ FT	522 SQ FT

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9920 Bunker Way
Suite 247
Beverly Hills, CA 90210
tel 310.247.9972
fax 310.247.9598
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This, and all other plans, documents, and all ideas, designs, arrangements and plans indicated or represented by this drawing are the property of Burton Landscape Architecture Studio and shall not be used in any way for any purpose or in any other premises without the written consent of Burton Landscape Architecture Studio. Any use or reproduction of this drawing or any part thereof without written consent of Burton Landscape Architecture Studio is strictly prohibited. Burton Landscape Architecture Studio shall not be responsible for any modifications made to this drawing by others.

Project Businesses, Inc. design shall not be responsible for any modifications made to this drawing by others. Burton Landscape Architecture Studio shall not be responsible for any modifications made to this drawing without written consent of Burton Landscape Architecture Studio.

© Copyright 2012

Revision:	Date:

Submittal	Date:
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	4259.00
Date	4/9/2014
Checked by	TV
Scale	1" = 40'

STORMWATER CONTROL PLAN PHASE 2

S-1

NOTE: This spreadsheet is for projects close to the San Jose Airport rain guage and have Type D soils.
Input red cells

Biotreatment Cell Sizing - Drainage Area B1

1 Total Drainage Area to BMP	=	6,092	ft^2
2 Percent imperviousness (30% to 100%)	=	100	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.58	in
Fig B-2 (1%) = 0.58 D (clay)			
Fig B-5 (15%) = 0.6 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.58 x 6,092 x (1ft/12in) =		292	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 292 ft^3 (Adjusted Unit Basin Storage	=	0.57	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.57	/ 0.2	=	2.85	hr
4 Preliminary estimate of total surface area		0.04	x 6,092	=	244	ft^3
5 Assume 45 % smaller surface area than calculated above		0.55	x 244	=	134	ft^2
6 Volume of runoff filtering through treatment soil	134 x	5"/hr /12	x 2.85	=	159	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		292	- 159	=	133	ft^3
8 Average ponding depth (between 6 in and 12 in)	133 /	134	x 12 in	=	**11.9**	in

Minimum biotreatment cell surface area = 134 ft^2

Biotreatment Cell Sizing - Drainage Area B2

1 Total Drainage Area to BMP	=	7,532	ft^2
2 Percent imperviousness (30% to 100%)	=	100	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.58	in
Fig B-2 (1%) = 0.58 D (clay)			
Fig B-5 (15%) = 0.6 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.58 x 7,532 x (1ft/12in) =		360	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 360 ft^3 (Adjusted Unit Basin Storage	=	0.57	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.57	/ 0.2	=	2.85	hr
4 Preliminary estimate of total surface area		0.04	x 7,532	=	301	ft^3
5 Assume 45 % smaller surface area than calculated above		0.55	x 301	=	166	ft^2
6 Volume of runoff filtering through treatment soil	166 x	5"/hr /12	x 2.85	=	197	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		360	- 197	=	163	ft^3
8 Average ponding depth (between 6 in and 12 in)	163 /	166	x 12 in	=	**11.8**	in

Minimum biotreatment cell surface area = 166 ft^2

Biotreatment Cell Sizing - Drainage Area B3

1 Total Drainage Area to BMP	=	14,848	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 14,848 x (1ft/12in) =		649	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 649 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 12,621	=	505	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 505	=	328	ft^2
6 Volume of runoff filtering through treatment soil	328 x	5"/hr /12	x 2.6	=	355	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		649	- 355	=	294	ft^3
8 Average ponding depth (between 6 in and 12 in)	294 /	328	x 12 in	=	**10.8**	in

Minimum biotreatment cell surface area = 328 ft^2

Biotreatment Cell Sizing - Drainage Area B4

1 Total Drainage Area to BMP	=	11,892	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 11,892 x (1ft/12in) =		520	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 520 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 10,108	=	404	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 404	=	263	ft^2
6 Volume of runoff filtering through treatment soil	263 x	5"/hr /12	x 2.6	=	285	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		520	- 285	=	235	ft^3
8 Average ponding depth (between 6 in and 12 in)	235 /	263	x 12 in	=	**10.7**	in

Minimum biotreatment cell surface area = 263 ft^2

Biotreatment Cell Sizing - Drainage Area B5

1 Total Drainage Area to BMP	=	12,623	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 12,623 x (1ft/12in) =		552	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 552 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 10,730	=	429	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 429	=	279	ft^2
6 Volume of runoff filtering through treatment soil	279 x	5"/hr /12	x 2.6	=	302	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		552	- 302	=	250	ft^3
8 Average ponding depth (between 6 in and 12 in)	250 /	279	x 12 in	=	**10.8**	in

Minimum biotreatment cell surface area = 279 ft^2

Biotreatment Cell Sizing - Drainage Area B6

1 Total Drainage Area to BMP	=	15,221	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 15,221 x (1ft/12in) =		666	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 666 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 12,938	=	518	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 518	=	337	ft^2
6 Volume of runoff filtering through treatment soil	337 x	5"/hr /12	x 2.6	=	365	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		666	- 365	=	301	ft^3
8 Average ponding depth (between 6 in and 12 in)	301 /	337	x 12 in	=	**10.7**	in

Minimum biotreatment cell surface area = 337 ft^2

Biotreatment Cell Sizing - Drainage Area B7

1 Total Drainage Area to BMP	=	13,650	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 13,650 x (1ft/12in) =		597	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 597 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 11,603	=	464	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 464	=	302	ft^2
6 Volume of runoff filtering through treatment soil	302 x	5"/hr /12	x 2.6	=	327	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		597	- 327	=	270	ft^3
8 Average ponding depth (between 6 in and 12 in)	270 /	302	x 12 in	=	**10.7**	in

Minimum biotreatment cell surface area = 302 ft^2

Biotreatment Cell Sizing - Drainage Area B8

1 Total Drainage Area to BMP	=	14,356	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 14,356 x (1ft/12in) =		628	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 628 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 12,203	=	488	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 488	=	317	ft^2
6 Volume of runoff filtering through treatment soil	317 x	5"/hr /12	x 2.6	=	343	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		628	- 343	=	285	ft^3
8 Average ponding depth (between 6 in and 12 in)	285 /	317	x 12 in	=	**10.8**	in

Minimum biotreatment cell surface area = 317 ft^2

Biotreatment Cell Sizing - Drainage Area B9

1 Total Drainage Area to BMP	=	6,110	ft^2
2 Percent imperviousness (30% to 100%)	=	100	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.58	in
Fig B-2 (1%) = 0.58 D (clay)			
Fig B-5 (15%) = 0.6 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.58 x 6,110 x (1ft/12in) =		292	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 292 ft^3 (Adjusted Unit Basin Storage	=	0.57	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.57	/ 0.2	=	2.85	hr
4 Preliminary estimate of total surface area		0.04	x 6,110	=	244	ft^3
5 Assume 45 % smaller surface area than calculated above		0.55	x 244	=	134	ft^2
6 Volume of runoff filtering through treatment soil	134 x	5"/hr /12	x 2.85	=	159	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		292	- 159	=	133	ft^3
8 Average ponding depth (between 6 in and 12 in)	133 /	134	x 12 in	=	**11.9**	in

Minimum biotreatment cell surface area = 134 ft^2

Biotreatment Cell Sizing - Drainage Area B10

1 Total Drainage Area to BMP	=	6,106	ft^2
2 Percent imperviousness (30% to 100%)	=	100	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.58	in
Fig B-2 (1%) = 0.58 D (clay)			
Fig B-5 (15%) = 0.6 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.58 x 6,106 x (1ft/12in) =		292	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 292 ft^3 (Adjusted Unit Basin Storage	=	0.57	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.57	/ 0.2	=	2.85	hr
4 Preliminary estimate of total surface area		0.04	x 6,106	=	244	ft^3
5 Assume 45 % smaller surface area than calculated above		0.55	x 244	=	134	ft^2
6 Volume of runoff filtering through treatment soil	134 x	5"/hr /12	x 2.85	=	159	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		292	- 159	=	133	ft^3
8 Average ponding depth (between 6 in and 12 in)	133 /	134	x 12 in	=	**11.9**	in

Minimum biotreatment cell surface area = 134 ft^2

Biotreatment Cell Sizing - Drainage Area B11

1 Total Drainage Area to BMP	=	8,615	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 8,615 x (1ft/12in) =		377	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 377 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 7,323	=	293	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 293	=	190	ft^2
6 Volume of runoff filtering through treatment soil	190 x	5"/hr /12	x 2.6	=	206	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		377	- 206	=	171	ft^3
8 Average ponding depth (between 6 in and 12 in)	171 /	190	x 12 in	=	**10.8**	in

Minimum biotreatment cell surface area = 190 ft^2

Biotreatment Cell Sizing - Drainage Area B12

1 Total Drainage Area to BMP	=	6,181	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 6,181 x (1ft/12in) =		270	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 270 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 5,254	=	210	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 210	=	137	ft^2
6 Volume of runoff filtering through treatment soil	137 x	5"/hr /12	x 2.6	=	148	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		270	- 148	=	122	ft^3
8 Average ponding depth (between 6 in and 12 in)	122 /	137	x 12 in	=	**10.7**	in

Minimum biotreatment cell surface area = 137 ft^2

Biotreatment Cell Sizing - Drainage Area B13

1 Total Drainage Area to BMP	=	6,790	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 6,790 x (1ft/12in) =		297	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 297 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 5,772	=	231	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 231	=	150	ft^2
6 Volume of runoff filtering through treatment soil	150 x	5"/hr /12	x 2.6	=	163	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		297	- 163	=	134	ft^3
8 Average ponding depth (between 6 in and 12 in)	134 /	150	x 12 in	=	**10.7**	in

Minimum biotreatment cell surface area = 150 ft^2

Biotreatment Cell Sizing - Drainage Area B14

1 Total Drainage Area to BMP	=	2,807	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 2,807 x (1ft/12in) =		123	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 123 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 2,386	=	95	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 95	=	62	ft^2
6 Volume of runoff filtering through treatment soil	62 x	5"/hr /12	x 2.6	=	67	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		123	- 67	=	56	ft^3
8 Average ponding depth (between 6 in and 12 in)	56 /	62	x 12 in	=	**10.8**	in

Minimum biotreatment cell surface area = 62 ft^2

Biotreatment Cell Sizing - Drainage Area B15

1 Total Drainage Area to BMP	=	9,995	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 9,995 x (1ft/12in) =		437	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 437 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/ 0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x 8,496	=	340	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x 340	=	221	ft^2
6 Volume of runoff filtering through treatment soil	221 x	5"/hr /12	x 2.6	=	239	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		437	- 239	=	198	ft^3
8 Average ponding depth (between 6 in and 12 in)	198 /	221	x 12 in	=	**10.8**	in

Minimum biotreatment cell surface area = 221 ft^2

Biotreatment Cell Sizing - Drainage Area B16

1 Total Drainage Area to BMP	=	3,554	ft^2
2 Percent imperviousness (30% to 100%)	=	100	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.58	in
Fig B-2 (1%) = 0.58 D (clay)			
Fig B-5 (15%) = 0.6 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.58 x 3,554 x (1ft/12in) =		170	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 170 ft^3 (Adjusted Unit Basin Storage	=	0.57	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.57	/ 0.2	=	2.85	hr
4 Preliminary estimate of total surface area		0.04	x 3,554	=	142	ft^3
5 Assume 45 % smaller surface area than calculated above		0.55	x 142	=	78	ft^2
6 Volume of runoff filtering through treatment soil	78 x	5"/hr /12	x 2.85	=	93	ft^3
7 Portion of V_{WQ} required to be stored in ponding area		170	- 93	=	77	ft^3
8 Average ponding depth (between 6 in and 12 in)	77 /	78	x 12 in	=	**11.8**	in

Minimum biotreatment cell surface area = 78 ft^3

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of other project documents, and all ideas, designs, arrangements and plans indicated or represented by these documents are the property of the Consultants and may not be used in whole or in part for any purpose or project other than the project for which they were prepared and/or for which they were licensed for use by the Client, without prior written consent of the Consultants. Visual contact with these documents shall constitute proof of acceptance of the restrictions set forth herein. Project documents, including original ink and pencil, are the property of the Consultants and must be returned upon request. Reproduction, reuse, or disclosure without written authorization by the Consultants is prohibited.

© Copyright 2012

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	N.T.S.

STORMWATER CALCULATIONS

S-2

Biotreatment Cell Sizing - Drainage Area B17

1 Total Drainage Area to BMP	=	5,758	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 5,758 x (1ft/12in) =		252	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 252 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	4,894	=	196	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	196	=	127	ft^2
6 Volume of runoff filtering through treatment soil 127 x 5"/hr /12	x	2.6	=	138			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		252	-	138	=	114	ft^3
8 Average ponding depth (between 6 in and 12 in) 114 / 127	x	12 in	=	**10.8**			in

Minimum biotreatment cell surface area = 127 ft^2

Biotreatment Cell Sizing - Drainage Area B18

1 Total Drainage Area to BMP	=	11,208	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 11,208 x (1ft/12in) =		490	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 490 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	9,527	=	381	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	381	=	248	ft^2
6 Volume of runoff filtering through treatment soil 248 x 5"/hr /12	x	2.6	=	269			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		490	-	269	=	221	ft^3
8 Average ponding depth (between 6 in and 12 in) 221 / 248	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 248 ft^2

Biotreatment Cell Sizing - Drainage Area B19

1 Total Drainage Area to BMP	=	9,220	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 9,220 x (1ft/12in) =		403	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 403 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	7,837	=	313	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	313	=	203	ft^2
6 Volume of runoff filtering through treatment soil 203 x 5"/hr /12	x	2.6	=	220			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		403	-	220	=	183	ft^3
8 Average ponding depth (between 6 in and 12 in) 183 / 203	x	12 in	=	**10.8**			in

Minimum biotreatment cell surface area = 203 ft^2

Biotreatment Cell Sizing - Drainage Area B20

1 Total Drainage Area to BMP	=	14,514	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 14,514 x (1ft/12in) =		635	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 635 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	12,337	=	493	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	493	=	320	ft^2
6 Volume of runoff filtering through treatment soil 320 x 5"/hr /12	x	2.6	=	347			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		635	-	347	=	288	ft^3
8 Average ponding depth (between 6 in and 12 in) 288 / 320	x	12 in	=	**10.8**			in

Minimum biotreatment cell surface area = 320 ft^2

Biotreatment Cell Sizing - Drainage Area B21

1 Total Drainage Area to BMP	=	4,072	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 4,072 x (1ft/12in) =		178	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 178 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	3,461	=	138	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	138	=	90	ft^2
6 Volume of runoff filtering through treatment soil 90 x 5"/hr /12	x	2.6	=	98			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		178	-	98	=	80	ft^3
8 Average ponding depth (between 6 in and 12 in) 80 / 90	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 90 ft^2

Biotreatment Cell Sizing - Drainage Area B22

1 Total Drainage Area to BMP	=	8,942	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 8,942 x (1ft/12in) =		391	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 391 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	7,601	=	304	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	304	=	198	ft^2
6 Volume of runoff filtering through treatment soil 198 x 5"/hr /12	x	2.6	=	215			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		391	-	215	=	176	ft^3
8 Average ponding depth (between 6 in and 12 in) 176 / 198	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 198 ft^2

Biotreatment Cell Sizing - Drainage Area B23

1 Total Drainage Area to BMP	=	7,917	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 7,917 x (1ft/12in) =		346	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 346 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	6,729	=	269	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	269	=	175	ft^2
6 Volume of runoff filtering through treatment soil 175 x 5"/hr /12	x	2.6	=	190			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		346	-	190	=	156	ft^3
8 Average ponding depth (between 6 in and 12 in) 156 / 175	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 175 ft^2

Biotreatment Cell Sizing - Drainage Area B24

1 Total Drainage Area to BMP	=	4,156	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 4,156 x (1ft/12in) =		182	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 182 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	3,533	=	141	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	141	=	92	ft^2
6 Volume of runoff filtering through treatment soil 92 x 5"/hr /12	x	2.6	=	100			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		182	-	100	=	82	ft^3
8 Average ponding depth (between 6 in and 12 in) 82 / 92	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 92 ft^2

Biotreatment Cell Sizing - Drainage Area B25

1 Total Drainage Area to BMP	=	4,614	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 4,614 x (1ft/12in) =		202	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 202 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	3,922	=	157	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	157	=	102	ft^2
6 Volume of runoff filtering through treatment soil 102 x 5"/hr /12	x	2.6	=	111			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		202	-	111	=	91	ft^3
8 Average ponding depth (between 6 in and 12 in) 91 / 102	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 102 ft^2

Biotreatment Cell Sizing - Drainage Area B26

1 Total Drainage Area to BMP	=	10,595	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 10,595 x (1ft/12in) =		463	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 463 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	9,006	=	360	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	360	=	234	ft^2
6 Volume of runoff filtering through treatment soil 234 x 5"/hr /12	x	2.6	=	254			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		463	-	254	=	209	ft^3
8 Average ponding depth (between 6 in and 12 in) 209 / 234	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 234 ft^2

Biotreatment Cell Sizing - Drainage Area B27

1 Total Drainage Area to BMP	=	13,719	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 13,719 x (1ft/12in) =		600	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 600 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	11,661	=	466	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	466	=	303	ft^2
6 Volume of runoff filtering through treatment soil 303 x 5"/hr /12	x	2.6	=	328			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		600	-	328	=	272	ft^3
8 Average ponding depth (between 6 in and 12 in) 272 / 303	x	12 in	=	**10.8**			in

Minimum biotreatment cell surface area = 303 ft^2

Biotreatment Cell Sizing - Drainage Area B28

1 Total Drainage Area to BMP	=	11,995	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 11,995 x (1ft/12in) =		524	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 524 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	10,196	=	408	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	408	=	265	ft^2
6 Volume of runoff filtering through treatment soil 265 x 5"/hr /12	x	2.6	=	287			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		524	-	287	=	237	ft^3
8 Average ponding depth (between 6 in and 12 in) 237 / 265	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 265 ft^2

Biotreatment Cell Sizing - Drainage Area B29

1 Total Drainage Area to BMP	=	4,922	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 4,922 x (1ft/12in) =		215	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 215 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	4,184	=	167	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	167	=	109	ft^2
6 Volume of runoff filtering through treatment soil 109 x 5"/hr /12	x	2.6	=	118			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		215	-	118	=	97	ft^3
8 Average ponding depth (between 6 in and 12 in) 97 / 109	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 109 ft^2

Biotreatment Cell Sizing - Drainage Area B30

1 Total Drainage Area to BMP	=	4,940	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 4,940 x (1ft/12in) =		216	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 216 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	4,199	=	168	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	168	=	109	ft^2
6 Volume of runoff filtering through treatment soil 109 x 5"/hr /12	x	2.6	=	118			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		216	-	118	=	98	ft^3
8 Average ponding depth (between 6 in and 12 in) 98 / 109	x	12 in	=	**10.8**			in

Minimum biotreatment cell surface area = 109 ft^2

Biotreatment Cell Sizing - Drainage Area B31

1 Total Drainage Area to BMP	=	11,246	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 11,246 x (1ft/12in) =		492	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 492 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	9,559	=	382	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	382	=	248	ft^2
6 Volume of runoff filtering through treatment soil 248 x 5"/hr /12	x	2.6	=	269			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		492	-	269	=	223	ft^3
8 Average ponding depth (between 6 in and 12 in) 223 / 248	x	12 in	=	**10.8**			in

Minimum biotreatment cell surface area = 248 ft^2

Biotreatment Cell Sizing - Drainage Area B32

1 Total Drainage Area to BMP	=	14,809	ft^2
2 Percent imperviousness (30% to 100%)	=	85	%
3 Mean Annual Precipitation	=	13.7	in
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in
5 Rain gage correction factor	=	0.99	
6 Soil type for drainage area		D (clay)	
7 Average slope for the drainage area (<=1% to 15%)	=	1	%
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in
Fig B-2 (1%) = 0.53 D (clay)			
Fig B-5 (15%) = 0.55 D (clay)			
9 BMP Design Volume			
= 0.99 x 0.53 x 14,809 x (1ft/12in) =		648	ft^3

Combination Flow and Volume Design Basis

1 V_{WQ} = 648 ft^3 (Adjusted Unit Basin Storage	=	0.52	)				
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria							
3 Duration of the rain event		0.52	/	0.2	=	2.60	hr
4 Preliminary estimate of total surface area		0.04	x	12,588	=	504	ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	504	=	328	ft^2
6 Volume of runoff filtering through treatment soil 328 x 5"/hr /12	x	2.6	=	355			ft^3
7 Portion of V_{WQ} required to be stored in ponding area		648	-	355	=	293	ft^3
8 Average ponding depth (between 6 in and 12 in) 293 / 328	x	12 in	=	**10.7**			in

Minimum biotreatment cell surface area = 328 ft^2

BCV

burton
Landscape Architecture Studio
307.5 Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Baptist Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9599
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The set of other project documents, and all ideas, arrangements, designs and plans indicated or represented by these documents, are and shall remain the property of the Consultants and may not be used for any purpose not agreed to in writing by the Consultants. These documents are instruments of service for use solely with respect to this project and, upon request, are to be returned promptly to the Consultants upon completion of the project. Ownership and copyright in these documents shall vest in the Consultants. These documents are not to be used by any person or entity for any purpose not related to this project.

© Copyright 2012

Revisions	Date

Submittal	Date
PRELIMINARY APPLICATION SUBMITTAL	2/12/2014
PLANNING APPLICATION RESUBMITTAL	4/25/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Job. No.	4209.00
Date	4/8/2014
Checked by	TV
Scale	N.T.S.

STORMWATER CALCULATIONS

S-3

Biotreatment Cell Sizing - Drainage Area B33

1 Total Drainage Area to BMP	=	5,481	ft^2	
2 Percent imperviousness (30% to 100%)	=	85	%	
3 Mean Annual Precipitation	=	13.7	in	
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in	
5 Rain gage correction factor	=	0.99		
6 Soil type for drainage area		D (clay)		
7 Average slope for the drainage area (<=1% to 15%)	=	1	%	
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in	
Fig B-2 (1%) = 0.53 D (clay)				
Fig B-5 (15%) = 0.55 D (clay)				
9 BMP Design Volume				
= 0.99 x 0.53 x 5,481 x (1ft/12in) =		240	ft^3	

Combination Flow and Volume Design Basis

1 V_{WQ} = 240 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/	0.2	=	2.60 hr
4 Preliminary estimate of total surface area		0.04	x	4,659	=	186 ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	186	=	121 ft^2
6 Volume of runoff filtering through treatment soil	121 x	5"/hr /12	x	2.6	=	131 ft^3
7 Portion of V_{WQ} required to be stored in ponding area		240	-	131	=	109 ft^3
8 Average ponding depth (between 6 in and 12 in)	109 /	121	x	12 in	=	**10.8** in

Minimum biotreatment cell surface area = 121 ft^2

Biotreatment Cell Sizing - Drainage Area B34

1 Total Drainage Area to BMP	=	6,614	ft^2	
2 Percent imperviousness (30% to 100%)	=	85	%	
3 Mean Annual Precipitation	=	13.7	in	
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in	
5 Rain gage correction factor	=	0.99		
6 Soil type for drainage area		D (clay)		
7 Average slope for the drainage area (<=1% to 15%)	=	1	%	
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in	
Fig B-2 (1%) = 0.53 D (clay)				
Fig B-5 (15%) = 0.55 D (clay)				
9 BMP Design Volume				
= 0.99 x 0.53 x 6,614 x (1ft/12in) =		289	ft^3	

Combination Flow and Volume Design Basis

1 V_{WQ} = 289 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/	0.2	=	2.60 hr
4 Preliminary estimate of total surface area		0.04	x	5,622	=	225 ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	225	=	146 ft^2
6 Volume of runoff filtering through treatment soil	146 x	5"/hr /12	x	2.6	=	158 ft^3
7 Portion of V_{WQ} required to be stored in ponding area		289	-	158	=	131 ft^3
8 Average ponding depth (between 6 in and 12 in)	131 /	146	x	12 in	=	**10.8** in

Minimum biotreatment cell surface area = 146 ft^2

Biotreatment Cell Sizing - Drainage Area B35

1 Total Drainage Area to BMP	=	177,733	ft^2	
2 Percent imperviousness (30% to 100%)	=	92	%	
3 Mean Annual Precipitation	=	13.7	in	
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in	
5 Rain gage correction factor	=	0.99		
6 Soil type for drainage area		D (clay)		
7 Average slope for the drainage area (<=1% to 15%)	=	1	%	
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.55	in	
Fig B-2 (1%) = 0.55 D (clay)				
Fig B-5 (15%) = 0.57 D (clay)				
9 BMP Design Volume				
= 0.99 x 0.55 x 177,733 x (1ft/12in) =		8,065	ft^3	

Combination Flow and Volume Design Basis

1 V_{WQ} = 8,065 ft^3 (Adjusted Unit Basin Storage	=	0.54	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.54	/	0.2	=	2.70 hr
4 Preliminary estimate of total surface area		0.04	x	163,514	=	6,541 ft^3
5 Assume 40 % smaller surface area than calculated above		0.60	x	6,541	=	3,925 ft^2
6 Volume of runoff filtering through treatment soil	3,925 x	5"/hr /12	x	2.7	=	4,416 ft^3
7 Portion of V_{WQ} required to be stored in ponding area		8,065	-	4416	=	3,649 ft^3
8 Average ponding depth (between 6 in and 12 in)	3,649 /	3,925	x	12 in	=	**11.2** in

Minimum biotreatment cell surface area = 3925 ft^2

Biotreatment Cell Sizing - Drainage Area B36

1 Total Drainage Area to BMP	=	5,362	ft^2	
2 Percent imperviousness (30% to 100%)	=	85	%	
3 Mean Annual Precipitation	=	13.7	in	
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in	
5 Rain gage correction factor	=	0.99		
6 Soil type for drainage area		D (clay)		
7 Average slope for the drainage area (<=1% to 15%)	=	1	%	
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.53	in	
Fig B-2 (1%) = 0.53 D (clay)				
Fig B-5 (15%) = 0.55 D (clay)				
9 BMP Design Volume				
= 0.99 x 0.53 x 5,362 x (1ft/12in) =		234	ft^3	

Combination Flow and Volume Design Basis

1 V_{WQ} = 234 ft^3 (Adjusted Unit Basin Storage	=	0.52	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.52	/	0.2	=	2.60 hr
4 Preliminary estimate of total surface area		0.04	x	4,558	=	182 ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	182	=	118 ft^2
6 Volume of runoff filtering through treatment soil	118 x	5"/hr /12	x	2.6	=	128 ft^3
7 Portion of V_{WQ} required to be stored in ponding area		234	-	128	=	106 ft^3
8 Average ponding depth (between 6 in and 12 in)	106 /	118	x	12 in	=	**10.8** in

Minimum biotreatment cell surface area = 118 ft^2

Biotreatment Cell Sizing - Drainage Area B37

1 Total Drainage Area to BMP	=	22,735	ft^2	
2 Percent imperviousness (30% to 100%)	=	87	%	
3 Mean Annual Precipitation	=	13.7	in	
4 Rain gage closest to the site - San Jose Airport MAPgage	=	13.9	in	
5 Rain gage correction factor	=	0.99		
6 Soil type for drainage area		D (clay)		
7 Average slope for the drainage area (<=1% to 15%)	=	1	%	
8 Unit basin storage volume from sizing curves (Adjusted)	=	0.54	in	
Fig B-2 (1%) = 0.54 D (clay)				
Fig B-5 (15%) = 0.56 D (clay)				
9 BMP Design Volume				
= 0.99 x 0.54 x 22,735 x (1ft/12in) =		1,013	ft^3	

Combination Flow and Volume Design Basis

1 V_{WQ} = 1,013 ft^3 (Adjusted Unit Basin Storage	=	0.53	)			
2 Assume rainfall intensity of 0.20 in/hr for flow-based sizing criteria						
3 Duration of the rain event		0.53	/	0.2	=	2.65 hr
4 Preliminary estimate of total surface area		0.04	x	19,779	=	791 ft^3
5 Assume 35 % smaller surface area than calculated above		0.65	x	791	=	514 ft^2
6 Volume of runoff filtering through treatment soil	514 x	5"/hr /12	x	2.65	=	568 ft^3
7 Portion of V_{WQ} required to be stored in ponding area		1,013	-	568	=	445 ft^3
8 Average ponding depth (between 6 in and 12 in)	445 /	514	x	12 in	=	**10.4** in

Minimum biotreatment cell surface area = 514 ft^2

Biotreatment Cell Maintenance

The following maintenance activities and schedule are based on the recommendations provided in the California Stormwater BMP Handbook – New and Redevelopment.

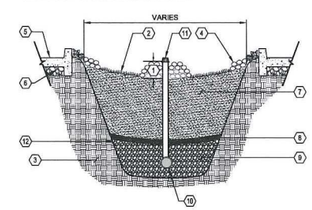
The primary maintenance requirement for biotreatment areas is that of inspection and repair or replacement of the treatment area's components. Generally, this involves nothing more than the routine periodic maintenance that is required of any landscaped area. Plants that are appropriate for the site, climatic, and watering conditions should be selected for use in the biotreatment cell. Appropriately selected plants will aid in reducing fertilizer, pesticide, water, and overall maintenance requirements. Biotreatment system components should blend over time through plant and root growth, organic decomposition, and the development of a natural soil horizon. These biologic and physical processes over time will lengthen the facility's life span and reduce the need for extensive maintenance.

Routine maintenance should include a biannual health evaluation of the trees and shrubs and subsequent removal of any dead or diseased vegetation (EPA, 1999). Diseased vegetation should be treated as needed using preventative and low-toxic measures to the extent possible. BMPs have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water. Routine inspections for areas of standing water within the BMP and corrective measures to restore proper infiltration rates are necessary to prevent creating mosquito and other vector habitat. In addition, biotreatment BMPs are susceptible to invasion by aggressive plant species such as cattails, which increase the chances of water standing and subsequent vector production if not routinely maintained.

In order to maintain the treatment area's appearance it may be necessary to prune and weed. Furthermore, mulch replacement is suggested when erosion is evident or when the site begins to look unattractive. Specifically, the entire area may require mulch replacement every two to three years, although spot mulching may be sufficient when there are random void areas. Mulch replacement should be done prior to the start of the wet season.

Accumulated sediment and debris removal (especially at the inflow point) will normally be the primary maintenance function. Other potential tasks include replacement of dead vegetation, soil pH regulation, erosion repair at inflow points, mulch replenishment, unclogging the under drain, and repairing overflow structures. There is also the possibility that the cation exchange capacity of the soils in the cell will be significantly reduced over time. Depending on pollutant loads, soils may need to be replaced within 5-10 years of construction (LID, 2000).

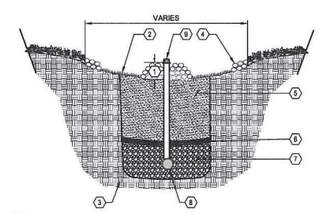
NOTES:
1. SEE CALCULATIONS ON STORMWATER PLANS FOR DIMENSIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.
3. ANY EXPOSED EARTH IN BIOTREATMENT SOIL SHALL RECEIVE A MINIMUM OF 2" OF A FLOAT-RESISTANT MULCH.



1. PONDING DEPTH FROM INLET OPENING TO GRADE (MAX. 12" DEPTH, 10" AVERAGE)
2. VEGETATION (SEE LANDSCAPE PLANS)
3. NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
4. COBBLE STONE DISSIPATOR ALONG EDGE OF BIORETENTION CELL ADJACENT TO IMPERVIOUS SURFACE
5. IMPERVIOUS SURFACE, SEE PLAN FOR LOCATION AND TYPE
6. COMPACTED AGGREGATE BASE
7. BIOTREATMENT SOIL MIX WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT-REQUIRED "MODEL BIORETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
8. PEA GRAVEL (MIN. 2" DEPTH)
9. DRAIN ROCK (MIN. 12" DEPTH)
10. PERFORATED PVC SUBDRAIN PIPE
11. OVERFLOW PIPE WITH ATRIUM GRATE
12. 1:1 SLOPE

BIOTREATMENT CELL - PARKING MEDIAN
SCALE: N.T.S.

NOTES:
1. SEE CALCULATIONS ON STORMWATER PLANS FOR DIMENSIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.
3. ANY EXPOSED EARTH IN BIOTREATMENT SOIL SHALL RECEIVE A MINIMUM OF 2" OF A FLAT-RESISTANT MULCH.



1. PONDING DEPTH FROM INLET OPENING TO GRADE (MAX. 12" DEPTH, 10" AVERAGE)
2. VEGETATION (SEE LANDSCAPE PLANS)
3. NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
4. COBBLE STONE DISSIPATOR ALONG EDGE OF BIORETENTION CELL ADJACENT TO IMPERVIOUS SURFACE
5. BIOTREATMENT SOIL MIX WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT-REQUIRED "MODEL BIORETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
6. PEA GRAVEL (MIN. 2" DEPTH)
7. DRAIN ROCK (MIN. 12" DEPTH)
8. PERFORATED PVC SUBDRAIN PIPE
9. OVERFLOW PIPE WITH ATRIUM GRATE

BIOTREATMENT CELL - OPEN LANDSCAPE
SCALE: N.T.S.

BCV
burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMH@hmh.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9580
www.daviesla.com

SANTA CLARA SQUARE RETAIL
SANTA CLARA, CA
Developed for IRVINE COMPANY Since 1864

No, not in other words, not at once. Ideas, designs, and arrangements of parts or other details in these documents, or in other documents prepared by this firm, are not to be used by others for any purpose not specifically agreed to in writing by this firm. Ideas, designs, and arrangements of parts or other details in these documents, or in other documents prepared by this firm, are not to be used by others for any purpose not specifically agreed to in writing by this firm. © copyright 2012

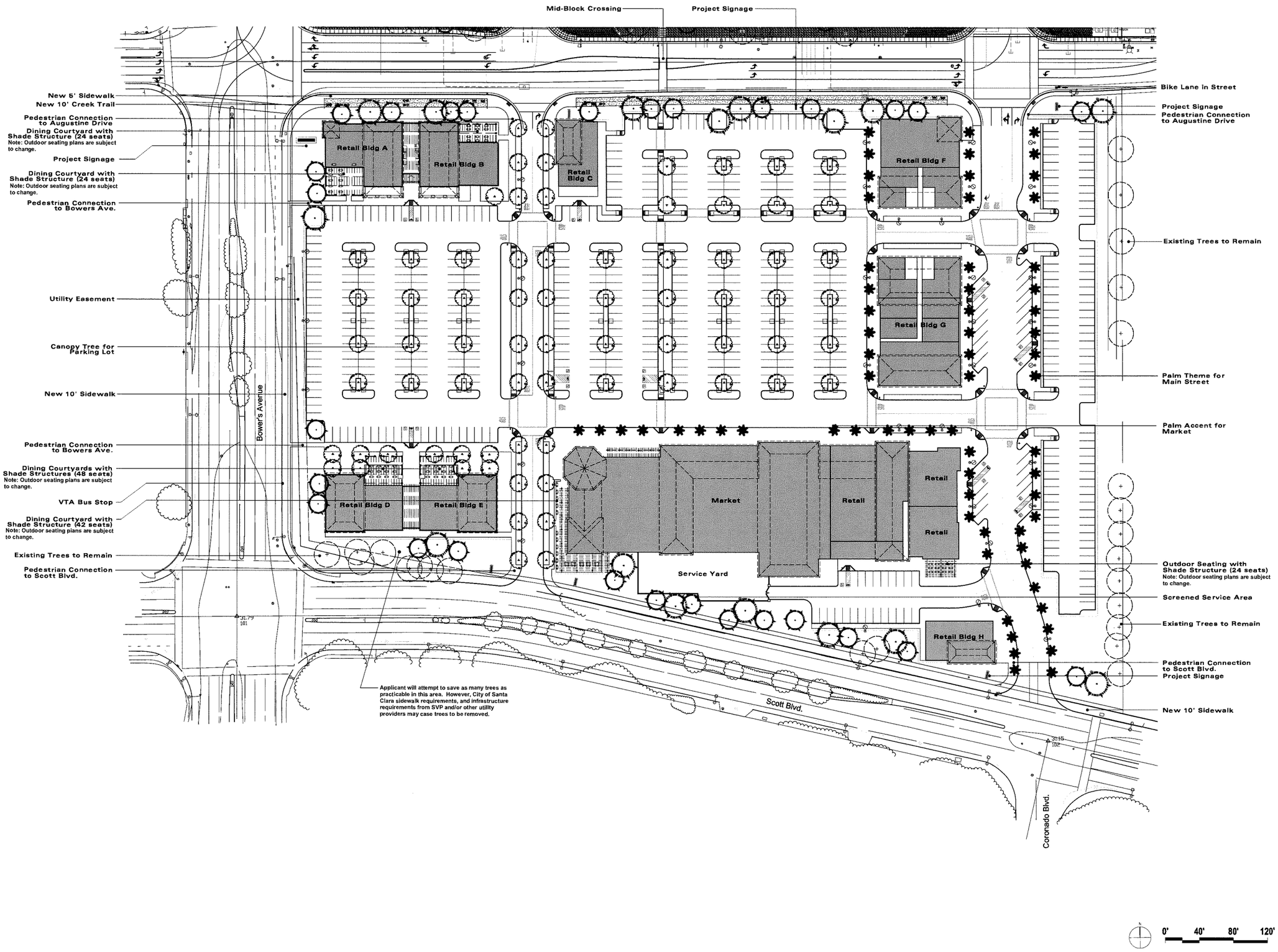
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/8/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job. No.	4299.00
Date	4/8/2014
Checked by	TV
Scale	N.T.S.

STORMWATER CALCULATIONS AND DETAILS

S-4



BCV

burton
Landscape Architecture Studio
387 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7287 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMH-ca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 232
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesinc.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The use of any original documents and data, whether of a graphic, photographic or written nature, is subject to the exclusive rights of the IRC. Ownership of the documents and data is retained by the IRC. Any use of the documents and data without the express written consent of the IRC is prohibited. Any use of the documents and data for purposes other than those for which they were prepared is prohibited. Any use of the documents and data by other parties is at the sole risk of the parties making such use. The IRC makes no representation as to the accuracy of the documents and data for any purpose other than those for which they were prepared. Parties who intentionally rely on the data do so at their own risk. It is the responsibility of such parties to verify the accuracy of the documents and data before using them. The IRC is not responsible for any damages or losses incurred by any party relying on the documents and data.

© Copyright 2013

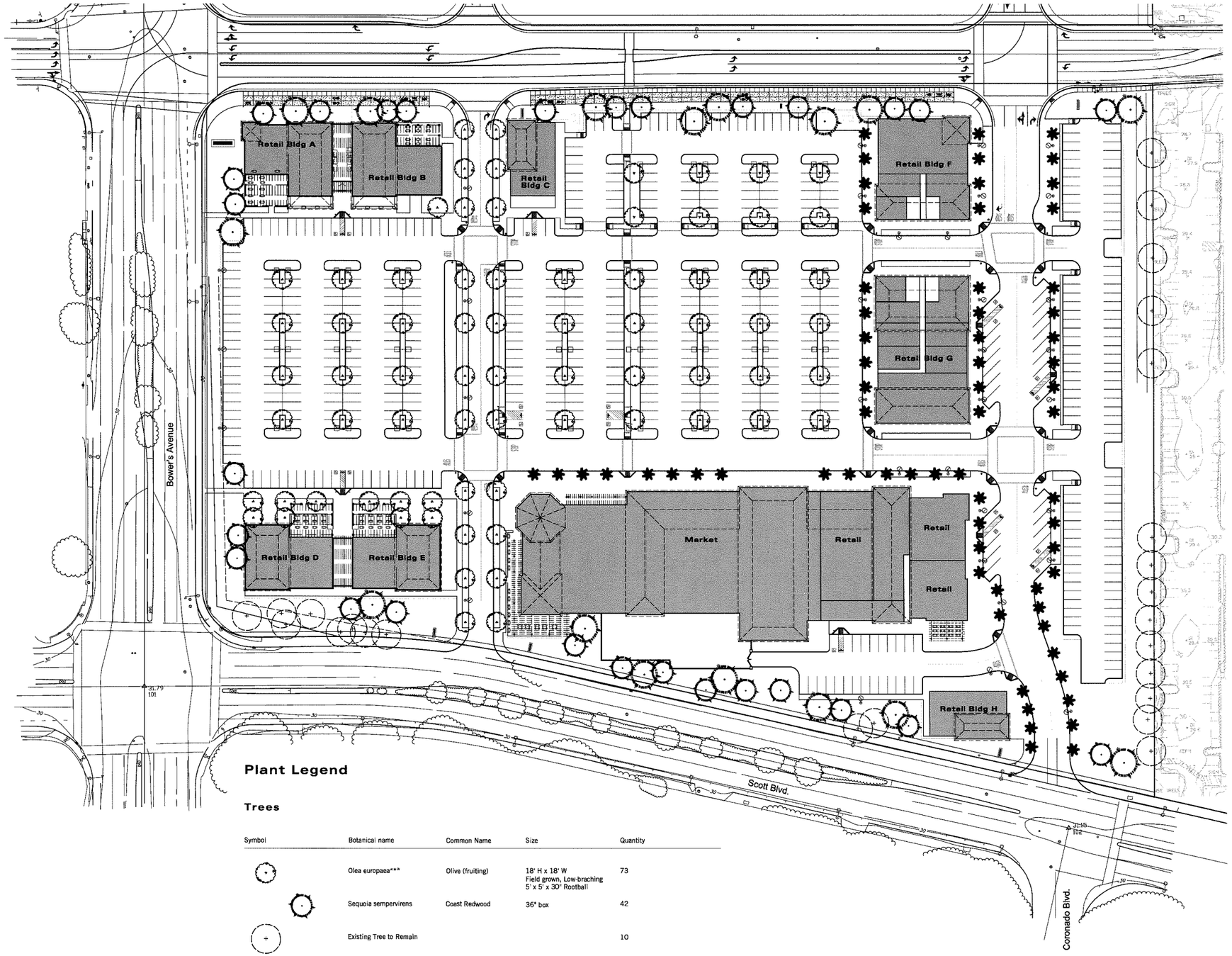
Submitted	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/8/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job No.	13154.19
Date	4/9/2014
Checked by	BE
Scale	1" = 40'

PROPOSED LANDSCAPE SITE PLAN

L-1



Plant Legend

Trees

Symbol	Botanical name	Common Name	Size	Quantity
	Olea europaea***	Olive (fruiting)	18' H x 18' W Field grown, Low-braching 5' x 5' x 30" Rootball	73
	Sequoia sempervirens	Coast Redwood	36" box	42
	Existing Tree to Remain			10

***Olive trees to be maintained by Irvine Company

Palms

Symbol	Botanical name	Common Name	Size	Quantity
	Washingtonia robusta	Mexican Fan Palm	18' BTH	70

1 LANDSCAPE TREE PLANTING PLAN
1" = 40'-0"

0' 40' 80' 120'

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7287 F
www.burton-studio.com

HMH
1570 Oakland Road San Jose, CA 95131 (408) 487-2200 HMHca.com

Devine Associates
Environmental Graphics
Devine Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9022
fax 310.247.9090
www.devineinc.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of drawings, specifications and all other documents and all ideas, designs, arrangements and plans indicated or represented by these drawings, specifications and other documents are the property of B.C.V., Inc. (B.C.V.) (collectively the "Instruments of Service") and shall remain the property of B.C.V. B.C.V. shall retain all common law, statutory and other reserved rights, including the copyright thereto. The Instruments of Service are not to be used by the owner or others on other projects or for additions to this project or for completing this project by others, except by agreement in writing and with appropriate compensation to B.C.V., and B.C.V. shall be deemed the author of the Instruments of Service for purposes of Section 102 of the Copyright Act of 1976, as amended. Project documents identify design intent of owner and the A/E of Record for the project. B.C.V. is not responsible for any deviations made from the project documents without B.C.V.'s written consent.

© Copyright 2013

Submittal:	Date
PLANNING APPLICATION SUBMITTAL	2/13/2014
PLANNING APPLICATION RESUBMITTAL	4/2/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/16/2014

Revision	Date

Job. No.	13154.18
Date	4/9/2014
Checked by	
Scale	1" = 40'-0"

LANDSCAPE TREE PLANTING PLAN

L-3

Tree Removal and Protection Legend

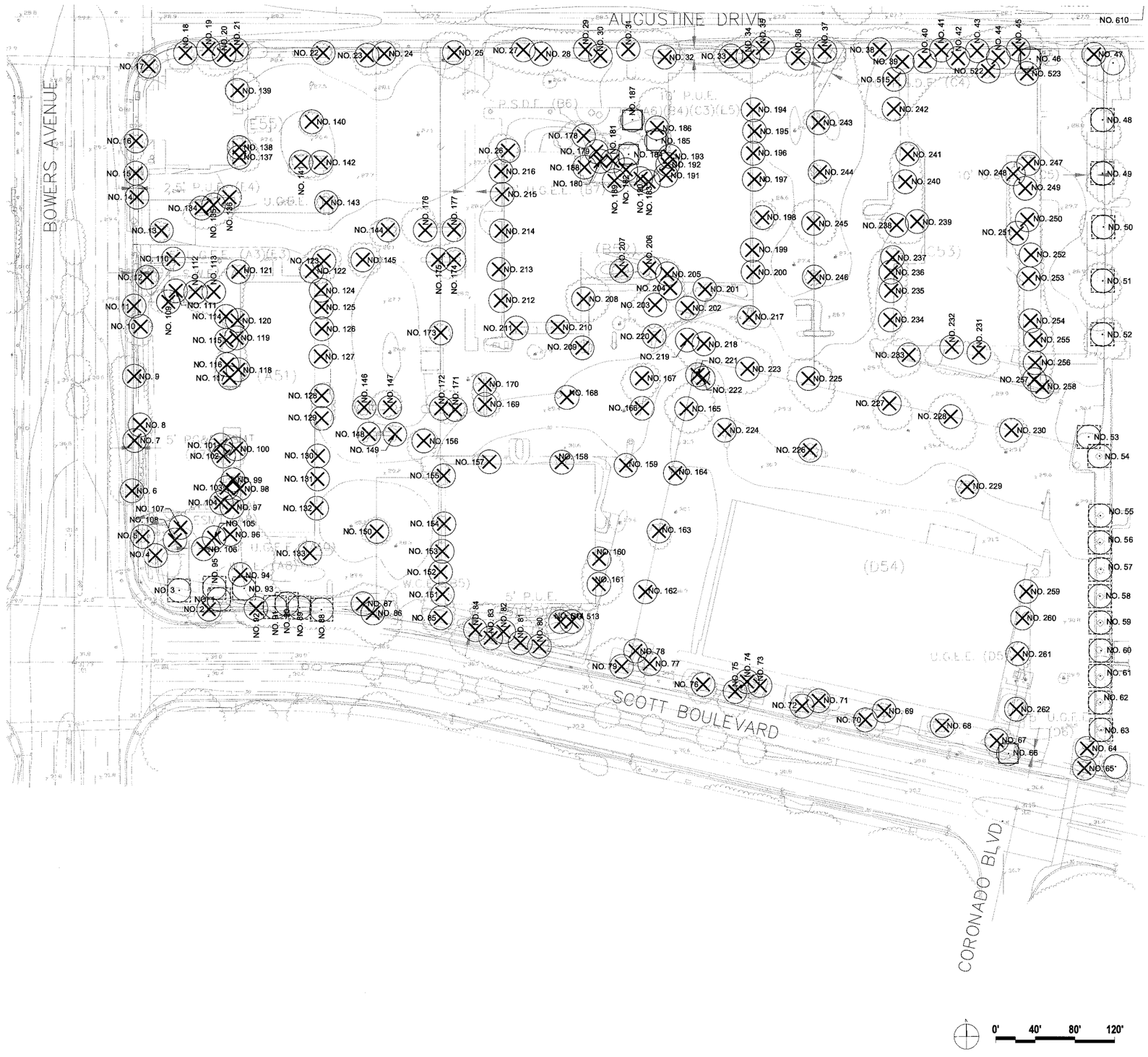
Symbol	Description
X	Tree Removed
□	Tree Relocated
⬚	Tree Protected

TREE SUMMARY	
Total Trees to be Removed and Mitigated	238
Total Trees to be Relocated	5
Total Trees to be Protected	24
Total Existing Trees	267

Tag	Diameter	Common Name
1	16	Ash
2	29	Ash
3	27	Ash
4	4	Redwood
5	18	Redwood
6	26	Deodara Cedar
7	31	Deodara Cedar
8	31	Deodara Cedar
9	26	Deodara Cedar
10	20	Alder
11	4	Jacaranda
12	20	Alder
13	3	Jacaranda
14	3	Jacaranda
15	13	Jacaranda
16	15	Pine
17	16	Pine
18	16	Pine
19	24	Pine
20	24	Pine
21	24	Pine
22	9	Jacaranda
23	12	Jacaranda
24	19	Ash
25	24	Ash
26	14	Ash
27	22	Deodara Cedar
28	19	Deodara Cedar
29	33	Deodara Cedar
30	26	Deodara Cedar
31	34	Ash
32	27	Ash
33	23	Deodara Cedar
34	25	Ash
35	25	Ash
36	20	Ash
37	24	Ash
38	21	Ash
39	38	Ash
40	32	Redwood
41	33	Redwood
42	37	Redwood
43	37	Redwood
44	37	Redwood
45	24	Ash
46	6	Redwood
47	18	Ash
48	24	Ash
49	28	Ash
50	74	Ash
51	24	Ash
52	22	Ash
53	4	Scrub Oak
54	2	Sweet Gum
55	4	Redwood
56	4	Redwood
57	4	Redwood
58	4	Redwood
59	4	Redwood
60	4	Redwood
61	4	Redwood
62	4	Redwood
63	4	Redwood
64	3	Purple-Leaf Plum
65	3	Purple-Leaf Plum
66	19	Redwood
67	48	Redwood
68	4	Crape Myrtle
69	4	Crape Myrtle
70	32	Pine
71	27	Redwood
72	31	Redwood
73	4	Crape Myrtle
74	4	Crape Myrtle
75	22	Pine
76	22	Pine
77	3	Purple-Leaf Plum
78	3	Purple-Leaf Plum
79	28	Ash
80	19	Deodara Cedar
81	19	Deodara Cedar
82	20	Deodara Cedar
83	20	Deodara Cedar
84	20	Deodara Cedar
85	17	Deodara Cedar
86	22	Ash
87	21	Ash
88	33	Pine
89	26	Pine
90	29	Pine
91	29	Pine
92	21	Ash
93	22	Ash
94	25	Ash
95	25	Ash
96	9	Japanese Maple
97	9	Japanese Maple
98	9	Japanese Maple
99	9	Japanese Maple
100	9	Japanese Maple
101	13	Podocarpus
102	13	Podocarpus
103	13	Podocarpus
104	15	Podocarpus
105	27	Ash
106	30	Ash
107	8	Bradford Pear
108	11	Bradford Pear
109	14	Podocarpus
110	4	Jacaranda
111	5	Bradford Pear
112	27	Redwood
113	27	Redwood
114	6	Podocarpus
115	17	Podocarpus
116	9	Japanese Maple
117	9	Japanese Maple
118	17	Podocarpus
119	10	Japanese Maple
120	10	Japanese Maple
121	24	Redwood
122	17	Ash
123	12	Ash
124	3	Crape Myrtle
125	3	Crape Myrtle
126	3	Crape Myrtle
127	3	Crape Myrtle
128	8	Bradford Pear
129	9	Bradford Pear
130	3	Crape Myrtle
131	3	Crape Myrtle
132	3	Crape Myrtle
133	9	Ficus
134	19	Pine
135	19	Pine
136	19	Pine
137	14	Jacaranda
138	11	Jacaranda
139	12	Jacaranda
140	14	Pine
141	16	Pine
142	16	Pine
143	14	Pine
144	12	Ash
145	12	Ash
146	4	Alder
147	12	Ash
148	4	Alder
149	4	Alder
150	13	Ash
151	4	Chinese Tallow
152	4	Chinese Tallow
153	4	Chinese Tallow
154	4	Chinese Tallow
155	18	Ash
156	13	Ash
157	4	Crape Myrtle
158	4	Crape Myrtle
159	4	Crape Myrtle
160	33	Redwood
161	33	Redwood
162	4	Ash
163	10	Ash
164	4	Crape Myrtle
165	19	Ash
166	4	Ash
167	18	Ash
168	3	Crape Myrtle
169	8	Ash
170	11	Ash
171	12	Ash
172	11	Ash
173	4	Ash
174	14	Ash
175	4	Alder
176	15	Ash
177	15	Ash
178	20	Alder
179	21	Redwood
180	25	Redwood

Tag	Diameter	Common Name
181	22	Redwood
182	29	Redwood
183	25	Redwood
184	21	Redwood
185	21	Redwood
186	24	Redwood
187	21	Redwood
188	7	Japanese Maple
189	4	Japanese Maple
190	6	Japanese Maple
191	8	Kumquat
192	8	Japanese Maple
193	9	Japanese Maple
194	3	Crape Myrtle
195	3	Crape Myrtle
196	3	Crape Myrtle
197	3	Crape Myrtle
198	9	Bradford Pear
199	3	Crape Myrtle
200	3	Crape Myrtle
201	6	Bradford Pear
202	6	Bradford Pear
203	10	Ash
204	41	Eucalyptus
205	21	Eucalyptus
206	10	Deodara Cedar
207	10	Deodara Cedar
208	21	Eucalyptus
209	4	Alder
210	4	Tristania
211	4	Tristania
212	4	Tristania
213	4	Tristania
214	4	Tristania
215	4	Tristania
216	4	Tristania
217	3	Crape Myrtle
218	11	Ash
219	18	Ash
220	14	Ash
221	19	Pine
222	15	Pine
223	19	Ash
224	4	Sweet Gum
225	25	Ash
226	10	Sweet Gum
227	16	Ash
228	29	Ash
229	10	Sweet Gum
230	15	Ash
231	18	Eucalyptus
232	20	Eucalyptus
233	19	Ash
234	4	Sweet Gum
235	30	Eucalyptus
236	1,993	Eucalyptus
237	20	Deodara Cedar
238	15	Deodara Cedar
239	14	Southern Magnolia
240	24	Deodara Cedar
241	19	Alder
242	19	Alder
243	4	Ash
244	4	Ash
245	24	Ash
246	4	Ash
247	23	Redwood
248	23	Redwood
249	23	Redwood
250	23	Redwood
251	21	Redwood
252	28	Redwood
253	23	Redwood
254	21	Ash
255	16	Ash
256	14	Ash
257	17	Ash
258	12	Ash
259	3	Sweet Gum
260	3	Sweet Gum
261	13	Sweet Gum
262	11	Sweet Gum
263	28	Redwood
264	24	Redwood
265	10	Japanese Maple
266	27	Pine
267	18	Pine
268	13	Pine
269	36	Redwood
270	35	Redwood
271	3	Crape Myrtle
272	34	Redwood
273	25	Redwood
274	36	Redwood
275	3	Sweet Gum
276	3	Crape Myrtle
277	8	Birch
278	5	Birch
279	5	Birch
280	17	Pine
281	28	Pine
282	17	Pine
283	16	Redwood
284	26	Redwood
285	18	Pine
286	10	Purple-Leaf Plum
287	10	Purple-Leaf Plum
288	9	Purple-Leaf Plum
289	18	Purple-Leaf Plum
290	18	Purple-Leaf Plum
291	18	Purple-Leaf Plum
292	11	Purple-Leaf Plum
293	17	Purple-Leaf Plum
294	13	Purple-Leaf Plum
295	13	Purple-Leaf Plum
296	18	Purple-Leaf Plum
297	10	Purple-Leaf Plum
298	10	Purple-Leaf Plum
299	8	Purple-Leaf Plum
300	8	Purple-Leaf Plum
301	7	Purple-Leaf Plum
302	7	Purple-Leaf Plum
303	20	Redwood
304	8	Purple-Leaf Plum
305	8	Purple-Leaf Plum
306	9	Purple-Leaf Plum
307	8	Purple-Leaf Plum
308	18	Purple-Leaf Plum
309	18	Purple-Leaf Plum
310	11	Purple-Leaf Plum
311	11	Purple-Leaf Plum
312	11	Purple-Leaf Plum
313	11	Purple-Leaf Plum
314	12	Ash
315	17	Ash
316	14	Ash
317	13	Ash
318	11	Ash
319	11	Ash
320	13	Ash
321	7	Sweet Gum
322	6	Chinese Tallow
323	7	Chinese Tallow
324	16	Acacia
325	11	Acacia
326	17	Acacia
327	17	Acacia
328	15	Acacia
329	20	Acacia
330	15	Acacia
331	9	Bradford Pear
332	4	Crape Myrtle
333	4	Crape Myrtle
334	4	Crape Myrtle
335	3	Crape Myrtle
336	23	Ash
337	11	Bradford Pear
338	6	Sweet Gum
339	18	Ash
340	13	Ash
341	13	Ash
342	16	Ash
343	5	Sweet Gum
344	11	Ash
345	6	Ash
346	18	Ash
347	12	Purple-Leaf Plum
348	10	Purple-Leaf Plum
349	11	Purple-Leaf Plum
350	11	Purple-Leaf Plum
351	18	Purple-Leaf Plum
352	6	Purple-Leaf Plum
353	6	Purple-Leaf Plum
354	8	Purple-Leaf Plum
355	8	Purple-Leaf Plum
356	8	Purple-Leaf Plum
357	6	Purple-Leaf Plum
358	7	Purple-Leaf Plum
359	7	Purple-Leaf Plum
360	17	Ash

Tag	Diameter	Common Name
361	11	Ash
362	13	Ash
363	11	Ash
364	11	Ash
365	17	Ash
366	18	Ash
367	16	Ash
368	15	Ash
369	14	Ash
370	13	Ash
371	9	Ash
372	6	Ash
373	10	Ash
374	6	Purple-Leaf Plum
375	6	Purple-Leaf Plum
376	6	Purple-Leaf Plum
377	9	Purple-Leaf Plum
378	9	Purple-Leaf Plum
379	13	Purple-Leaf Plum
380	6	Purple-Leaf Plum
381	6	Purple-Leaf Plum
382	9	Purple-Leaf Plum
383	6	Purple-Leaf Plum
384	9	Purple-Leaf Plum
385	6	Purple-Leaf Plum
386	6	Purple-Leaf Plum
387	6	Purple-Leaf Plum
388	2	Purple-Leaf Plum
389	6	Purple-Leaf Plum
390	6	Purple-Leaf Plum
391	6	Purple-Leaf Plum
392	6	Purple-Leaf Plum
393	6	Purple-Leaf Plum
394	6	Purple-Leaf Plum
395	6	Purple-Leaf Plum
396	6	Purple-Leaf Plum
397	6	Purple-Leaf Plum
398	6	Purple-Leaf Plum
399	8	Purple-Leaf Plum
400	8	Purple-Leaf Plum
401	29	Redwood
402	14	Ash
403	18	Ash
404	11	Ash
405	11	Ash
406	14	Ash
407	14	Ash
408	9	Ash
409	14	Ash
410	17	Ash
411	17	Ash
412	12	Ash
413	18	Ash
414	13	Maytan
415	22	Redwood
416	13	Purple-Leaf Plum
417	6	Purple-Leaf Plum
418	9	Purple-Leaf Plum
419	6	Purple-Leaf Plum
420	6	Purple-Leaf Plum
421	9	Purple-Leaf Plum
422	9	Purple-Leaf Plum
423	9	Purple-Leaf Plum
424	10	Purple-Leaf Plum
425	10	Purple-Leaf Plum
426	28	Purple-Leaf Plum
427	18	Purple-Leaf Plum
428	12	Purple-Leaf Plum
429	18	Purple-Leaf Plum
430	18	Purple-Leaf Plum
431	10	Purple-Leaf Plum
432	7	Purple-Leaf Plum
433	8	Purple-Leaf Plum
434	6	Purple-Leaf Plum
435	6	Purple-Leaf Plum
436	9	Purple-Leaf Plum
437	9	Purple-Leaf Plum
438	9	Purple-Leaf Plum
439	6	Purple-Leaf Plum
440	8	Purple-Leaf Plum
441	8	Purple-Leaf Plum
442	6	Purple-Leaf Plum
443	11	Purple-Leaf Plum
444	8	Purple-Leaf Plum
445	5	Purple-Leaf Plum
446	7	Purple-Leaf Plum
447	10	Purple-Leaf Plum
448	9	Purple-Leaf Plum
449	6	Purple-Leaf Plum
450	8	Purple-Leaf Plum
451	8	Purple-Leaf Plum
452	6	Purple-Leaf Plum
453	12	Purple-Leaf Plum
454	7	Purple-Leaf Plum
455	9	Purple-Leaf Plum
456	18	Purple-Leaf Plum
457	7	Purple-Leaf Plum
458	38	Date Palm
459	45	Date Palm
460	67	Date Palm
461	15	Ash
462	57	Date Palm
463	54	Date Palm
464	54	Date Palm
465	12	Ash
466	28	Ash
467	12	Ash
468	45	Date Palm
469	8	Ash
470	11	Ash
471	15	Ash
472	15	Ash
473	18	Ash
474	7	Crape Myrtle
475	7	Crape Myrtle
476	7	Crape Myrtle
477	12	Ash
478	2	Crape Myrtle
479	4	Crape Myrtle
480	4	Crape Myrtle
481	17	Ash
482	12	Ash
483	3	Crape Myrtle
484	3	Crape Myrtle
485	22	Ash
486	3	Crape Myrtle
487	18	Ash
488	46	Redwood
489	34	Redwood
490	25	Redwood
491	14	Ash
492	28	Ash
493	38	Pine
494	28	Ash
495	32	Redwood
496	28	Redwood
497	28	Ash
498	20	Ash
499	31	Redwood
500	36	Redwood
501	36	Redwood
502	9	Birch
503	25	Redwood
504	50	Redwood
505	38	Redwood
506	4	Pine
507	36	Ash
508	43	Ash
509	23	Redwood
510	26	Redwood
511	38	Redwood
512	26	Ash



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 394 7204 T 858 764 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 497-2200
San Jose CA 95131 HMHca.com

Davies Associates
Environmental Consultants
Davies Associates, Inc.
9424 Santa Monica Blvd.
Suite 217
Beverly Hills, CA 90210
ph 310.247.9872
fax 310.247.9590
www.daviesassoc.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of drawings is licensed to be used only for the specific project and location shown and described thereon. Any other use, including but not limited to reproduction or alteration of the set, for any other project, location or purpose, is prohibited without the express written consent of the Landscape Architect. Ownership of the set of drawings is retained by the Landscape Architect. Visual contact with these drawings shall constitute prima facie evidence of acceptance of these restrictions.

The Landscape Architect is not responsible for any errors or omissions in the construction documents if any alteration is made to the original drawings without the express written consent of the Landscape Architect.

© Copyright 2013

Submittal	Date
PLANNING APPLICATION 1st SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Revision	Date

Job. No.	13154.18
Date	4/9/2014
Checked by	BE
Scale	1" = 40'

Proposed Landscape Tree Removal and Protection Plan

L-5

I. GENERAL

NO CUTTING OF ANY PART DF CITY TREES, INCLUDING RDDTS, SHALL BE DDNE WITHDUT SECURING APPRDVAL AND DIRECT SUPERVISION FROM THE CITY ARBORIST DR ARBDRIST EMPLOYED BY CITY (408-615-3080).

NO CUTTING OF ANY PART OF PRIVATE TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT DIRECT SUPERVISIDN OF AN INTERNATIONAL SOCIETY OF ARBORICULTURE (I.S.A.) CERTIFIED ARBORIST.

WHEN CONSTRUCTION OCCURS WITHIN THE DRIP LINE OF EXISTING TREES, CONTRACTOR SHALL PILE THE SOIL ON THE SIDE AWAY FROM THE TREE. WHEN THIS IS NOT POSSIBLE, PLACE SOIL ON PLYWDOD, TARP, OR 4"-5" THICK BED OF MULCH. THIS IS TO HELP PREVENT CUTTING INTO THE SOIL SURFACE WHEN THE BACKHOE DR TRACTOR BLADE REFILLS THE TRENCH.

REFILL OPEN TRENCHES QUICKLY WITHIN HOURS OF EXCAVATION WHEN THEY OCCUR WITHIN THE DRIP LINE OF EXISTING TREES. IF THIS IS NDT POSSIBLE AND THE WEATHER IS HOT, DRY, DR WINDY, CONTRACTOR MUST KEEP ROOT ENDS MOIST BY COVERING THEM WITH WET BURLAP. IF THE TEMPERATURE IS 80°F OR GREATER, THE BURLAP MUST BE INSPECTED EVERY HOUR AND RE-WET AS NECESSARY TO MAINTAIN A CONSTANT CDDL MDIST CDNDITIDN. IF THE TEMPERATURE IS BELOW 80°, THE BURLAP MUST BE INSPECTED EVERY FOUR HDURS AND RE-WET AS NECESSARY TO MAINTAIN A CDNSTANT CDDL MOIST CONDITION. SMALL RODTS CAN DRY OUT AND DIE IN 10-15 MINUTES. LARGER ROOTS CAN SUCCUMB IN AN HOUR DR LESS UNDER UNFAVORABLE WEATHER CONDITIONS.

WHEN ROOTS 2" OR LARGER ARE REQUIRED TO BE CUT, SHOVEL BY HAND NEAR THE RODTS AND PRUNE THE RDDTS WITH AN INDUSTRY-APPROVED PRUNING TOOL. RDOTS THAT ARE ACCIDENTALLY BROKEN SHOULD BE PRUNED TWO INCHES FROM THE DAMAGED END. CRUSHED OR TORN ROOTS ARE MDRE LIKELY TO ALLOW DECAY TO BEGIN. SHARPLY CUT ROOTS PRODUCE A FLUSH OF NEW ROOTS HELPING THE TREE TO RECOVER FROM ITS INJURY.

CONTRACTOR SHALL NOTIFY THE CITY ARBORIST OR ARBDRIST EMPLOYED BY CITY 72 HOURS IN ADVANCE OF ANY WORK REQUIRING DIGGING AROUND DR WITHIN THE DRIP LINE OF EXISTING TREES.

A CLEAR SYSTEM OF FLAGGING MUST BE PROVIDED AROUND TREES WITHIN 2D' OF THE PROPOSED GRADING. CONTRACTOR SHALL SECURE APPROVAL OF SUCH SYSTEM FROM THE CITY ARBORIST OR ARBDRIST EMPLDYED BY CITY.

MATERIALS, EQUIPMENT, TEMPORARY BUILDINGS, FUELS, PAINTS AND OTHER CONSTRUCTION ITEMS SHALL NOT BE PLACED WITHIN THE DRIP LINE OF EXISTING TREES.

FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLDSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCING SHALL BE PLACED AT THE DRIP LINE DF EXISTING TREES OR, IF POSSIBLE, 1.5 TIMES THE RADIUS OF THE DRIP LINE DUT FRDM THE TRUNK OF THE TREE. A WARNING SIGN SHALL BE PROMINENTLY DISPLAYED ON EACH FENCE. THE SIGN SHALL BE A MINIMUM OF 8.5"x11" AND CLEARLY STATE "WARNING – TREE PROTECTIDN ZONE THIS FENCE SHALL NOT BE REMOVED WITHOUT APPROVAL FROM THE CITY ARBORIST/PROJECT ARBORIST". FENCES SHALL BE 6-FDDT TALL CHAIN LINK OR EQUIVALENT, AS APPROVED BY THE CITY ARBORIST DR ARBORIST EMPLOYED BY CITY. FENCES SHALL REMAIN UNTIL ALL GRADING AND CONSTRUCTION WORK IS COMPLETED. IN ADDITIDN, WRAP ALL TREES WITH STRAW WADDLE UP TO THE FIRST MAIN BRANCH, THEN WRAP SNOW FENCING AROUND THE WADDLE ON ALL TREES IN THE CONSTRUCTION ZONE TO PROTECT THEM FROM BARK DAMAGE CAUSED BY THE WDRK.

NO TRENCHING SHALL BE DONE WITHIN THE DRIP LINE OF EXISTING TREES WITHOUT THE APPROVAL DF THE CITY ARBDRIST OR ARBORIST EMPLOYED BY CITY. OPEN TRENCHING IN THE ROOT ZONE OF A PUBLIC TREE IS PROHIBITED EXCEPT IN CASES WHERE THE TRENCHING FALLS OUTSIDE THE DRIP LINE OF THE TREE INVOLVED. EXCEPTIONS MAY BE ALLDWED IF, IN THE OPINION OF THE CITY ARBDRIST OR ARBORIST EMPLOYED BY CITY, THE IMPACT DF TRENCHING ON THE TREE WILL BE NEGLIGIBLE.

ANY CUTTING OF EXISTING ROOTS OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. ANY CUTTING OF EXISTING ROOTS OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A CERTIFIED ARBORIST.

GRADING SHOULD NOT CREATE DRAINAGE PROBLEMS FDR TREES BY CHANNELING WATER INTO THEM, OR CREATING SUNKEN AREAS.

ALL GRADING WITHIN THE DRIP LINE OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE CITY ARBORIST OR ARBORIST EMPLDYED BY CITY. ALL GRADING WITHIN THE DRIP LINE DF PRIVATE TREES SHALL BE DONE WITH APPRDVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A. CERTIFIED ARBORIST. THE ORIGINAL GRADE AT THE BASE OF EXISTING TREES SHALL NOT BE MODIFIED. IF A GRADE INCREASE IS NECESSARY, DRY WELLS SHOULD BE USED.

WHEN TRENCHING IS ALLOWED, THE CONTRACTOR MUST FIRST CUT RDDTS WITH A VERMEER ROOT CUTTER PRIOR TO ANY TRENCHING TO AVOID TUGGING OR PULLING OF RODTS.

TREES THAT ARE DETERMINED TO BE REMOVED BY THE CITY ARBORIST OR ARBDRIST EMPLOYED BY CITY DUE TO AN UNFORSEEN CIRCUMSTANCE DURING CONSTRUCTION SHALL BE REPLACED BY THE CONTRACTOR. THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY SHALL DETERMINE THE REPLACEMENT SPECIE, SIZE, QUANTITY, AND SPACING.

PLACE 4"-5" THICK MULCH AROUND ALL EXISTING TREES (OUT TO THEIR DRIP LINE) THAT ARE TO BE RETAINED PRIOR TO ANY CDNSTRUCTIDN. THIS WILL HELP MAINTAIN MOISTURE UNDER THE TREE WITHIN THE FENCING AREA.

BORE PITS ARE NOT ALLOWED WITHIN THE DRIP LINE DF ANY TREE.

II. BORING

WHERE THERE IS INSUFFICIENT SPACE TO BYPASS THE DRIP LINE BY TRENCHING ADJCENT TD ALL EXISTING TREES IN EXCESS OF 5" D.B.H., THE INSTALLATION MUST BE MADE BY BORING. THE BEGINNING AND ENDING DISTANCE OF THE BORE FROM THE FACE DF THE TREE IN ANY DIRECTION IS DETERMINED BY THE DIAMETER OF THE TREE AS SPECIFIED BY THE ACCDMPANYING TABLE:

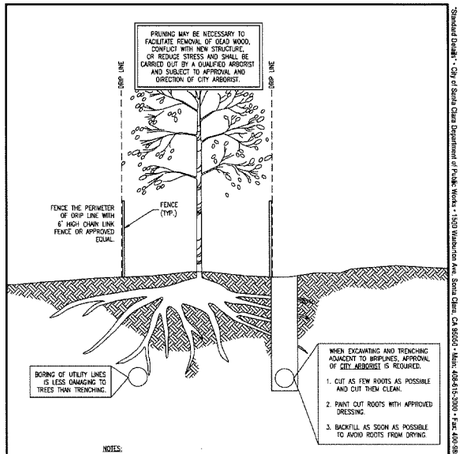
WHEN TREE DIAMETER AT 4-1/2 FEET IS:	TRENCHING WILL BE REPLACED BY BORING AT THIS MINIMUM DISTANCE FRDM THE FACE OF THE TREE IN ANY DIRECTION:
0-2 INCHES	1 FOOT
3-4 INCHES	2 FEET
6-9 INCHES	5 FEET
10-14 INCHES	10 FEET
15-19 INCHES	12 FEET
OVER 19 INCHES	15 FEET

III. TREE PROTECTION

CDNTRACTDR SHALL TAG AND IDENTIFY EXISTING TREES WHICH ARE TD REMAIN WITHIN THE PROJECT LIMITS AND ON THE PUBLIC RIGHT-DF-WAY PRIOR TO START OF WORK. PROTECT ALL TAGGED TREES AT ALL TIMES FROM DAMAGE BY THE WDRK. TREATMENT DF ALL MINOR DAMAGE TO TAGGED TREES SHALL BE PERFORMED BY AN I.S.A. CERTIFIED ARBORIST OR OTHER PERSONNEL APPROVED BY THE CITY ARBDRIST OR ARBORIST EMPLOYED BY CITY. IF A TAGGED TREE IS PERMANENTLY DISFIGURED OR KILLED AS A RESULT OF THE WDRK, CONTRACTOR SHALL REMOVE THE TREE, INCLUDING ITS ROOTS, FROM THE SITE AND REPLACE EACH REMOVED TREE WITH AN EQUAL-SIZED TREE. IF SUCH REPLACEMENT IS NOT POSSIBLE, THE CONTRACTOR SHALL REIMBURSE TO THE TREE OWNER THE AMOUNT LISTED IN THE TABLE BELOW. THE CITY ARBDRIST OR ARBORIST EMPLOYED BY CITY SHALL BE THE SOLE JUDGE OF THE CONDITION OF ANY TREE. CONTRACTOR SHALL PRDVIDE REGULAR WATERING OF EXISTING LANDSCAPING WITHIN THE CONSTRUCTION AREA THRDUGH THE CDNSTRUCTION PERIOD.

CDNTRACTOR SHALL PAY THE TREE OWNER THE VALUE OF EXISTING TREES TO REMAIN THAT DIED OR WERE DAMAGED BECAUSE OF THE CDNTRACTOR'S FAILURE TO PROVIDE ADEQUATE PROTECTION AND MAINTENANCE. THE PAYMENT AMDUNT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF VALUES, USING "TREE CALIPER" METHOD ESTABLISHED IN THE MOST RECENT ISSUE OF THE "GUIDE FOR ESTABLISHING VALUES OF TREES AND OTHER PLANTS", PREPARED BY THE COUNCIL OF TREE AND LANDSCAPE ARCHITECTS.

7 INCHES	$2,400
8 INCHES	$3,400
9 INCHES	$4,400
10 INCHES	$5,200
11 INCHES	$6,200
12 INCHES	$7,200
13 INCHES	$8,200
14 INCHES	$9,200
15 INCHES	$10,000
16 INCHES	$11,000
17 INCHES	$12,000
18 INCHES AND OVER:	
ADD FOR EACH CALIPER INCH	$1,200



NOTES:

1. PROVIDE ADEQUATE RETAINING WALL – NO CLOSER THAN DRIP LINE. LARGE AMOUNTS OF FILL WILL INHIBIT DELICATE BALANCE BETWEEN ROOTS AND SOIL.
2. AVOID ANY PONDING BY DRAINING LOW POINTS.
3. PRIOR TO GRADING, INSTALL FENCES AND BARRICADES AROUND TREE.
4. FERTILIZE AND WATER TO MINIMIZE SHOCK AS DIRECTED BY QUALIFIED ARBORIST.

DRAWN BY: M. LEE	TREE PROTECTION	LS-6
CHECKED BY: J. MENDOZA		
APPROVED BY: G. GDMEZ		
DATE: DECEMBER 2002	CITY OF SANTA CLARA	PAGE: 51

"Standard Details" - City of Santa Clara Department of Public Works - 1500 Warburton Ave. Santa Clara, CA 95050 - Main: 408-615-3000 - Fax: 408-985-7358 - e-signature@santaclara.gov

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7284 T 858 794 7287 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 247
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of drawings, plans and specifications, and the ideas and designs incorporated herein, as an instrument of service, is the property of the undersigned and shall not be used in whole or in part without written consent of the undersigned. Visual contact with these drawings and specifications shall constitute proof of acceptance of the above restrictions. Only those addenda issued and signed by the undersigned are valid. Any addenda issued after permit issuance shall be subject to review by the appropriate jurisdiction. Any modifications made to the drawings and specifications without the written permission of the undersigned shall be at the sole risk of the person making such modifications. The undersigned assumes no responsibility for any use of these drawings and specifications on any other project or for any extensions of this project beyond the intended project. © Copyright 2013

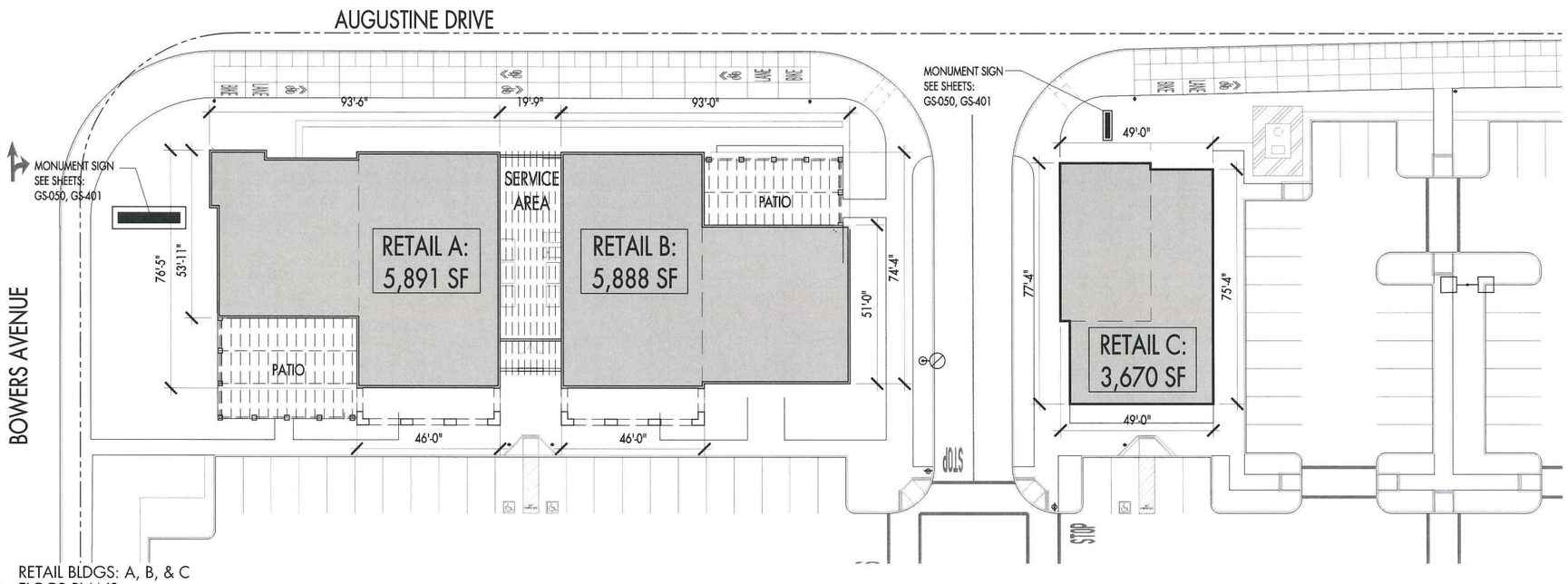
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/25/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Job. No.	13154.10
Date	4/8/2014
Checked by	
Scale	

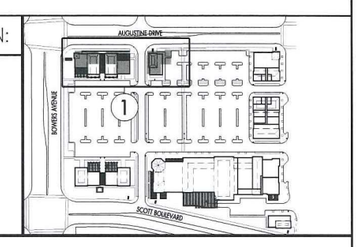
LANDSCAPE TREE PROTECTION NOTES

L-5.1



RETAIL BLDGS: A, B, & C
FLOOR PLANS
1/16"=1'-0"
A-101

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road San Jose, CA 95131
(408) 487-2200 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9474 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9577
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for
IRVINE COMPANY
Since 1864

This set of drawings (plans, specifications, etc.) is the exclusive property of Burton Landscape Architecture Studio (BCV), HMH, and Davies Associates (Davies) and is not to be reproduced, changed or copied in any form or manner whatsoever, nor are they to be assigned to any third party without first obtaining the written permission and consent of Burton Landscape Architecture Studio (BCV), HMH, and Davies. In the event of unauthorized reuse of these plans by a third party, the third party agrees to hold BCV, HMH, and Davies harmless therefor, and to indemnify them against all claims, damages, losses and expenses incurred by BCV, HMH, and Davies in defending any such claim or suit.
© Copyright 2015

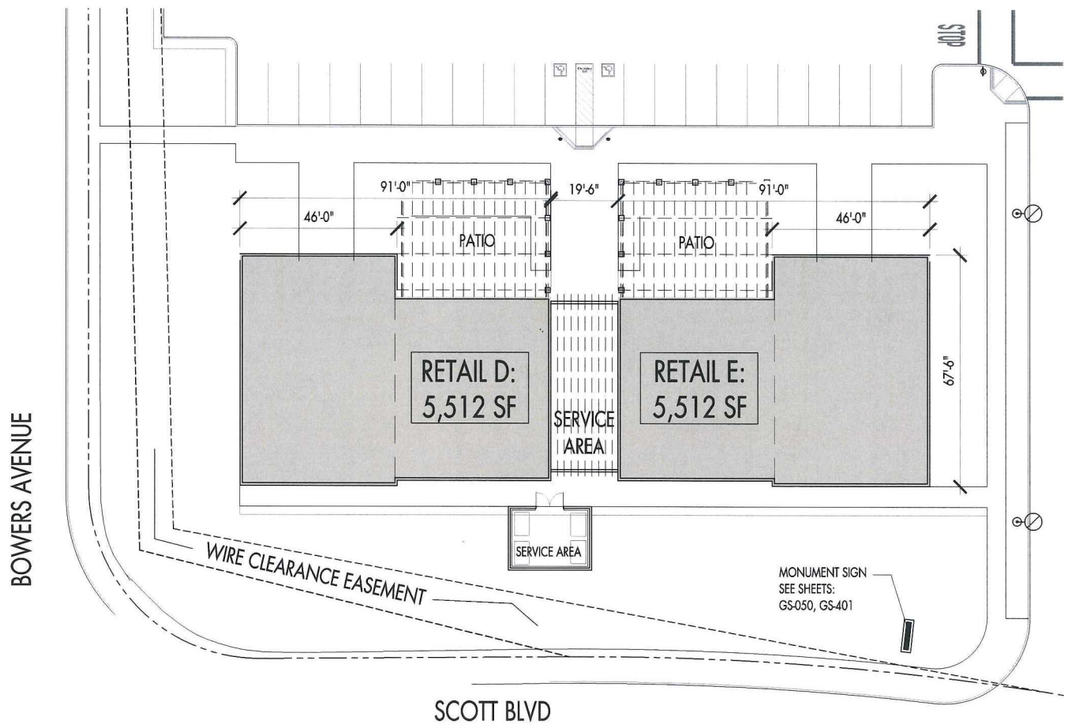
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	02/19/14
PLANNING APPLICATION RESUBMITTAL	04/09/14
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

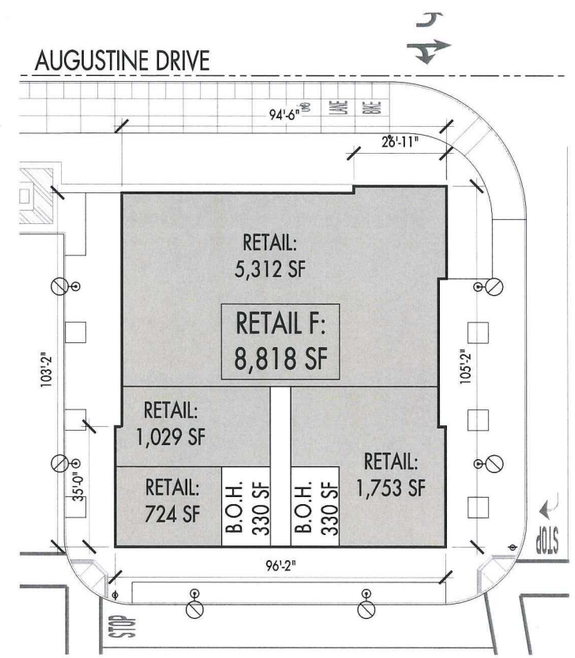
Job. No.	
Date	04/09/14
Checked by	DKL
Scale	1/16"=1'-0"

RETAIL BLDGS
A, B & C
FLOOR PLANS

A-101

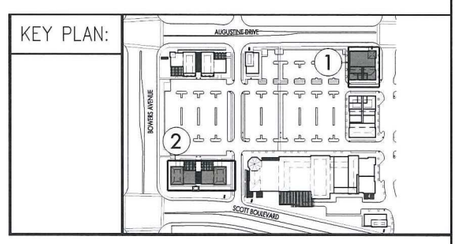


2 A-102 RETAIL BLDGS: D & E FLOOR PLANS
1/16"=1'-0"



1 A-102 RETAIL BLDG F FLOOR PLAN
1/16"=1'-0"

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road San Jose, CA 95131
(408) 487-2200 hmhca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Easton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9577
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set is the sole property of the design professionals, namely the architects, or designers, or engineers, as the case may be, who have prepared the drawings and specifications, and is the legally protected property of LPA, INC. (LPA) and cannot be used without the express written consent of LPA. Ownership and copyright of the drawings and specifications, and all other rights, shall remain with LPA in all cases. LPA hereby gives limited license that any party may use the drawings and specifications for the purpose of constructing a single project, provided that such party shall not use such project for commercial purposes, or use such project for commercial purposes, or use such project for any purpose other than the construction of the project, without the express written consent of LPA. Any other use, including but not limited to the use of LPA's drawings or specifications on any other project, is prohibited. No transfer of these documents shall convey any rights in the design, information, or ideas contained therein. Project Engineers become design owner of work and are the only professionals of record responsible for the engineering of their respective disciplines. Architects are responsible for the "Architecture" as defined by the Business and Professions Code.

© Copyright 2013

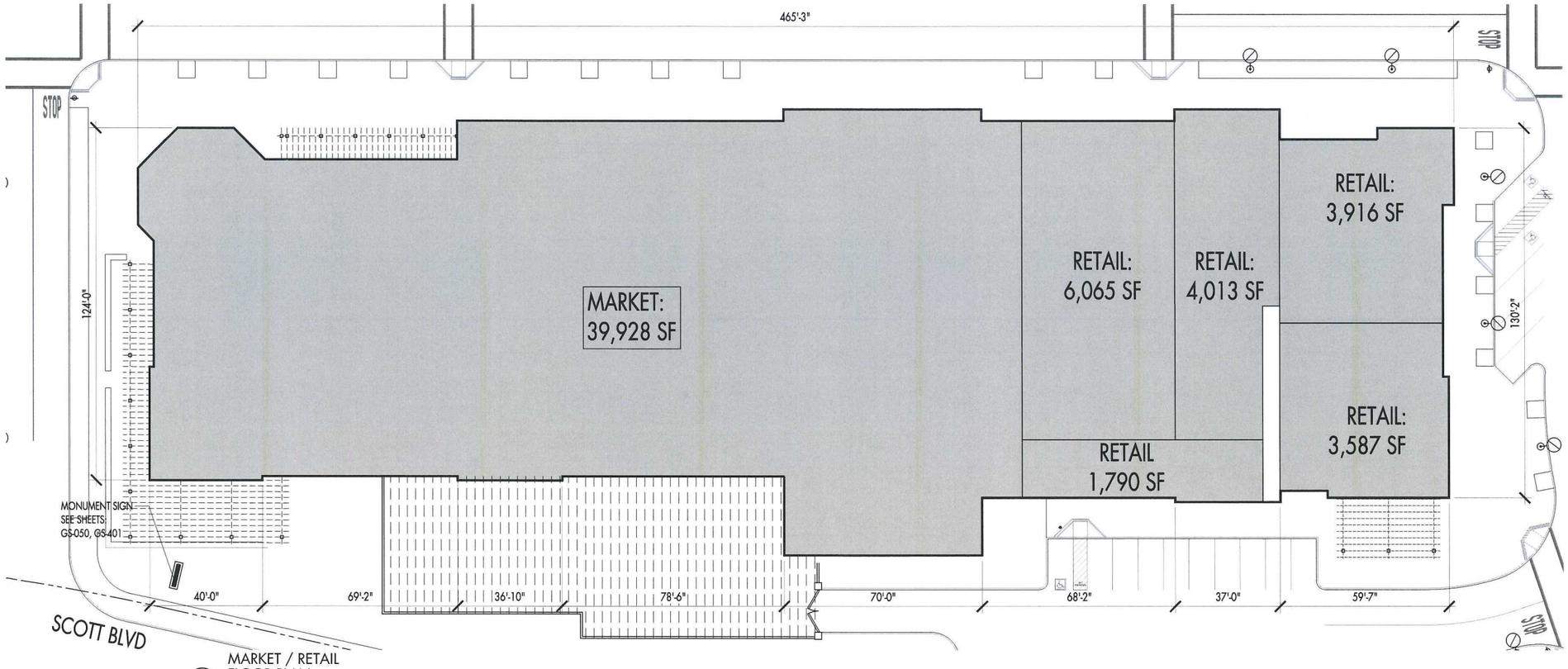
Submittal	Date
PLANNING APPLICATION SUBMITTAL	02/19/14
PLANNING APPLICATION RESUBMITTAL	04/09/14
FINAL PLANNING APPLICATION SUBMITTAL	8/1/2014

Revision	Date

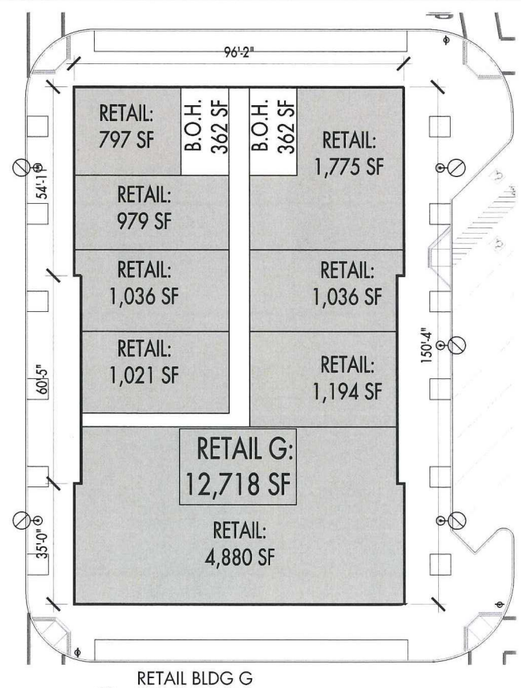
Job. No.	
Date	04/09/14
Checked by	DKL
Scale	1/16"=1'-0"

RETAIL BLDGS: D & E
RETAIL BLDG F
FLOOR PLANS

A-102

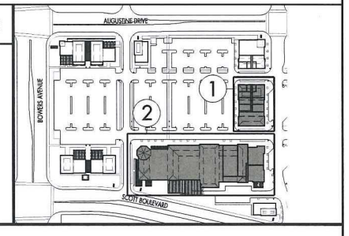


2 A-103 MARKET / RETAIL FLOOR PLAN
1/16"=1'-0"



1 A-103 RETAIL BLDG G FLOOR PLAN
1/16"=1'-0"

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9404 Cayten Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

These and all other designs, drawings, and specifications, as well as the ideas and designs incorporated therein, are the exclusive property of LPA, INC. (LPA) and are to be returned to LPA upon request. These designs, drawings, and specifications are not to be used in whole or in part or copied or altered in any manner or form, nor are copies to be made or given to other persons or entities without the express written consent of LPA, INC. LPA makes no representations or warranties to any other person or entity with respect to the accuracy, completeness, or sufficiency of these designs, drawings, and specifications, and LPA, INC. shall not be liable for any damages, including but not limited to, special, indirect, or consequential damages, arising from their use. For a representation of detail or existing conditions, LPA, INC. recommends that a competent professional be retained. LPA, INC. makes no representations or warranties, express or implied, with respect to such information. © Copyright 2010

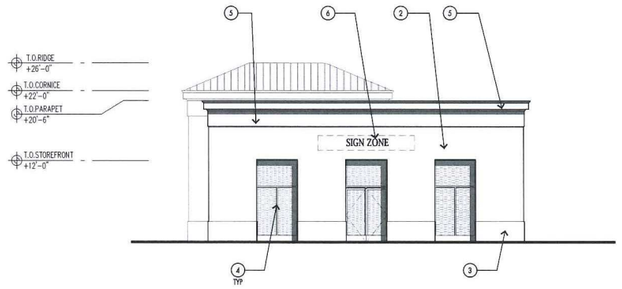
Submittal	Date
PLANNING APPLICATION SUBMITTAL	02/19/14
PLANNING APPLICATION RESUBMITTAL	04/09/14
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

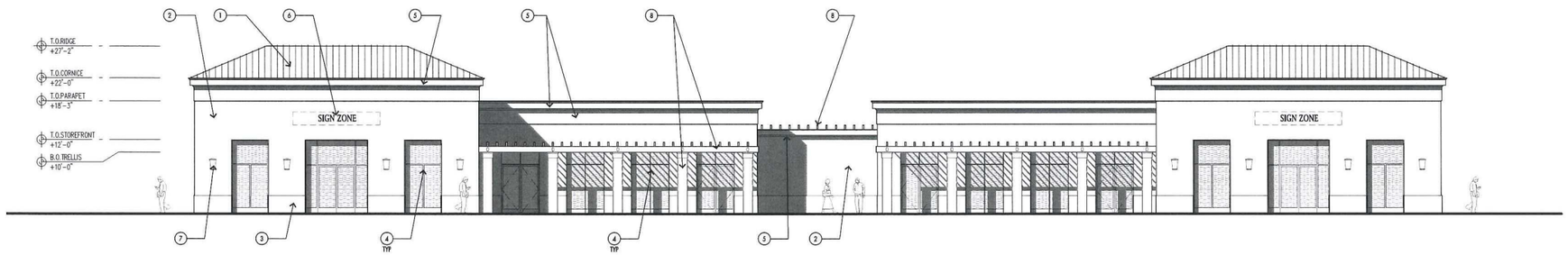
Job. No.	
Date	04/09/2014
Checked by	DKL
Scale	1/16"=1'-0"

MARKET/ RETAIL RETAIL BLDG G FLOOR PLANS

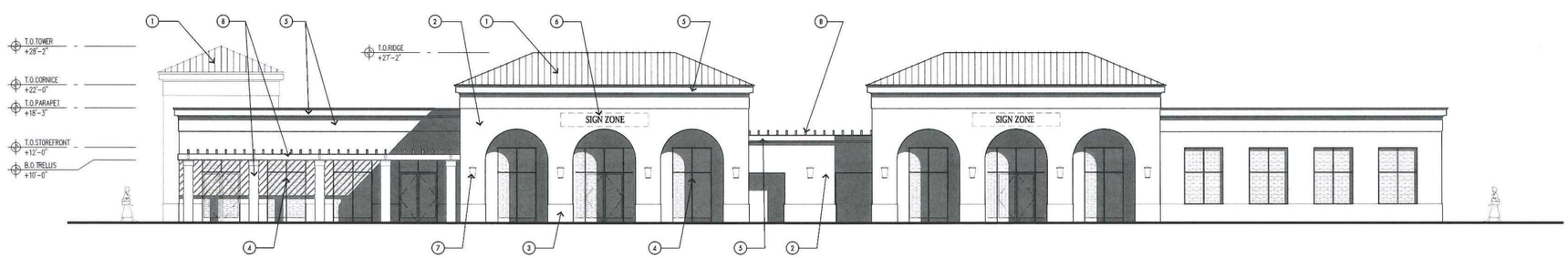
A-103



RETAIL BLDG C
SOUTH ELEVATION
3 A-301
1/8"=1'-0"



RETAIL BLDGS D & E
NORTH ELEVATION
2 A-301
1/8"=1'-0"



RETAIL BLDGS: A, B
SOUTH ELEVATION
1 A-301
1/8"=1'-0"

KEY NOTES: SHEET DESC.

1. TILE ROOF, TYPICAL AT SLOPED ROOFS
2. CEMENT PLASTER WALL FINISH, TYP.
3. CAST STONE BASE, TYP.
4. ALUMINUM STOREFRONT SYSTEM.
5. CEMENT PLASTER TRIM DETAIL.
6. PROPOSED SIGNAGE LOCATION - FINAL SIZE & QTY, TBD.
7. DECORATIVE WALL SCONCE
8. WOOD TRELLIS STRUCTURE.
9. STEEL FRAMED FABRIC AWNING.
10. CEMENT PLASTER LOW WALL

GENERAL NOTE:
FOR ADDITIONAL INFORMATION REGARDING MATERIALS, COLORS AND DETAILS, PLEASE SEE SHEETS P-1 & P-2 FOR PRECEDENT IMAGES SHOWING THE GENERAL DIRECTION AND FEEL OF THE PROJECT.

KEY PLAN:

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way,
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of the project documents, and all ideas, designs, arrangements and plans indicated or represented therein, is and shall remain the property of the Irvine Company LLC, and shall not be used in whole or in part for any purpose other than in connection with the project for which they are prepared. Any reproduction, publication or disclosure to others of any of the foregoing, in whole or in part, without the express written consent of the Irvine Company LLC, is strictly prohibited. Any use of these documents for any purpose other than in connection with the project for which they are prepared, without the express written consent of the Irvine Company LLC, is strictly prohibited. Title to these documents remains in the Irvine Company LLC at all times.

© Copyright 2012

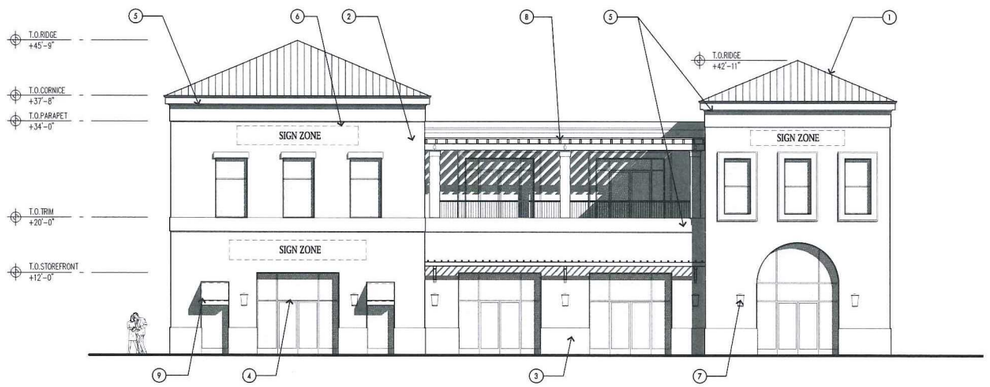
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/14
PLANNING APPLICATION RE-SUBMITTAL	4/9/14
FINAL PLANNING APPLICATION SUBMITTAL	5/12/014

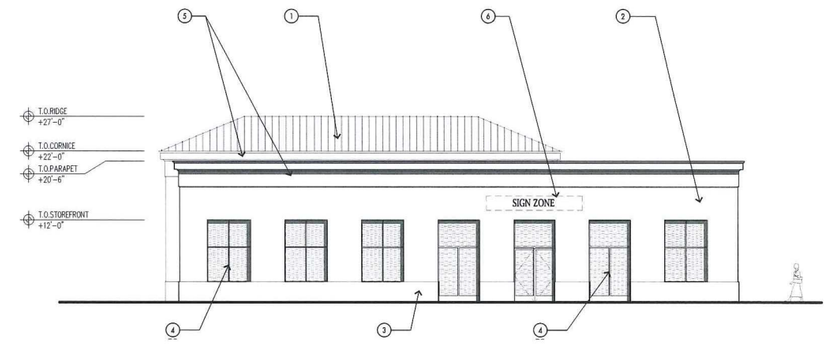
Job. No.	13154.10
Date	4/8/2014
Checked by	DKL
Scale	1/8"=1'-0"

RETAIL: A&B, D&E, C
SOUTH / NORTH
ELEVATIONS

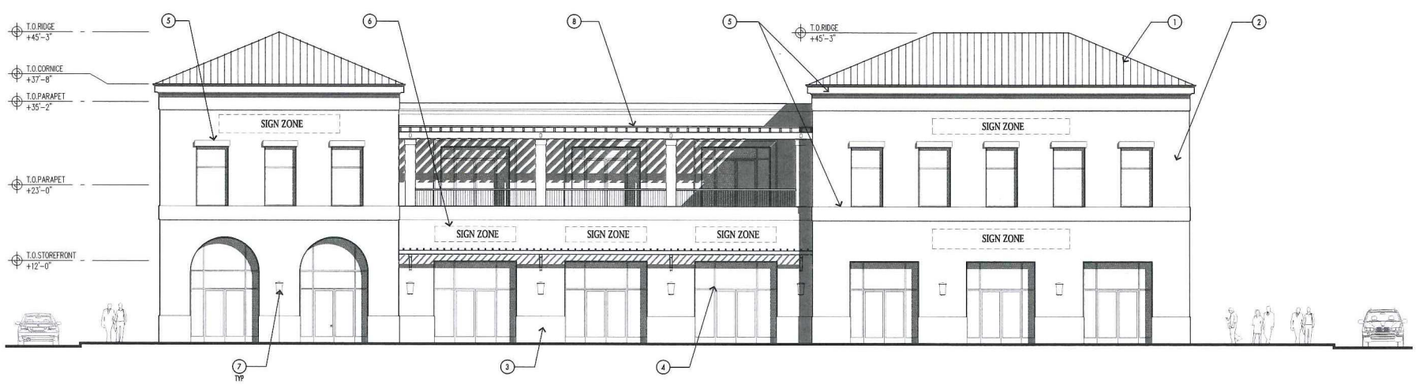
A-301



2 A-302 RETAIL F
EAST ELEVATION
1/8"=1'-0"



3 A-302 RETAIL H
NORTH ELEVATION
1/8"=1'-0"



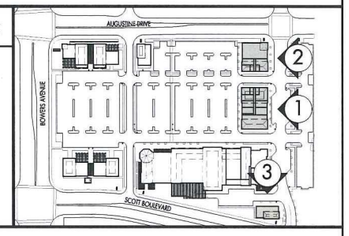
1 A-302 RETAIL G
EAST ELEVATION
1/8"=1'-0"

KEY NOTES: SHEET DESC.

1. TILE ROOF, TYPICAL AT SLOPED ROOFS
2. CEMENT PLASTER WALL FINISH, TYP.
3. CAST STONE BASE, TYP.
4. ALUMINUM STOREFRONT SYSTEM.
5. CEMENT PLASTER TRIM DETAIL.
6. PROPOSED SIGNAGE LOCATION - FINAL SIZE & QTY, TBD.
7. DECORATIVE WALL SCONCE
8. WOOD TRELLIS STRUCTURE.
9. STEEL FRAMED FABRIC AWNING.
10. CEMENT PLASTER LOW WALL

GENERAL NOTE:
FOR ADDITIONAL INFORMATION REGARDING MATERIALS, COLORS AND DETAILS, PLEASE SEE SHEETS P-1 & P-2 FOR PRECEDENT IMAGES SHOWING THE GENERAL DIRECTION AND FEEL OF THE PROJECT.

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesinc.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of drawings, diagrams, and all other documents prepared by Burton Landscape Architecture Studio (LA), BCV, and HMH (Architect) (collectively "LA") are instruments of service in respect of the project. LA retains all ownership and property rights in these documents. No license or other rights are conferred by LA with respect to these documents or the project shown therein except as expressly granted by LA in LA's sole discretion. In the event that every entity other than LA exercises any rights in these documents, such entity shall indemnify and hold LA harmless from any and all claims, losses, liabilities, and expenses (including, but not limited to, attorneys' fees) resulting therefrom.

© Copyright 2012

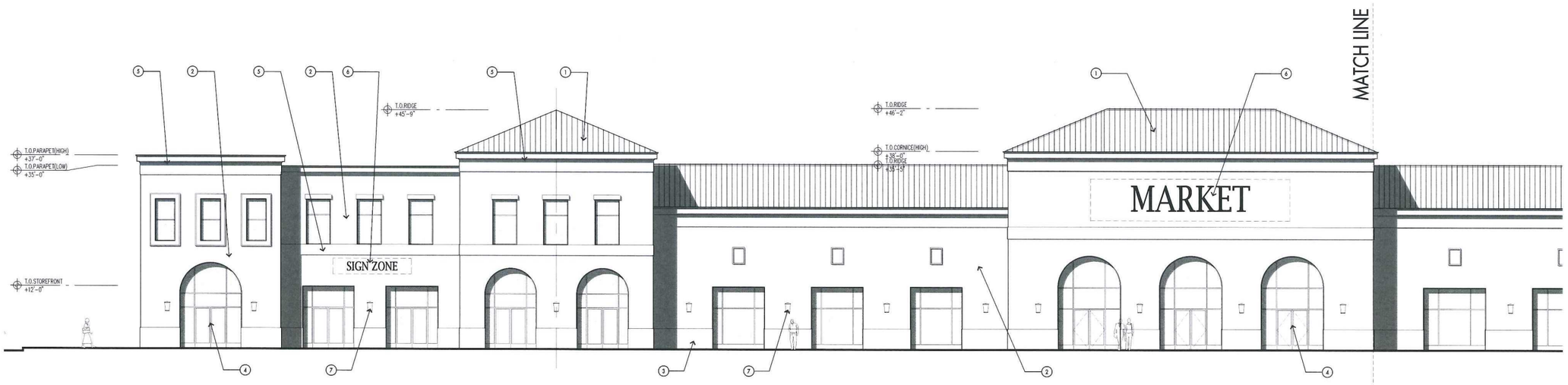
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/14
PLANNING APPLICATION RE-SUBMITTAL	4/9/14
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

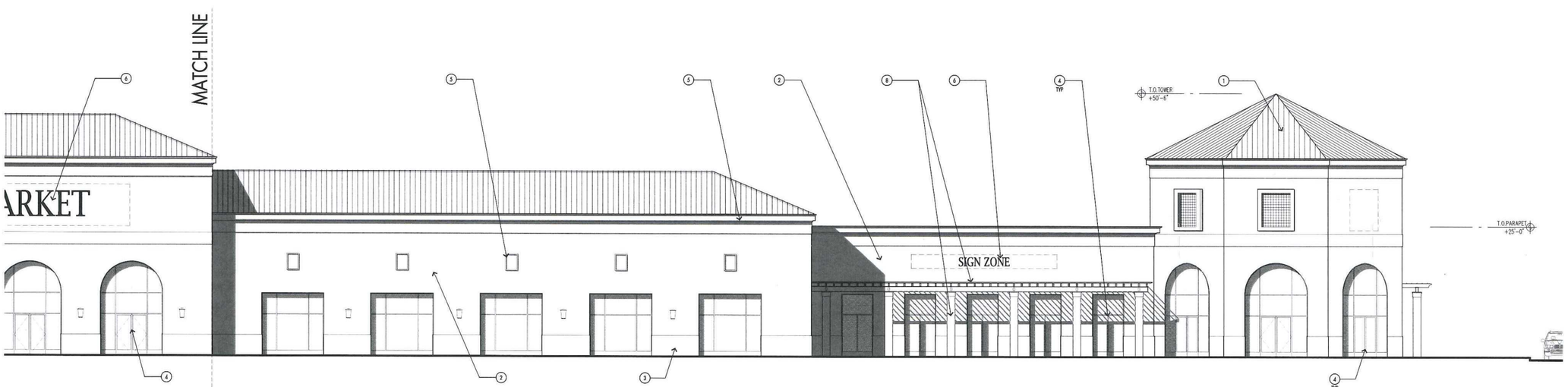
Job. No.	13154.10
Date	2/18/2014
Checked by	DRL
Scale	1/8"=1'-0"

RETAIL F & G EAST ELEVATIONS. RETAIL H NORTH ELEVATION

A-302



2 A-303 MARKET / RETAIL
NORTH ELEVATION (PARTIAL)
1/8"=1'-0"



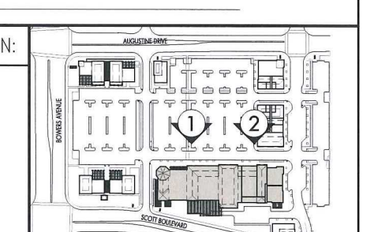
1 A-303 MARKET / RETAIL
NORTH ELEVATION (PARTIAL)
1/8"=1'-0"

KEY NOTES: SHEET DESC.

1. TILE ROOF, TYPICAL AT SLOPED ROOFS
2. CEMENT PLASTER WALL FINISH, TYP.
3. CAST STONE BASE, TYP.
4. ALUMINUM STOREFRONT SYSTEM.
5. CEMENT PLASTER TRIM DETAIL
6. PROPOSED SIGNAGE LOCATION - FINAL SIZE & QTY, TBD.
7. DECORATIVE WALL SCONCE
8. WOOD TRELLIS STRUCTURE.
9. STEEL FRAMED FABRIC AWNING.
10. CEMENT PLASTER LOW WALL

GENERAL NOTE:
FOR ADDITIONAL INFORMATION REGARDING MATERIALS, COLORS AND DETAILS, PLEASE SEE SHEETS P-1 & P-2 FOR PRECEDENT IMAGES SHOWING THE GENERAL DIRECTION AND FEEL OF THE PROJECT.

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 237
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9593
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of drawings, diagrams, and all ideas, designs, arrangements and plans indicated or represented by these drawings are the property of Burton Landscape Architecture Studio, Inc. (Burton) and Davies Associates, Inc. (Davies) and are protected by U.S. Copyright Laws. They are not to be used in whole or in part without written consent of Burton and Davies. The reproduction, alteration or recirculation of these documents for any purpose or project other than the one for which they were prepared is prohibited. Any use of these documents for other projects, locations or sites is strictly prohibited without the express written consent of Burton and Davies. Any alteration or reproduction of these documents must include the notice of copyright protection. © Copyright 2012

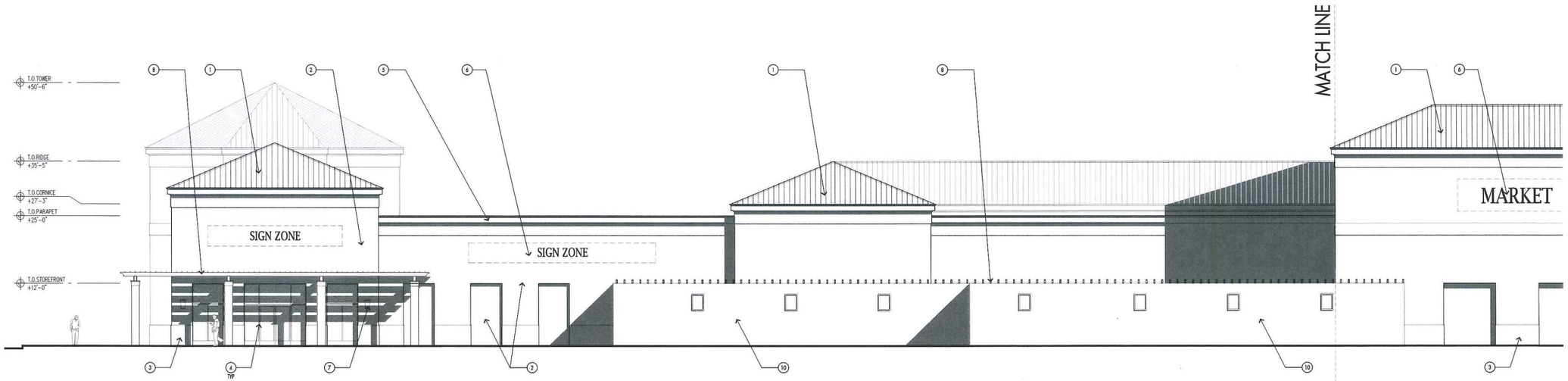
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/14
PLANNING APPLICATION RE-SUBMITTAL	4/9/14
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

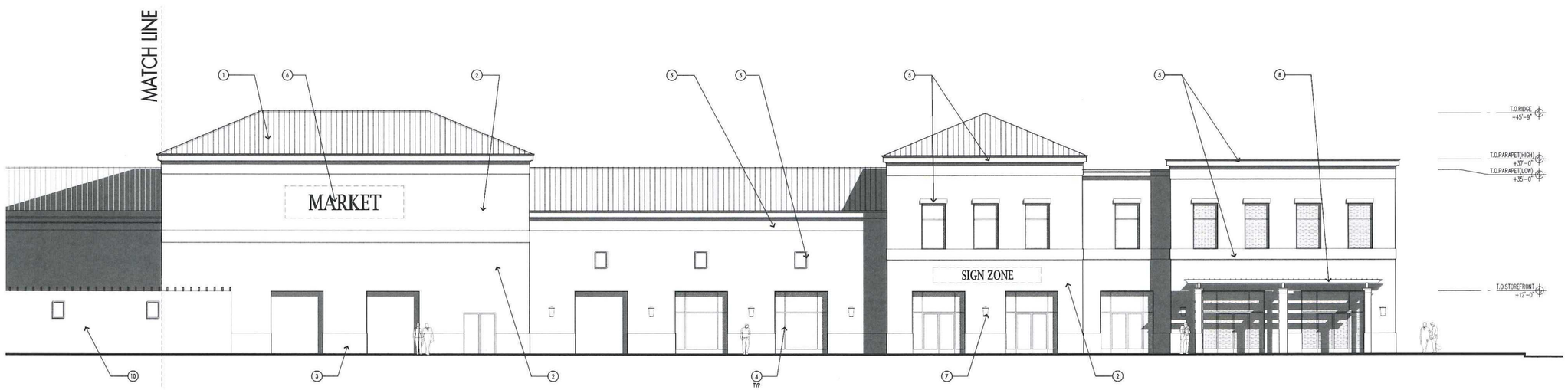
Job. No.	13154.10
Date	4/8/2014
Checked by	DKL
Scale	1/8"=1'-0"

MARKET / RETAIL NORTH ELEVATION

A-303



2 A-304 MARKET / RETAIL
SOUTH ELEVATION (PARTIAL)
1/8"=1'-0"



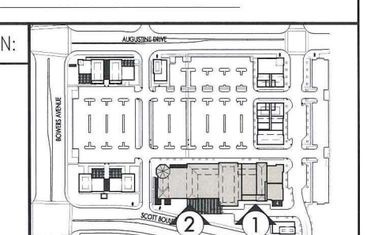
1 A-304 MARKET / RETAIL
SOUTH ELEVATION (PARTIAL)
1/8"=1'-0"

KEY NOTES: SHEET DESC.

1. TILE ROOF, TYPICAL AT SLOPED ROOFS
2. CEMENT PLASTER WALL FINISH, TYP.
3. CAST STONE BASE, TYP.
4. ALUMINUM STOREFRONT SYSTEM.
5. CEMENT PLASTER TRIM DETAIL
6. PROPOSED SIGNAGE LOCATION - FINAL SIZE & QTY, TBD.
7. DECORATIVE WALL SCONCE
8. WOOD TRELLIS STRUCTURE.
9. STEEL FRAMED FABRIC AWNING.
10. CEMENT PLASTER LOW WALL

GENERAL NOTE:
FOR ADDITIONAL INFORMATION REGARDING MATERIALS, COLORS AND DETAILS, PLEASE SEE SHEETS P-1 & P-2 FOR PRECEDENT IMAGES SHOWING THE GENERAL DIRECTION AND FEEL OF THE PROJECT.

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9421 Dayton Way
Suite 212
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This, and all other project drawings, and all ideas, designs, arrangements and plans indicated or represented thereby are and shall remain the property of the Irvine Company and shall not be used in connection with any other project not owned by the Irvine Company without the express written consent of the Irvine Company. In the event of unauthorized reuse of these plans by a third party, the third party agrees to hold the Irvine Company harmless therefrom.
© Copyright 2012

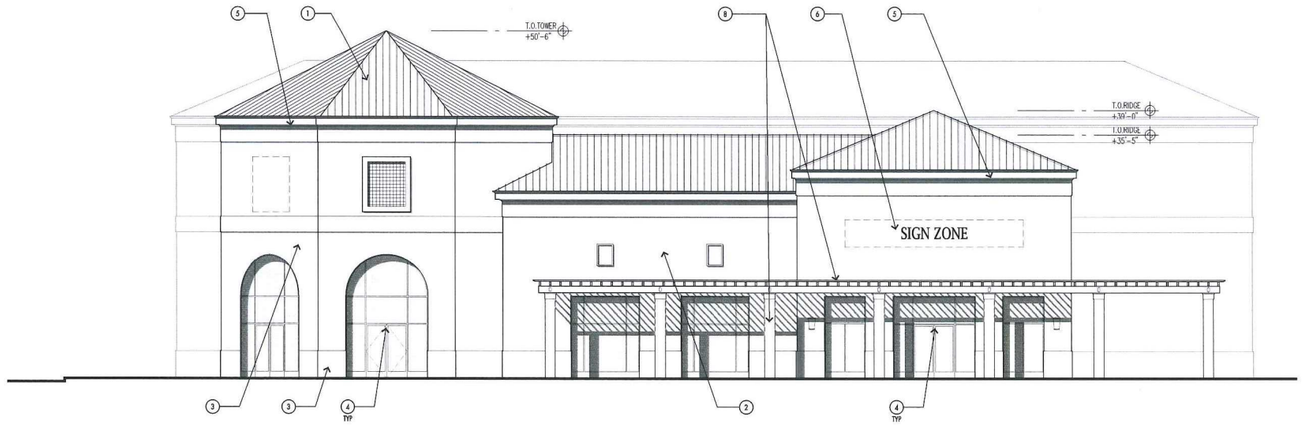
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/14
PLANNING APPLICATION RE-SUBMITTAL	4/8/14
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

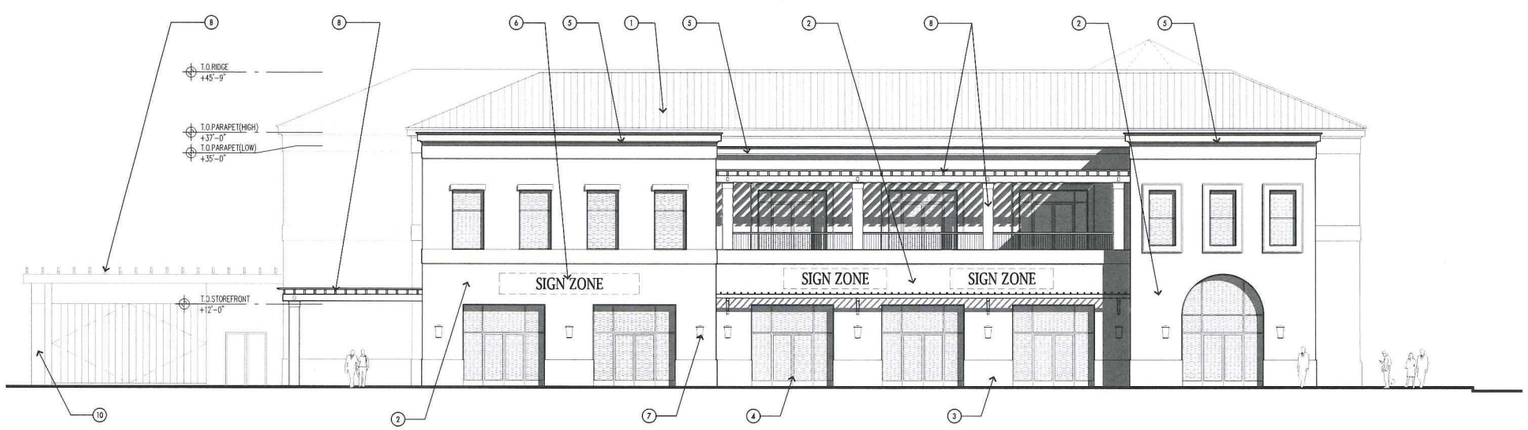
Job. No:	13154.10
Date:	4/8/2014
Checked by:	DKL
Scale:	1/8"= 1'-0"

MARKET / RETAIL
SOUTH
ELEVATION

A-304



2 A-305 MARKET / RETAIL EAST ELEVATION
1/8"=1'0"



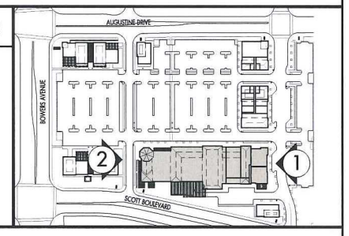
1 A-305 MARKET / RETAIL WEST ELEVATION
1/8"=1'0"

KEY NOTES: SHEET DESC.

1. TILE ROOF, TYPICAL AT SLOPED ROOFS
2. CEMENT PLASTER WALL FINISH, TYP.
3. CAST STONE BASE, TYP.
4. ALUMINUM STOREFRONT SYSTEM.
5. CEMENT PLASTER TRIM DETAIL.
6. PROPOSED SIGNAGE LOCATION - FINAL SIZE & QTY, TBD.
7. DECORATIVE WALL SCONCE
8. WOOD TRELLIS STRUCTURE.
9. STEEL FRAMED FABRIC AWNING.
10. CEMENT PLASTER LOW WALL

GENERAL NOTE:
FOR ADDITIONAL INFORMATION REGARDING MATERIALS, COLORS AND DETAILS, PLEASE SEE SHEETS P-1 & P-2 FOR PRECEDENT IMAGES SHOWING THE GENERAL DIRECTION AND FEEL OF THE PROJECT.

KEY PLAN:



BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9540
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set is the proper property of all rights, including copyright, of Burton Landscape Architecture Studio, Hoffman Hanes Inc. and Davies Associates. Any reproduction, in whole or in part, or any use of the design or information shown on this sheet is prohibited in the expressed absence thereof. Burton Landscape Architecture Studio, Hoffman Hanes Inc. or any others for commercial gain or profit, or any other purpose, shall not be liable for any loss or damage arising from any reuse of the design or information shown on this sheet by any other party. Burton Landscape Architecture Studio, Hoffman Hanes Inc. and Davies Associates, Inc. is the exclusive owner of the copyright in the design or information shown on this sheet, whether or not a copyright notice has been affixed thereto.

© Copyright 2012

Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/14
PLANNING APPLICATION RE-SUBMITTAL	4/9/14
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	13154.10
Date	4/8/2014
Checked by	DRL
Scale	1/8"=1'-0"

MARKET / RETAIL EAST / WEST ELEVATIONS

A-305

City of Santa Clara
Building Inspection Division
1500 Warburton Avenue
Santa Clara, CA 95050

Inspection Division: (408) 615-2440
Permit Center: (408) 615-2420
Automated Inspection System: (408) 615-2400
Fax: (408) 241-3823

2010 CALIFORNIA GREEN BUILDING CODE (CGC) CHECKLIST FOR NEW NONRESIDENTIAL BUILDINGS

APPLICABLE TO BUILDING APPLICATION SUBMITTED ON OR AFTER JULY 1, 2012

BUILDING PERMIT NO.: _____
ADDRESS: _____

Feature or Measure	MANDATORY MEASURES SPECIFIED (Please Check Box Below) Yes
SITE DEVELOPMENT (5.106)	
Short-Term bicycle parking. If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack per CGC 5.106.4.1.	☒
Long-Term bicycle parking. For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5 percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space per CGC 5.106.4.2.	☐
Designated parking. Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2. Parking stall marking shall comply with CGC 5.106.5.2.1	☒
Light pollution reduction. Out door lighting systems shall be designed and installed to comply with requirements in the *California Energy Code* and in compliance with CGC 5.106.8.	☒
WATER EFFICIENCY AND CONSERVATION	
INDOOR WATER USE (CGC 5.303)	
Meters. Separate submeters or metering devices shall be installed for the uses described in Sections 503.1.1 an/ 503.1.2.	
Buildings in excess of 50,000 square feet. Separate submeters shall be installed as follows:	
1. For each individual leased, rented or other tenant space within the building projected to consume more than 100 gal/day including but not limited to spaces used for laundry or cleaner, restaurant for food service, medical or dental office, laboratory or beauty saloon or barber shop.	☒
2. Where separate submeters for individual building tenants are unfeasible, for water supplied to the following subsystem: a. Makeup water for cooling towers where flow through is greater than 500 gpm b. Makeup water for evaporative coolers greater than 6 gpm c. Steam and hot-water boilers with energy input more than 500,000 Btu/h	☐
Excess consumption. Any building or a space within a building that is projected to consume more than 1,000 gal/day.	☐
20 percent savings. A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20 percent shall be provided per CGC 5.303.2. (Calculate savings by Water Use Worksheets)	☒
Multiple showerheads serving one shower. When a shower is served by more than one showerhead, the combined flow rate of all the showerheads controlled by a single valve shall not exceed the maximum flow rates at ≥ 20 percent reduction contained in Table 5.303.2.3 or the shower shall be designed to only allow one showerhead to be in operation at a time (CGC 5.303.2.1).	☐
Wastewater reduction. Each building shall reduce the generation of wastewater by one of the methods per CGC 5.303.4.	☒
Plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the requirements listed for each type in Items listed in Table 5.303.6.	☒
OUTDOOR WATER USE (CGC 5.304)	
Water budget. A water budget shall be developed for landscape irrigation use per CGC 5.304.1.	☒
Outdoor potable water use. For new water service for landscaped areas between 1,000 square feet and 5,000 square feet, separate submeters or metering devices shall be installed for indoor and outdoor potable water use per CGC 5.304.2.	☒

BLD Permit No.: _____

Irrigation design. In new nonresidential projects with between 1,000 and 2,500 square feet of landscaped area (the level at which the MLO applies), install irrigation controllers and sensors which include the following criteria and meet manufacturer's recommendations CGC 5.304.3. **Irrigation controllers.** Automatic irrigation system controllers installed at the time of final inspection shall comply with CGC 5.304.3.1	☒
WEATHER RESISTANCE AND MOISTURE MANAGEMENT (CGC 5.407)	
Weather protection. Provide a weather-resistant exterior wall and foundation envelope as required by *California Building Code* Section 1403.2 and *California Energy Code* Section 150. manufacturer's installation instructions or local ordinance, whichever is more stringent.	☒
Moisture control. Employ moisture control measures by the following methods: **Sprinklers.** Prevent irrigation spray on structures per CGC 5.407.2.1.	☒
Entries and openings. Design exterior entries and openings to prevent water intrusion into buildings per CGC 5.407.2.2.	☒
CONSTRUCTION WASTE REDUCTION, DISPOSAL AND RECYCLING (CGC 5.408)	
Construction waste diversion. Comply with City of Santa Clara Construction and Demolition Debris Recycling Program	☒
Verification of compliance. A copy of the completed waste management report shall be provided.	☒
BUILDING MAINTENANCE AND OPERATION (CGC 5.410)	
Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling per CGC 5.410.1	☒
Commissioning. For new buildings 10,000 square feet and over, building commissioning for all building systems covered by T24, Part 6, process systems and renewable energy systems shall be included in the design and construction processes of the building project. Commissioning requirements shall include items listed in Section 5.410.2. **Commissioning report.** A report of commissioning process activities undertaken through the design and construction phases of the building project shall be completed and provided to the owner or representative.	☒ ☒
Testing and adjusting. Testing and adjusting of systems shall be required for buildings less than 10,000 square feet per CGC 5.410.4. **Operation and maintenance manual.** Provide the building owner with detailed operating and maintenance instructions and copies of guaranties/warranties for each system prior to final inspection per CBC 5.410.4.5. **Inspections and reports.** Include a copy of all inspection verifications and reports required by the enforcing agency.	☒ ☒ ☒
ENVIRONMENTAL QUALITY	
FIREPLACES (CGC 5.503)	
Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace or a sealed woodstove or a pellet stove, and refer to residential requirements in the *California Energy Code*, Title 24, Part 6, Subchapter 7, Section 150. **Woodstoves.** Woodstoves and pellet stove shall comply with US EPA Phase II emission limits.	☒
POLUTANT CONTROL (CGC 5.504)	
Temporary ventilation. The permanent HVAC system shall only be used during construction if necessary to condition the building within the required temperature range for material and equipment installation. If the HVAC system is used during construction, use return air filters with a MERV of 8, based on ASHRAE 52.2-1999, or an average efficiency of 30% based on ASHRAE 52.1-1992. Replace all filters immediately prior to occupancy (CGC 5.504.1.3)	☒
Covering of duct openings and protection of mechanical equipment during construction. At the time of rough installation or during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution component openings shall be covered with tape, plastic, sheet metal or other methods acceptable to the enforcing agency to reduce the amount of dust or debris which may collect in the system per CGC 5.504.3.	☒
Finish material pollutant control. Finish materials shall comply with Sections 5.504.4.1 through 5.504.4.4. **Adhesives, sealants, caulks.** Adhesives, sealants and caulks used on the project shall meet the requirements of the standards listed in CGC 5.504.4.1.	☒
Paints and coatings. Architectural paints and coatings shall comply with Table 5.504.4.3 unless more stringent local limits apply. **Verification.** Verification of compliance with this section shall be provided at the request of the enforcing agency.	☒

BLD Permit No.: _____

Carpet systems. All carpet installed in the building interior shall meet the testing and product requirements of one of the standards listed in Section 5.504.4.4.	☒
Composite wood products. Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in Table 5.504.4.5	☒
Resilient flooring systems. For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 CHPS criteria and listed on its High Performance Products Database; products compliant with CHPS criteria certified under the Greenguard Children & Schools program; certified under the Resilient Floor Covering Institute FloorScore program; or meet California Department of Public Health 2010 Specifications 01350. **Verification of compliance.** Documentation shall be provided verifying that resilient flooring materials meet the pollutant emission limits.	☒ ☒
Filters. In mechanically ventilated buildings, provide regularly occupied areas of the building with air filtration media for outside and return air prior to occupancy that provides at least a MERV of 8. MERV 8 filters shall be installed after any finished-out or testing and prior to occupancy, and recommendations for maintenance with filters of the same value shall be included in the operation and maintenance manual.	☒
ENVIRONMENTAL COMFORT (CGC 5.507)	
Acoustical control. Employ building assemblies and components with STC values determined in accordance with ASTM E90 and ASTM E413 or OITC determined in accordance with ASTM E 1332, using either the prescriptive or performance method in Sections 5.507.4.1 or 5.507.4.2.	☒
OUTDOOR AIR QUALITY (CGC 5.508)	
Ozone depletion and greenhouse gas reductions. Installation of HVAC, refrigeration and fire suppression equipment shall comply with Sections 5.508.1.1 or 5.508.1.2.	☒

Responsible Designer's Declaration Statement	Contractor Declaration Statement
I hereby certify that this project has been designed to meet the requirements of the 2010 California Green Building Standards Code.	I hereby certify, as the builder or installer under permit listed herein, that this project will be constructed to meet the requirements of the California Green Building Standards Code.
Name: Hans R. Baldauf, AIA	Name:
Signature:	Signature:
Date: 11-27-13	Date:
Company: BCV Architects	License:
Address: 1355 Stockton St 4th floor San Francisco, Ca 94133	Address:

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 217
Beverly Hills, CA 90210
tel 310.247.9577
fax 310.247.9595
www.daviesia.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of drawings, diagrams, and all other instruments of service, regardless of form, is the exclusive property of BCV, HMH, and Burton Landscape Architecture Studio and may not be used without their consent. Any reproduction, in whole or in part, or any other use of these instruments of service without the written consent of BCV, HMH, and Burton Landscape Architecture Studio is prohibited. Any use of these instruments of service on any other project is prohibited. Copyright 2012

Project Engineers develop design sheet of work and are not a signatory of a work in progress set. The Architect is responsible for the "Construction Ready" project documents and the planning services.

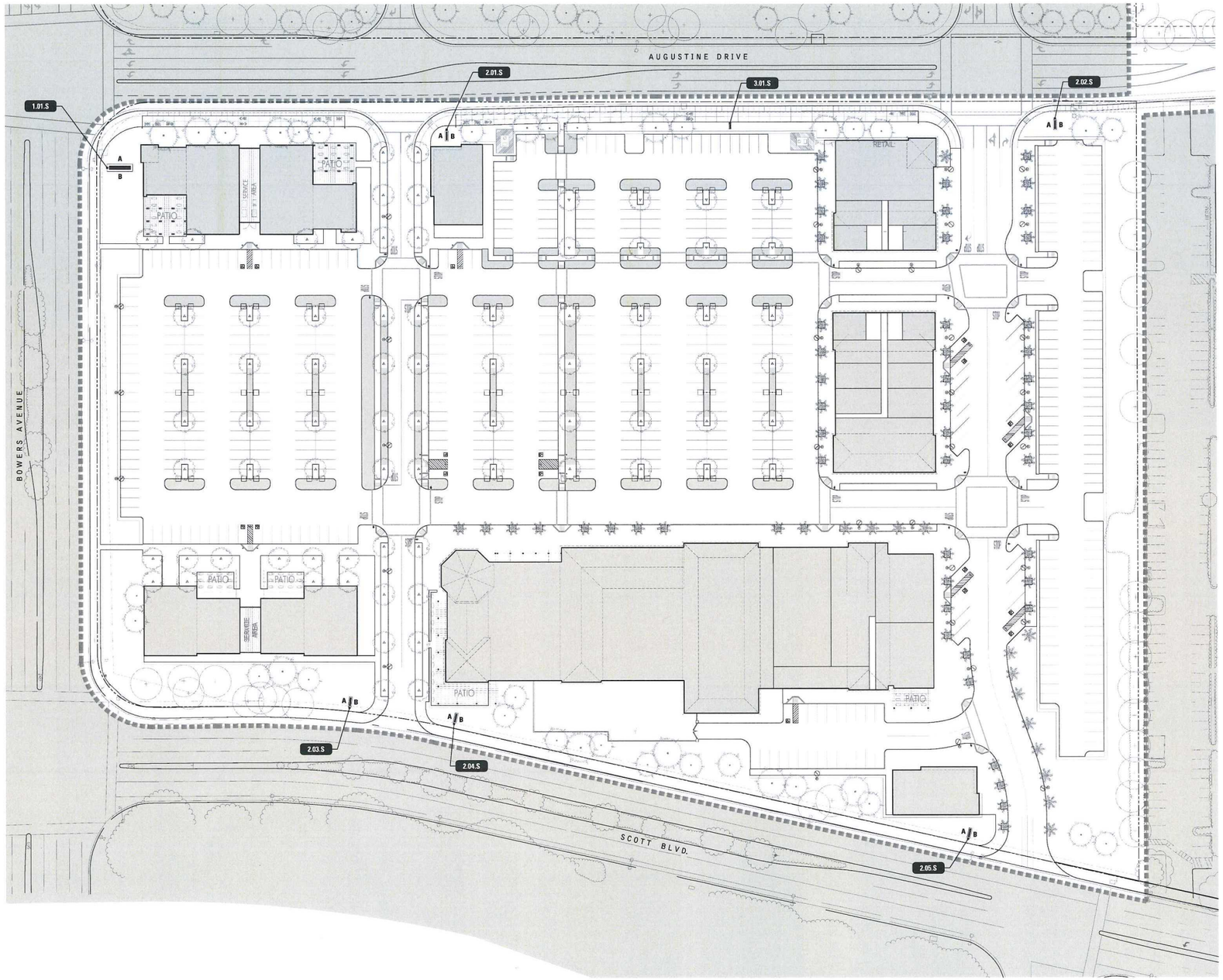
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/14
PLANNING APPLICATION RE-SUBMITTAL	4/9/14
FINAL PLANNING APPLICATION SUBMITTAL	8/1/2014

Revision	Date

Job. No.	13154.10
Date	2/18/2014
Checked by	DKL
Scale	NTS

CALIFORNIA GREEN BUILDING STANDARDS CHECKLIST

A-401



1 Partial Site / Sign Location Plan
Scale: 1" = 40'

Symbol Legend

X.XX.X
- Level / Floor
- Sign No.
- Sign Type

Sign Legend

1	Primary Project / Tenant I.D. Monument	1
2	Secondary Project / Tenant I.D. Monument - At Project Entries	5
3	Vehicular Directional Sign	1

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9420 Dayton Way
Suite 237
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9595
www.daviesla.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

The use of these drawings, specifications, and other documents, all of which are instruments of service, is limited to the original project or purpose for which they were prepared and publication thereof is expressly limited to such use. Reproduction or publication by any method, in whole or in part, is prohibited. Title to the drawings and specifications remains in the Consultant. Visual contact with these documents shall constitute prima facie evidence of acceptance of these restrictions.

© Copyright 2012

Revision	Date

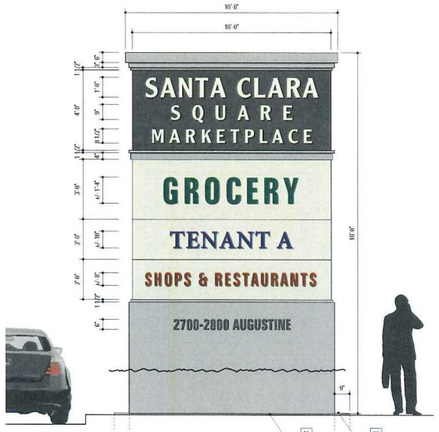
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/3/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	13154.10
Date	11/20/2013
Checked by	ND
Scale	1" = 40'

Proposed Site Sign Location Plan Retail

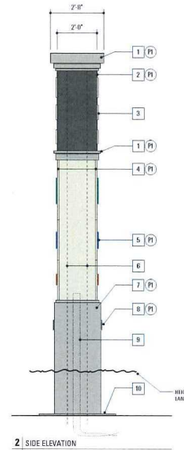
GS-050

N



1 ELEVATION - SIGN TYPE 1 - SIGN NO. 1.01.S - PROJECT/RETAIL TENANT ID - OPTION A

SCALE: 3/8" = 1'-0



2 SIDE ELEVATION

SCALE: 3/8" = 1'-0

NOTES

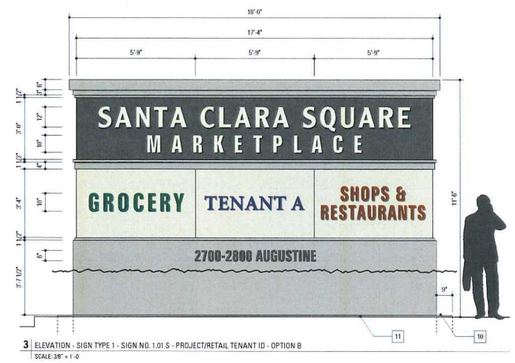
STC_01_Area1_Opt.a

1. INTERNALLY ILLUMINATED: 5/8" THK FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
2. PROJECT IDENTIFICATION PANEL TO BE PAINTED WITH PROJECT ACCENT COLOR (TBD).
3. 1" THK, 1/4" PROUD TRANSLUCENT WHITE ACRYLIC PUSH THRU COPY.
4. INTERNALLY ILLUMINATED: 3/8" THK FABRICATED ALUMINUM CHANGEABLE TENANT SIGN PANELS WITH PAINT FINISH. COLOR TBD.
5. 1" THK, 1/4" PROUD TRANSLUCENT WHITE PUSH THRU COPY WITH VINYL IN TENANTS CORPORATE COLORS APPLIED TO FIRST SURFACE.
6. INTERNAL STEEL POST SUPPORTS (AS REQ'D). PER STRUCTURAL CALCULATIONS PROVIDED BY SIGN CONTRACTOR.
7. INTERNALLY ILLUMINATED: 1/8" THK, FABRICATED ALUMINUM SIGN BASE WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
8. 3/4" THK, FLAT CUT ALUMINUM ADDRESS WITH PAINT FINISH (COLOR TBD).
9. PRIMARY ELECTRICAL SOURCE.
10. 9" CONTINUOUS CONCRETE MOW STRIP FOOTING. ACTUAL GRADE AT SIGN LOCATION TO BE VERIFIED IN FIELD.
11. ANGLE OF GRADE AT SIGN LOCATION TBD.

P1 COLORS TO BE DETERMINED

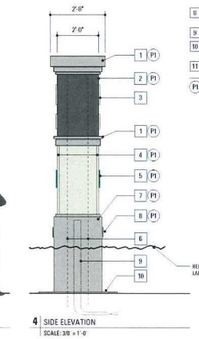
NOTE:
COPY TO APPEAR ON BOTH SIDES

NOTE:
PROJECT NAME TO BE DETERMINED



3 ELEVATION - SIGN TYPE 1 - SIGN NO. 1.01.S - PROJECT/RETAIL TENANT ID - OPTION B

SCALE: 3/8" = 1'-0



4 SIDE ELEVATION

SCALE: 3/8" = 1'-0

NOTES

STC_01_Area1_Opt.b

1. INTERNALLY ILLUMINATED: 1/2" THK, FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
2. PROJECT IDENTIFICATION PANEL TO BE PAINTED WITH PROJECT ACCENT COLOR (TBD).
3. 1" THK, 1/4" PROUD TRANSLUCENT WHITE ACRYLIC PUSH THRU COPY.
4. INTERNALLY ILLUMINATED: 1/2" THK, FABRICATED ALUMINUM CHANGEABLE TENANT SIGN PANELS WITH PAINT FINISH. COLOR TBD.
5. 1" THK, 1/4" PROUD TRANSLUCENT WHITE PUSH THRU COPY WITH VINYL IN TENANTS CORPORATE COLORS APPLIED TO FIRST SURFACE.
6. INTERNAL STEEL POST SUPPORTS (AS REQ'D). PER STRUCTURAL CALCULATIONS PROVIDED BY SIGN CONTRACTOR.
7. INTERNALLY ILLUMINATED: 1/8" THK, FABRICATED ALUMINUM SIGN BASE WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
8. 3/4" THK, FLAT CUT ALUMINUM ADDRESS WITH PAINT FINISH (COLOR TBD).
9. PRIMARY ELECTRICAL SOURCE.
10. 9" CONTINUOUS CONCRETE MOW STRIP FOOTING. ACTUAL GRADE AT SIGN LOCATION TO BE VERIFIED IN FIELD.
11. ANGLE OF GRADE AT SIGN LOCATION TBD.

P1 COLORS TBD

NOTE:
COPY TO APPEAR ON BOTH SIDES

NOTES

STC_01_Area2_Opt.a

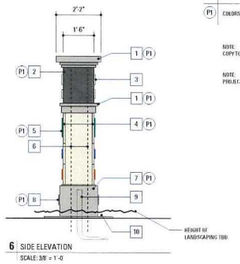
1. INTERNALLY ILLUMINATED: 1/2" THK, FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
2. PROJECT IDENTIFICATION PANEL TO BE PAINTED WITH PROJECT ACCENT COLOR (TBD).
3. 1" THK, 1/4" PROUD TRANSLUCENT WHITE ACRYLIC PUSH THRU COPY.
4. INTERNALLY ILLUMINATED: 1/2" THK, FABRICATED ALUMINUM CHANGEABLE TENANT SIGN PANELS WITH PAINT FINISH. COLOR TBD.
5. 1" THK, 1/4" PROUD TRANSLUCENT WHITE PUSH THRU COPY WITH VINYL IN TENANTS CORPORATE COLORS APPLIED TO FIRST SURFACE.
6. INTERNAL STEEL POST SUPPORTS (AS REQ'D). PER STRUCTURAL CALCULATIONS PROVIDED BY SIGN CONTRACTOR.
7. INTERNALLY ILLUMINATED: 1/8" THK, FABRICATED ALUMINUM SIGN BASE WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
8. 3/4" THK, FLAT CUT ALUMINUM ADDRESS WITH PAINT FINISH (COLOR TBD).
9. PRIMARY ELECTRICAL SOURCE.
10. 9" CONTINUOUS CONCRETE MOW STRIP FOOTING. ACTUAL GRADE AT SIGN LOCATION TO BE VERIFIED IN FIELD.
11. ANGLE OF GRADE AT SIGN LOCATION TBD.

P1 COLORS TBD

NOTE:
COPY TO APPEAR ON BOTH SIDES

5 ELEVATION - SIGN TYPE 2 - SIGN NO.'S 2.01.S - 2.08.S - PROJECT/RETAIL TENANT ID

SCALE: 3/8" = 1'-0



6 SIDE ELEVATION

SCALE: 3/8" = 1'-0

NOTES

STC_01_Area2.c

1. INTERNALLY ILLUMINATED: 1/2" THK, FABRICATED ALUMINUM SIGN CABINET WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
2. PROJECT IDENTIFICATION PANEL TO BE PAINTED WITH PROJECT ACCENT COLOR (TBD).
3. 1" THK, 1/4" PROUD TRANSLUCENT WHITE ACRYLIC PUSH THRU COPY.
4. INTERNALLY ILLUMINATED: 1/2" THK, FABRICATED ALUMINUM CHANGEABLE TENANT SIGN PANELS WITH PAINT FINISH. COLOR TBD.
5. 1" THK, 1/4" PROUD TRANSLUCENT WHITE PUSH THRU COPY WITH VINYL IN TENANTS CORPORATE COLORS APPLIED TO FIRST SURFACE.
6. INTERNAL STEEL POST SUPPORTS (AS REQ'D). PER STRUCTURAL CALCULATIONS PROVIDED BY SIGN CONTRACTOR.
7. INTERNALLY ILLUMINATED: 1/8" THK, FABRICATED ALUMINUM SIGN BASE WITH PAINT FINISH (TBD). CABINET TO HAVE INTERNAL STRUCTURAL FRAMING.
8. 3/4" THK, FLAT CUT ALUMINUM ADDRESS WITH PAINT FINISH (COLOR TBD).
9. PRIMARY ELECTRICAL SOURCE.
10. 9" CONTINUOUS CONCRETE MOW STRIP FOOTING. ACTUAL GRADE AT SIGN LOCATION TO BE VERIFIED IN FIELD.
11. ANGLE OF GRADE AT SIGN LOCATION TBD.

P1 COLORS TO BE DETERMINED

NOTE:
COPY TO APPEAR ON BOTH SIDES

NOTE:
PROJECT NAME TO BE DETERMINED

BCV

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

Davies Associates
Environmental Graphics
Davies Associates, Inc.
9424 Dayton Way
Suite 237
Beverly Hills, CA 90210
tel 310.247.9572
fax 310.247.9590
www.daviesa.com

SANTA CLARA SQUARE RETAIL

SANTA CLARA, CA

Developed for IRVINE COMPANY Since 1864

This set of plans and specifications, and all ideas, designs, arrangements and plans indicated or represented by these drawings, are the property of the Architect and shall not be used in whole or in part for any purpose other than those specifically shown on these drawings without the written consent of the Architect. Any use of these drawings and specifications in violation of this reservation shall be prima facie evidence of the violator's knowledge that the violation is willful. Any use of these drawings and specifications in violation of this reservation shall entitle the Architect to damages, and the prevailing party in any litigation shall be entitled to reasonable attorney's fees.

© Copyright 2012

Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	13154.10
Date	11/20/2013
Checked by	ND
Scale	AS NOTED

Retail Signage Details

GS-401

SANTA CLARA SQUARE PHASES II & III

Santa Clara, CA

PLN2014-10258 & PLN2014-10260

FINAL PLANNING APPLICATION SUBMITTAL
MAY 1, 2014

PROJECT INFORMATION

EXISTING ASSESSOR'S PARCEL NUMBER(S)	
PHASE II:	216-045-006
PHASE III:	216-45-036, & 216-045-037
EXISTING BUILDING ADDRESSES	2455-2457, 2465-2475 AUGUSTINE DRIVE (216-45-006)
	2575 & 2585 AUGUSTINE DRIVE (216-45-036)
	2525 AUGUSTINE DRIVE (216-45-037)
PROPOSED ASSESSOR'S PARCEL NUMBER(S)	TO BE DETERMINED
PROPOSED BUILDING ADDRESSES	TO BE DETERMINED

PLANNING/ZONING

EXISTING ZONING DESIGNATION	ML (LIGHT INDUSTRIAL)
EXISTING GENERAL PLAN DESIGNATION	LIGHT INDUSTRIAL
PROPOSED ZONING DESIGNATION	CP (COMMERCIAL PARK)
PROPOSED GENERAL PLAN DESIGNATION	HIGH INTENSITY OFFICE/R&D

PHASE II

GROSS SITE AREA:	±9.19 ACRES (±400,134 SF)
TOTAL NET SITE AREA:	±400,134 SF
PROPOSED SITE BUILDING COVERAGE:	±62,500 SF (15.6%)
PROPOSED SITE PARKING STRUCTURE COVERAGE:	±65,840 SF (16.5%)
PROPOSED LANDSCAPE COVERAGE:	±124,780 SF (31.2%)
PROPOSED BUILDING GROSS AREA:	±362,192 GSF
PROPOSED F.A.R.:	0.90
MIN. PARKING RATIO:	1 SPACE/300 GROSS BUILDING SF
MIN. PARKING REQUIRED:	1,208 SPACES
PROPOSED PARKING WITHIN PARKING STRUCTURES	1,041 SPACES
PROPOSED PARKING ON-GRADE	171 SPACES
TOTAL PARKING PROVIDED	1,212 SPACES (3.35 SPACES/1,000 GROSS BUILDING SF)

PHASE III

GROSS SITE AREA:	±7.65 ACRES (±333,074 SF)
TOTAL NET SITE AREA:	±333,074 SF
PROPOSED SITE BUILDING COVERAGE:	±31,250 SF (9.4%)
PROPOSED SITE PARKING STRUCTURE COVERAGE:	±60,788 SF (18.3%)
PROPOSED LANDSCAPE COVERAGE:	±154,825 SF (46.5%)
PROPOSED BUILDING GROSS AREA:	±181,096 GSF
PROPOSED F.A.R.:	0.54
MIN. PARKING RATIO:	1 SPACE/300 GROSS BUILDING SF
MIN. PARKING REQUIRED:	604 SPACES
PROPOSED PARKING WITHIN PARKING STRUCTURES	529 SPACES
PROPOSED PARKING ON-GRADE	128 SPACES
TOTAL PARKING PROVIDED	657 SPACES (3.63 SPACES/1,000 GROSS BUILDING SF)

BUILDING HEIGHT

- MAXIMUM HEIGHT OF BUILDINGS IS 150 FEET AND SUBJECT TO FEDERAL AVIATION ADMINISTRATION (FAA) REGULATIONS PART 77 HEIGHT RESTRICTIONS.

BUILDING AREA

- MAXIMUM BUILDING SQUARE FOOTAGE OFFICE PHASES I, II, & III: 1,989,600 SQUARE FEET.
- BUILDING SQUARE FOOTAGE SHALL NOT INCLUDE PARKING STRUCTURES.

PROJECT DIRECTORY

OWNER
IRVINE COMPANY
690 N. McCarthy Blvd., Suite 100
Milpitas, CA 95035
Tele: (408) 957-1265 Fax: (408) 957-0408
Contact: Carlene Matchniff
E-mail: cmatchniff@irvinecompany.com
Contact: Roger DeWames
E-mail: rdewames@irvinecompany.com

DESIGN ARCHITECT - OFFICE
PEI COBB FREED & PARTNERS ARCHITECTS LLP
88 Pine Street
New York, NY 10005
Tele: (212) 751-3122 Fax: (212) 872-5443
Contact: Michael Bischoff, Partner
E-mail: mbischoff@pcf-p.com
Contact: Laura Wagner
E-mail: lwagner@pcf-p.com

ARCHITECT - OFFICE
LPA, INC.
5161 California Avenue, Suite 100
Irvine, CA 92617
Tele: (949) 261-1001 Fax: (949) 260-1190
Contact: Jim Kelly, Principal
E-mail: jkelly@lpainc.com
Contact: Justin Kerfoot, Project Manager
E-mail: jkerfoot@lpainc.com

CIVIL ENGINEER
HMH
1570 Oakland Road
San Jose, CA 95131
Tele: (408) 487-2200 Fax: (408) 487-2222
Contact: Ray Hashimoto
E-mail: rhashimoto@HMHca.com
Contact: Tony Vignola
E-mail: tvignola@HMHca.com

LANDSCAPE ARCHITECT
BURTON LANDSCAPE ARCHITECTURE STUDIO
307 S Cedros Avenue
Solana Beach, CA 92075
Tele: (858) 794-7204 Fax: (858) 794-7207
Contact: Brad Emarine
E-mail: brad@burton-studio.com

ELECTRICAL ENGINEER
TK1SC
17911 Von Karman Avenue, Suite 250
Irvine, CA 92614
Tele: (949) 751-5800 Fax: (949) 794-7207
Contact: Ray Swartz
E-mail: rswartz@tk1sc.com

SHEET INDEX

DATE ISSUED	DRAWING IN THIS SET	REVISION NO.		
			GENERAL	
05-01-14				COVER SHEET
			CIVIL	
05-01-14			C-1	EXISTING OVERALL SITE PLAN
05-01-14			C-2	PROPOSED OVERALL SITE PLAN
05-01-14			C-3	PROPOSED CONCEPTUAL SITE PLAN – OFFICE PHASES II & III
05-01-14			C-4	GRADING AND DRAINAGE PLAN – OFFICE PHASES II & III
05-01-14			C-5	CONCEPTUAL UTILITY PLAN – OFFICE PHASES II & III
05-01-14			S-1	PHASE 2 CONCEPTUAL STORMWATER CONTROL PLAN
05-01-14			S-2	PHASE 3 CONCEPTUAL STORMWATER CONTROL PLAN
			LANDSCAPE	
05-01-14			L-5	PROPOSED LANDSCAPE TREE REMOVAL AND PROTECTION PLAN
05-01-14			L-5.1	PROPOSED LANDSCAPE TREE REMOVAL AND PROTECTION PLAN
05-01-14			L-5.2	LANDSCAPE TREE PROTECTION NOTES
			ARCHITECTURAL	
05-01-14			A-101	BUILDING FLOOR PLANS (GROUND, TYPICAL, ROOF)
05-01-14			A-121	PARKING FACILITY 2A PLANS (GROUND, TYPICAL)
05-01-14			A-122	PARKING FACILITY 2A PLANS (TOP)
05-01-14			A-131	PARKING FACILITY 3A PLANS (GROUND, TYPICAL, TOP)
05-01-14			A-301	BUILDING EXTERIOR ELEVATIONS
05-01-14			A-321	PARKING FACILITY 2A EXTERIOR ELEVATIONS
05-01-14			A-331	PARKING FACILITY 3A EXTERIOR ELEVATIONS

VICINITY MAP

RECEIVED
MAY 01 2014
PLANNING DIVISION

IRVINE COMPANY
Since 1864

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

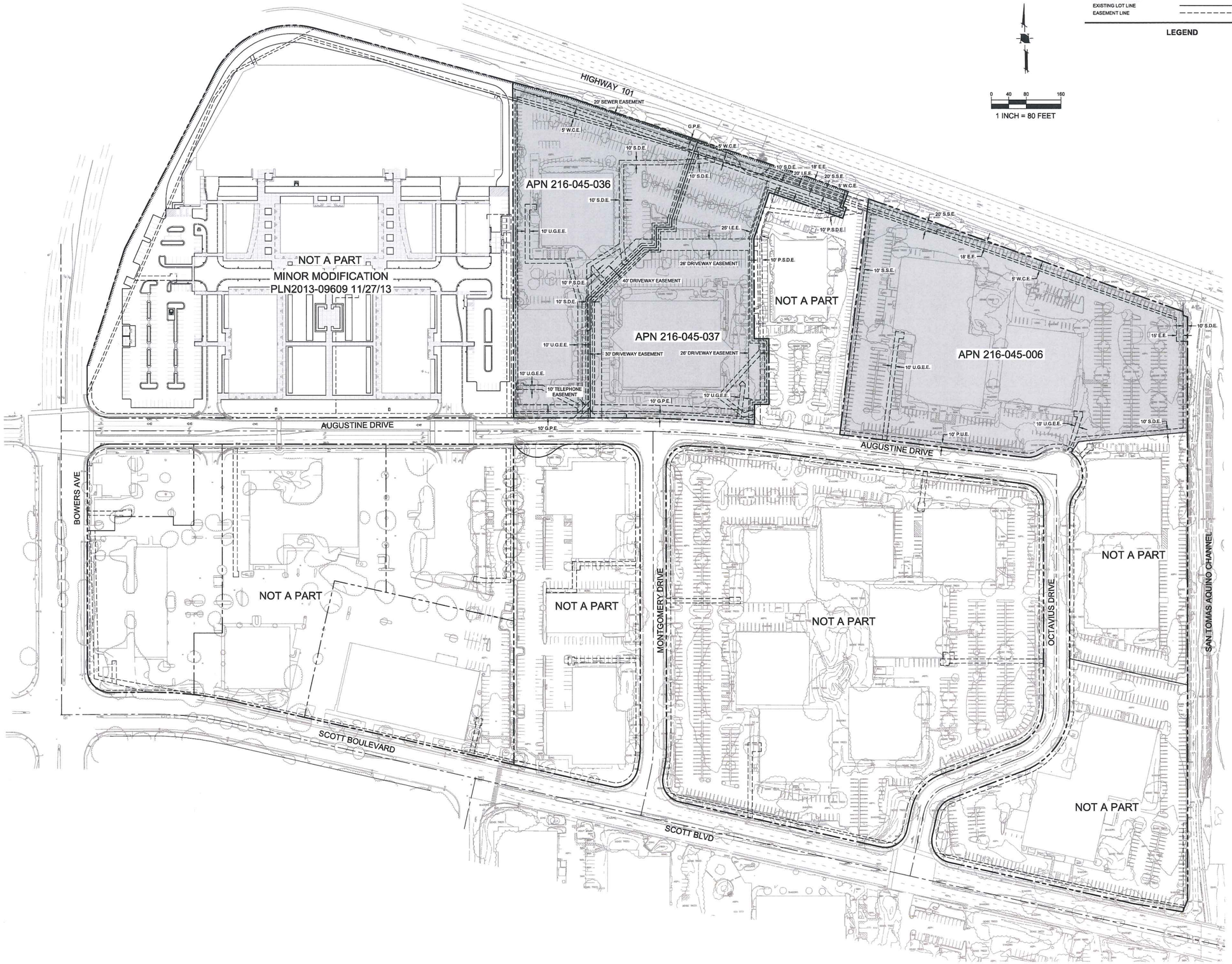
burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

PLN2014-10258 & PLN2014-10260

13154.10

COVER SHEET



LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This set of office project documents and all ideas contained herein are the property of Irvine Company Office Properties, and should be treated as confidential and proprietary information. Any reproduction or distribution of these documents or any part thereof without prior written permission is prohibited. Any use of these documents for purposes other than those for which they were prepared is prohibited. Any use of these documents for purposes other than those for which they were prepared is prohibited. Project documents, drawings, details, notes or specifications are instruments of service and are the property of the Irvine Company. The Irvine Company shall retain all ownership and property rights in these documents, including the right of copyright. The Irvine Company does not convey any rights to the use of these documents, or any part thereof, for any purpose whatsoever, except as specifically granted by the Irvine Company, in writing. Any use of these documents, or any part thereof, for any purpose whatsoever, except as specifically granted by the Irvine Company, in writing, is prohibited. Any use of these documents, or any part thereof, for any purpose whatsoever, except as specifically granted by the Irvine Company, in writing, is prohibited.

© Copyright 2014

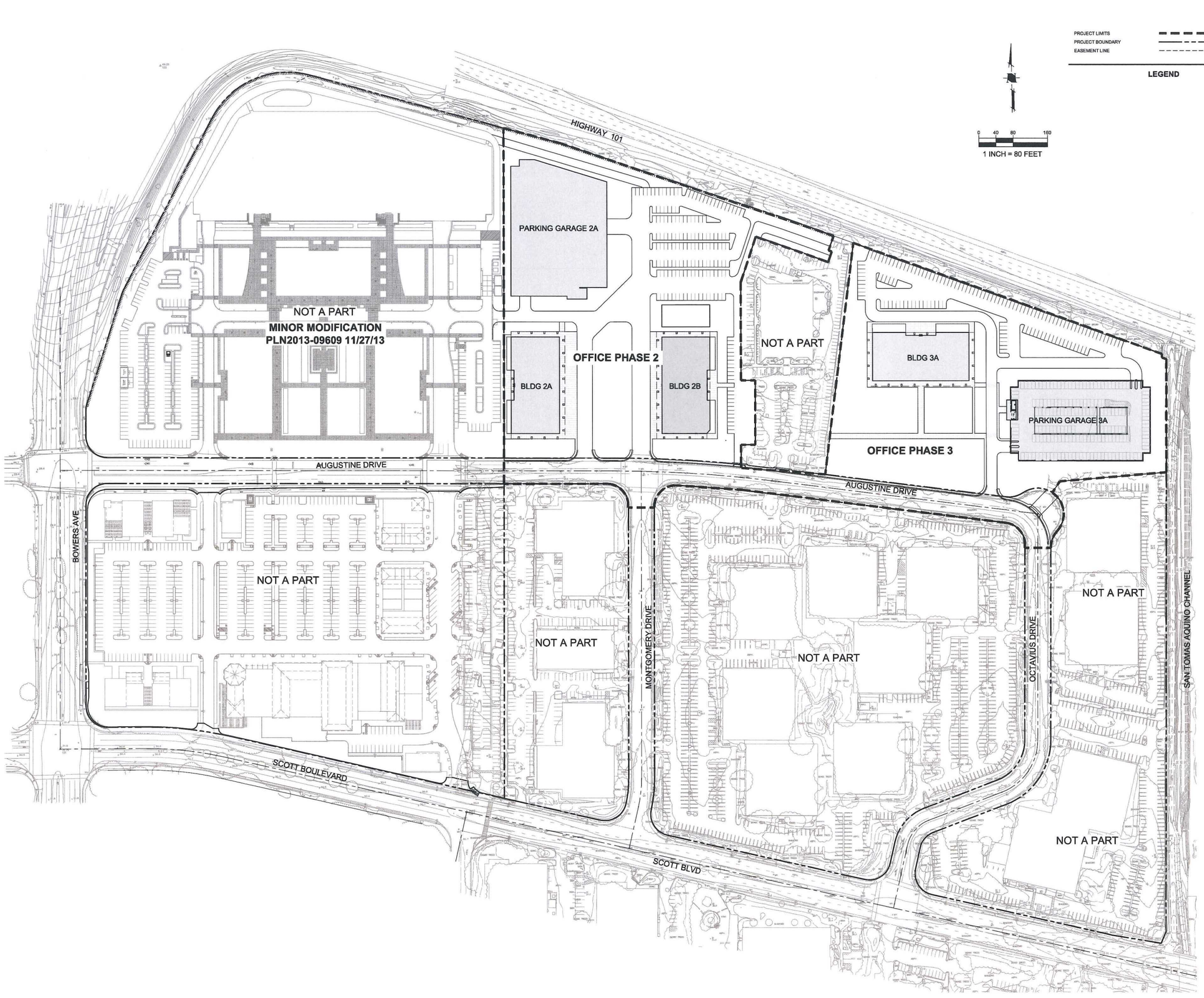
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION REISUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/10/014

Job. No.	4209.00
Date	4/8/2014
Checked by	TV
Scale	1" = 80'

EXISTING OVERALL SITE PLAN

C-1



LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES
Since 1864

This, and all other plans, documents, and all copies thereof, furnished by LPA, INC. (LPA) are and shall remain the property of LPA, INC. (LPA) and are to be returned upon demand. All copies made by the recipient are deemed to be the contractual agreement between LPA and the recipient of these documents. Reuse of these plans and documents for additions to the original project or any other project by persons other than LPA, INC. (LPA) is prohibited. Reuse of these plans and documents by persons other than LPA, INC. (LPA) constitutes the recipient hold project owner harmless from all claims, damages and expenses including attorney's fees arising out of such reuse by third parties or arising from any project-related litigation.

The recipient shall indemnify LPA, INC. (LPA) and its officers and employees from and against any and all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the reuse of these documents and/or the existing conditions.

© Copyright 2014

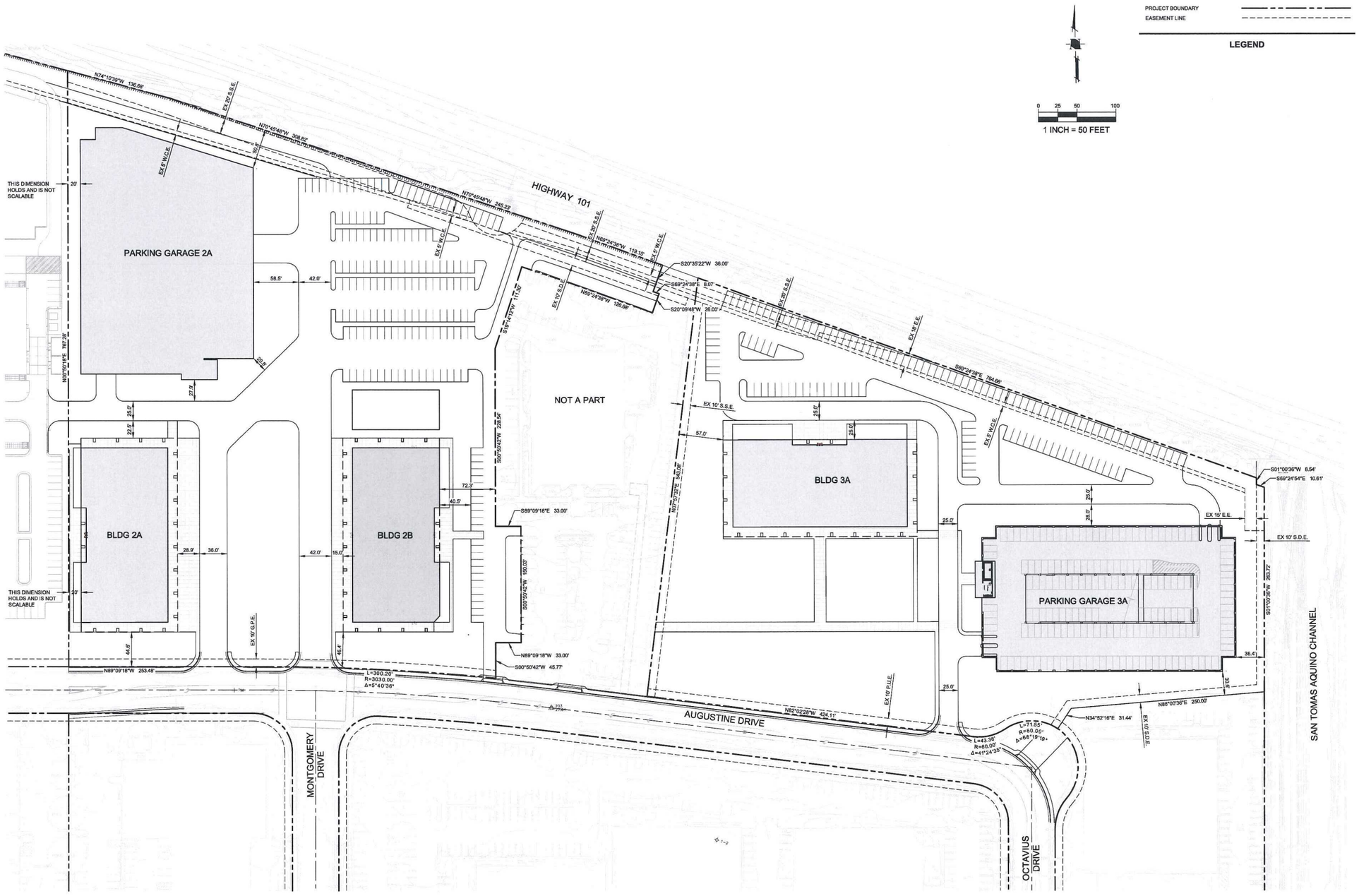
Revision	Date

Submitted	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 80'

PROPOSED OVERALL SITE PLAN

C-2



LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

The set of drawings, specifications, or other documents, and all designs, incorporated ideas, and other intellectual property embodied therein or evidenced thereby (the "Instruments of Service") prepared by or on behalf of LPA, INC. (LPA) and service to Irvine Company (Client) under LPA's agreement with Client (the "LPA Agreement") are the property of LPA, whether the project for which they are made is executed or not. Client is permitted to retain copies, including reproducible copies, of the Instruments of Service for information and reference in connection with the use of the project by Client. Client may use the Instruments of Service to obtain bids or perform work on the project only if Client has fully paid all amounts due LPA under the LPA Agreement. The Instruments of Service may not be used by Client or any other party for any other purpose without the express written consent of LPA. Client's rights in the Instruments of Service are limited to those stated in the LPA Agreement. LPA shall be deemed the author of the Instruments of Service for purposes of the copyright laws of the United States.

Printed on recycled paper. Because of the variable conditions inherent in the process of electronic transmission, LPA makes no representation as to the accuracy or completeness of the Instruments of Service when transmitted to others in electronic format. Recipients should not rely on the accuracy of the Instruments of Service in electronic format. Recipients should verify the accuracy of the Instruments of Service in paper form.

© Copyright 2012

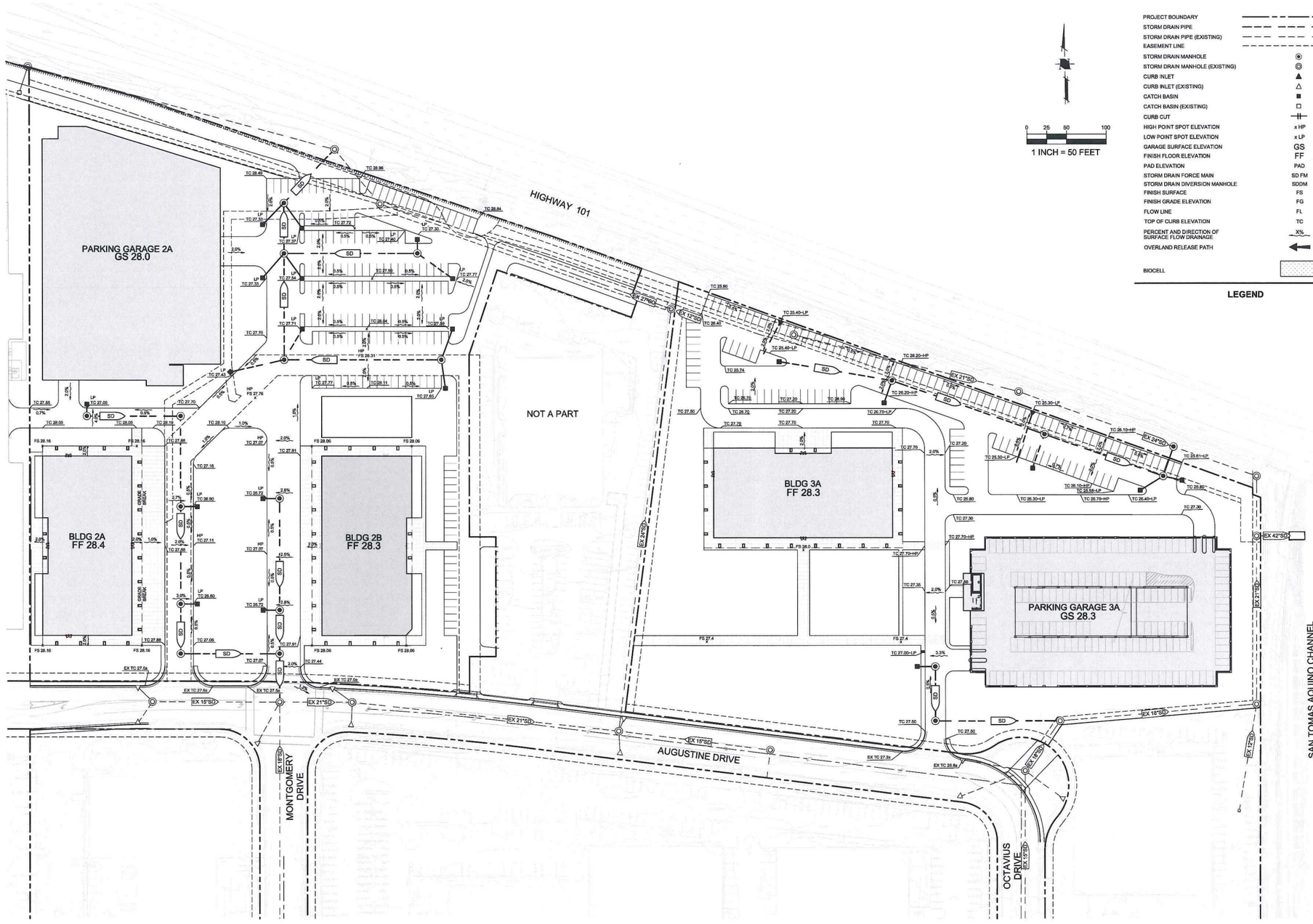
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/10/2014
PLANNING APPLICATION SUBMITTAL	4/08/2014

Job. No.	4299.00
Date	4/8/2014
Checked by	TV
Scale	1" = 50'

PROPOSED CONCEPTUAL SITE PLAN OFFICE PHASES II & III

C-3



PROJECT BOUNDARY	
STORM DRAIN PIPE	
STORM DRAIN PIPE (EXISTING)	
EASEMENT LINE	
STORM DRAIN MANHOLE	
STORM DRAIN MANHOLE (EXISTING)	
CURB INLET	
CURB INLET (EXISTING)	
CATCH BASIN	
CATCH BASIN (EXISTING)	
CURB CUT	
HIGH POINT SPOT ELEVATION	x HP
LOW POINT SPOT ELEVATION	x LP
GARAGE SURFACE ELEVATION	GS
FINISH FLOOR ELEVATION	FF
PAD ELEVATION	PAD
STORM DRAIN FORCE MAIN	SD FM
STORM DRAIN DIVERSION MANHOLE	SDDM
FINISH SURFACE	FS
FINISH GRADE ELEVATION	FG
FLOW LINE	FL
TOP OF CURB ELEVATION	TC
PERCENT AND DIRECTION OF SURFACE FLOW DRAINAGE	X%
OVERLAND RELEASE PATH	
BIOCELL	

LEGEND

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This and all other plans, documents, and all ideas, designs, and arrangements indicated or represented by these drawings are the property of LPA, Inc., and were created, evolved and developed for use on and in connection with the project specified for the contract or business relationship between LPA, Inc. and its client. These drawings and specifications are not to be used by any person or entity other than the client for the purpose for which they were prepared, and are not to be loaned, copied or disclosed to any other person or entity without the written permission of LPA, Inc.

Any reproduction, distribution or transmission of these drawings and specifications, or any portion thereof, without the written consent of LPA, Inc., is prohibited. Visual contact with these drawings and specifications shall constitute proof of knowledge of the above restrictions and acceptance of the terms thereof by the recipient.

© Copyright 2014

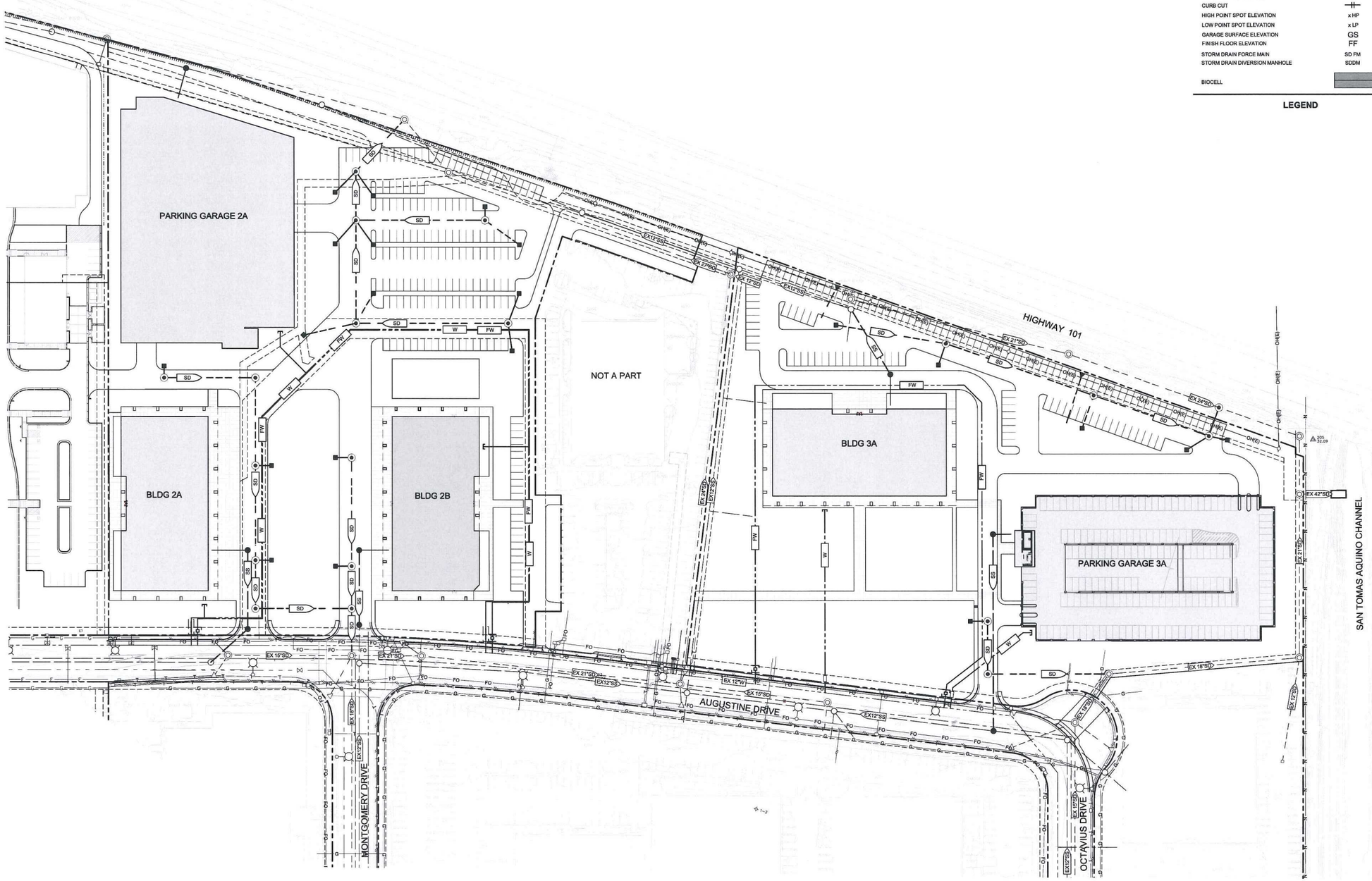
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/13/2014

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 50'

GRADING AND DRAINAGE PLAN OFFICE PHASES II & III

C-4



0 25 50 100

1 INCH = 50 FEET

PROJECT BOUNDARY	
STORM DRAIN PIPE	
STORM DRAIN PIPE (EXISTING)	
SANITARY SEWER PIPE	
SANITARY SEWER PIPE (EXISTING)	
WATER MAIN	
WATER MAIN (EXISTING)	
GAS PIPE (EXISTING)	G
ELECTRIC LINE (EXISTING)	E
EASEMENT LINE	
STORM DRAIN MANHOLE	
STORM DRAIN MANHOLE (EXISTING)	
SANITARY SEWER MANHOLE	
SANITARY SEWER MANHOLE (EXISTING)	
CURB INLET	
CURB INLET (EXISTING)	
CATCH BASIN	
CATCH BASIN (EXISTING)	
CURB CUT	
HIGH POINT SPOT ELEVATION	x HP
LOW POINT SPOT ELEVATION	x LP
GARAGE SURFACE ELEVATION	GS
FINISH FLOOR ELEVATION	FF
STORM DRAIN FORCE MAIN	SD FM
STORM DRAIN DIVERSION MANHOLE	SDDM
BIOCELL	

LEGEND

LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 791-3122

HMH
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHco.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This set of plans and specifications and all ideas, designs, arrangements and plans indicated or represented by these drawings, are the property of Cobb Pei Cobb Freed & Partners Architects LLP and shall not be used by any person except by express written agreement from the Architect. Copyright 2014

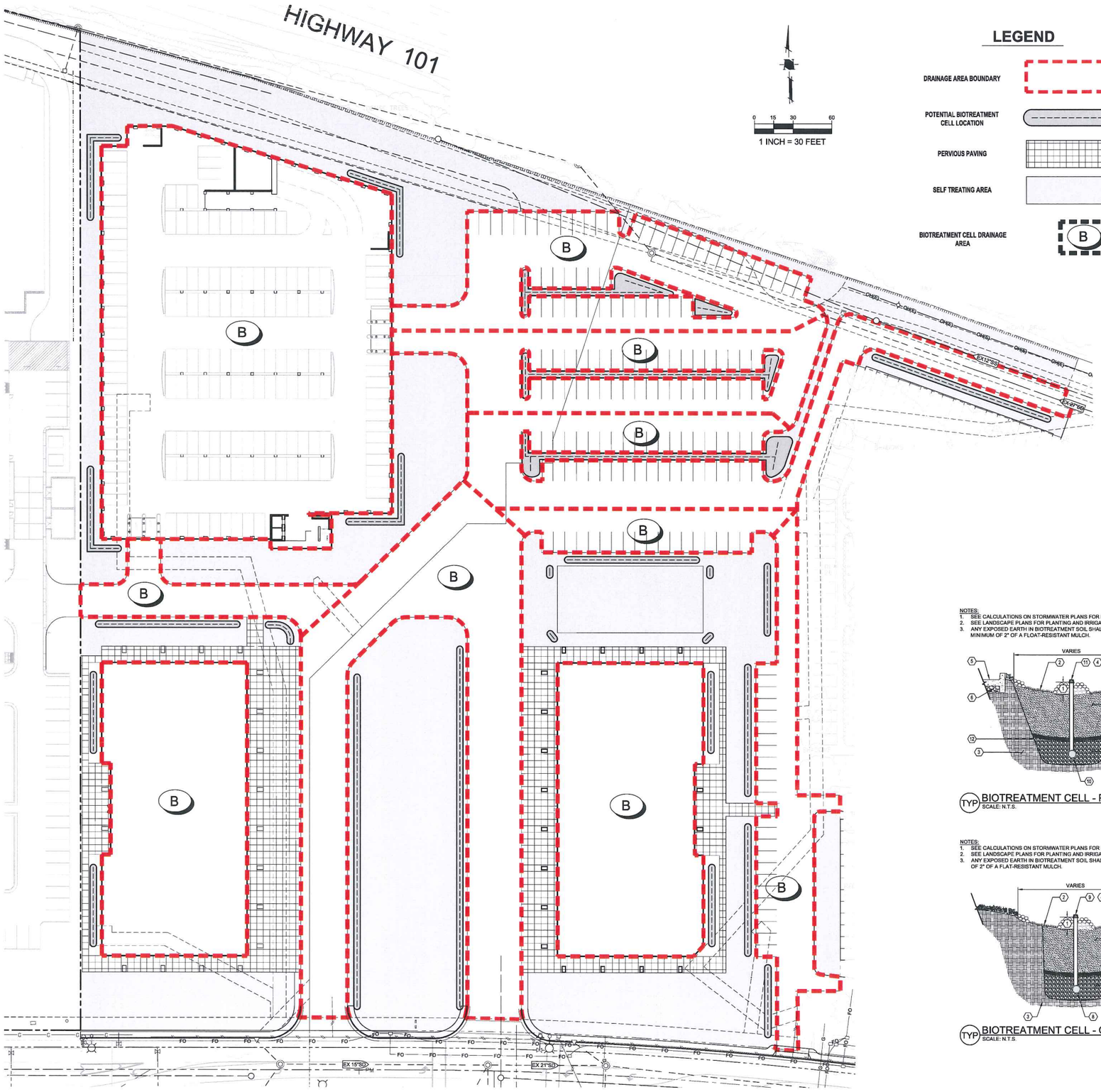
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/4/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Reason	Date

Job. No:	4299.00
Date	4/8/2014
Checked by	TV
Scale	1" = 50'

CONCEPTUAL UTILITY PLAN OFFICE PHASES II & III

C-5



LEGEND

- DRAINAGE AREA BOUNDARY
- POTENTIAL BIOTREATMENT CELL LOCATION
- PERVIOUS PAVING
- SELF TREATING AREA
- BIOTREATMENT CELL DRAINAGE AREA (B)

BIOTREATMENT CELL SIZING

Minimum surface areas of the proposed biotreatment cells are sized based on the combination flow and volume sizing method described in the SCVURPPP C.3 Stormwater Handbook (April 2012). Specific locations and individual biotreatment cell configurations will be determined at the development permit stage.

Phase 2 (total site)

1. Total Drainage Area to BMP = 166,650 ft^2
2. Percent impervioumess = 100%
3. Mean Annual Precipitation = 13.7 in
4. Rain gage closest to the site- San Jose Airport MAP_{Raw} = 13.9 in
5. Rain gage correction factor = 13.7 in. / 13.9 in. = 0.99
6. Soil type for drainage area = D (clay)
7. Average slope for the drainage area = 1%
8. Adjusted Unit Basin Storage from sizing curves = (.99) x (.58 in.) = .57 in.
9. Adjusted UBS Volume = .57 in. x 166,650 ft^2 x (1 ft/12 in.) = 7,916 ft^3

Water Quality Design Volume = 7,916 ft^3

Biotreatment Cell Sizing

1. V_{WQ} = 7,916 ft^3 (Unit Basin Storage = .57 in.)
2. Assume rainfall intensity of .20 in/hr for flow-based sizing criteria
3. Duration of the rain event = .57 in / .20 in/hr = 2.9 hr
4. Preliminary estimate of total surface area - .03 x 166,650 ft^2 = 5,000 ft^2
5. Assume 30% smaller surface area than calculated in 4 - .75 x 5,000 ft^2 = 3,750 ft^2
6. Vol. of runoff filtering through treatment soil= 3,750 ft^2 x 5 ft/ x (1 ft/12 in.) x 2.9 hr = 4,531 ft^3
7. Portion of V_{WQ} required to be stored in ponding area = 7,916 ft^3 – 4,531 ft^3 = 3,385 ft^3
8. Average ponding depth is between 6 and 12 in. – 3,385 ft^3 / 3,750 ft^2 = .90 ft = 10.8 in.

Minimum required biotreatment cell surface area = 3,750 ft^2

Biotreatment Cell Maintenance

The following maintenance activities and schedule are based on the recommendations provided in the California Stormwater BMP Handbook – New and Redevelopment.

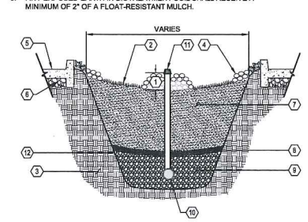
The primary maintenance requirement for biotreatment areas is that of inspection and repair or replacement of the treatment area's components. Generally, this involves nothing more than the routine periodic maintenance that is required of any landscaped area. Plants that are appropriate for the site, climatic, and watering conditions should be selected for use in the biotreatment cell. Appropriately selected plants will aid in reducing fertilizer, pesticide, water, and overall maintenance requirements. Biotreatment system components should blend over time through plant and root growth, organic decomposition, and the development of a natural soil horizon. These biologic and physical processes over time will lengthen the facility's life span and reduce the need for extensive maintenance.

Routine maintenance should include a biannual health evaluation of the trees and shrubs and subsequent removal of any dead or diseased vegetation (EPA, 1999). Diseased vegetation should be treated as needed using preventative and low-toxic measures to the extent possible. BMPs have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water. Routine inspections for areas of standing water within the BMP and corrective measures to restore proper infiltration rates are necessary to prevent creating mosquito and other vector habitat. In addition, biotreatment BMPs are susceptible to invasion by aggressive plant species such as cattails, which increase the chances of water standing and subsequent vector production if not routinely maintained.

In order to maintain the treatment area's appearance it may be necessary to prune and weed. Furthermore, mulch replacement is suggested when erosion is evident or when the site begins to look unattractive. Specifically, the entire area may require mulch replacement every two to three years, although spot mulching may be sufficient when there are random void areas. Mulch replacement should be done prior to the start of the wet season.

Accumulated sediment and debris removal (especially at the inflow point) will normally be the primary maintenance function. Other potential tasks include replacement of dead vegetation, soil pH regulation, erosion repair at inflow points, mulch replenishment, unclogging the under drain, and repairing overflow structures. There is also the possibility that the cation exchange capacity of the soils in the cell will be significantly reduced over time. Depending on pollutant loads, soils may need to be replaced within 5-10 years of construction (LID, 2000).

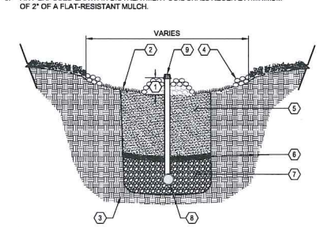
NOTES:
1. SEE CALCULATIONS ON STORMWATER PLANS FOR DIMENSIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.
3. ANY EXPOSED EARTH IN BIOTREATMENT SOIL SHALL RECEIVE A MINIMUM OF 2" OF A FLOAT-RESISTANT MULCH.



TYP BIOTREATMENT CELL - PARKING MEDIAN
SCALE: N.T.S.

1. PONDING DEPTH FROM INLET OPENING TO GRADE (MAX. 12" DEPTH, 10" AVERAGE)
2. VEGETATION (SEE LANDSCAPE PLANS)
3. NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
4. COBBLE STONE DISSIPATOR ALONG EDGE OF BIORETENTION CELL ADJACENT TO IMPERVIOUS SURFACE
5. IMPERVIOUS SURFACE, SEE PLAN FOR LOCATION AND TYPE
6. COMPACTED AGGREGATE BASE
7. BIOTREATMENT SOIL MIX WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT-REQUIRED "MODEL BIORETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
8. PEA GRAVEL (MIN. 2" DEPTH)
9. DRAIN ROCK (MIN. 12" DEPTH)
10. PERFORATED PVC SUBDRAIN PIPE
11. OVERFLOW PIPE WITH ATRIUM GRATE
12. 1:1 SLOPE

NOTES:
1. SEE CALCULATIONS ON STORMWATER PLANS FOR DIMENSIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.
3. ANY EXPOSED EARTH IN BIOTREATMENT SOIL SHALL RECEIVE A MINIMUM OF 2" OF A FLAT-RESISTANT MULCH.



TYP BIOTREATMENT CELL - OPEN LANDSCAPE
SCALE: N.T.S.

1. PONDING DEPTH FROM INLET OPENING TO GRADE (MAX. 12" DEPTH, 10" AVERAGE)
2. VEGETATION (SEE LANDSCAPE PLANS)
3. NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
4. COBBLE STONE DISSIPATOR ALONG EDGE OF BIORETENTION CELL ADJACENT TO IMPERVIOUS SURFACE
5. BIOTREATMENT SOIL MIX WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT-REQUIRED "MODEL BIORETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
6. PEA GRAVEL (MIN. 2" DEPTH)
7. DRAIN ROCK (MIN. 12" DEPTH)
8. PERFORATED PVC SUBDRAIN PIPE
9. OVERFLOW PIPE WITH ATRIUM GRATE

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This and all other project documents and all ideas, designs, arrangements and plans indicated or shown in any project documents are the property of the Irvine Company and shall not be used in whole or in part for any purpose other than the specific project for which they were prepared and shall not be used in other projects or extensions to this project except by agreement in writing signed by the Irvine Company. Reproduction, copying or reuse of these project documents without the written consent of the Irvine Company is prohibited. Project documents include, but are not limited to, ideas, designs, drawings, specifications, models, computer files, and other data, regardless of the medium in which they are stored or retrieved. Project documents are deemed to be delivered and accepted when delivered to the Irvine Company at its principal place of business and shall be returned to the Irvine Company upon demand or when the Irvine Company's business relationship with the recipient of the project documents ends or when the project for which the project documents were prepared is completed, abandoned or terminated, whichever shall occur first.

© Copyright 2014

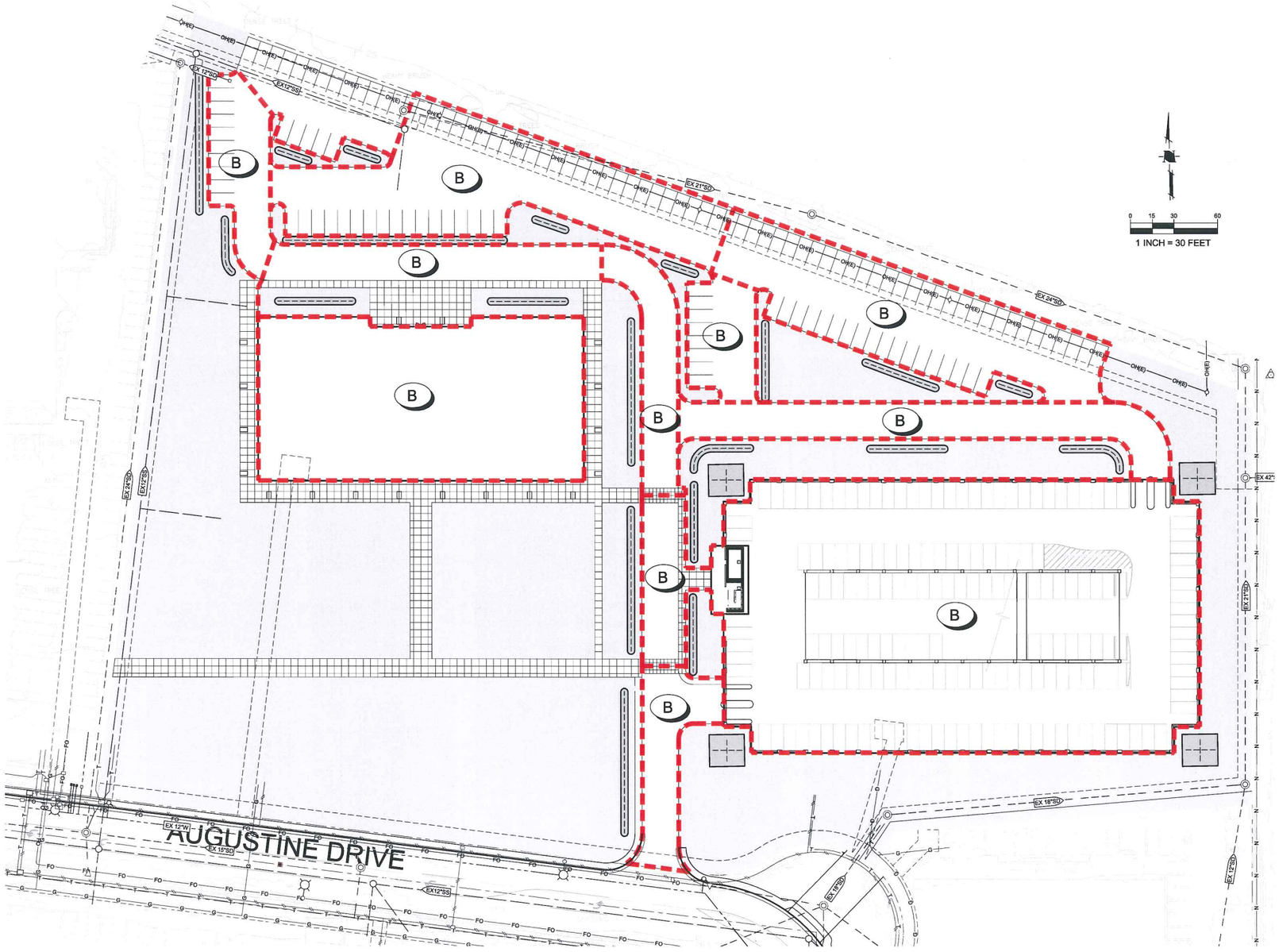
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/13/2014

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 50'

PHASE 2 CONCEPTUAL STORM WATER CONTROL PLAN

S-1



LEGEND

- DRAINAGE AREA BOUNDARY
- POTENTIAL BIOTREATMENT CELL LOCATION
- PERVIOUS PAVING
- SELF TREATING AREA
- BIOTREATMENT CELL DRAINAGE AREA (B)

BIOTREATMENT CELL SIZING

Minimum surface areas of the proposed biotreatment cells are sized based on the combination flow and volume sizing method described in the SCVURPPP C.3 Stormwater Handbook (April 2012). Specific locations and individual biotreatment cell configurations will be determined at the development permit stage.

Phase 3 (total site)

1. Total Drainage Area to BMP = 159,550 ft^2
2. Percent impervousness = 100%
3. Mean Annual Precipitation = *13.7 in*
4. Rain gage closest to the site - *San Jose Airport* MAP_{gage} = *13.9 in*
5. Rain gage correction factor = *13.7 in / 13.9 in = 0.99*
6. Soil type for drainage area - *D (clay)*
7. Average slope for the drainage area = 1%
8. Adjusted Unit Basin Storage from sizing curves = (.99) x (.58 in.) = .57 in.
9. Adjusted UBS Volume = .57 in. x 159,550 ft^2 x (1 ft/12 in.) = 7,579 ft^3

Water Quality Design Volume = 7,579 ft^3

Biotreatment Cell Sizing

1. V_{WQ} = 7,579 ft^3 (Unit Basin Storage = .57 in.)
2. *Assume rainfall intensity of .20 in/hr for flow-based sizing criteria*
3. Duration of the rain event = *.57 in / .20 in/hr = 2.9 hr*
4. Preliminary estimate of total surface area - 03 x 159,550 ft^2 = 4,787 ft^2
5. Assume 25% smaller surface area than calculated in 4 - .75 x 4,787 ft^2 = 3,590 ft^2
6. Vol. of runoff filtering through treatment soil= 3,590 ft^2 x 5'/hr x (1 ft/12 in) x 2.9 hr = 4,308 ft^3
7. Portion of V_{WQ} required to be stored in ponding area = 7,579 ft^3 – 4,338 ft^3 = 3,241 ft^3
8. Average ponding depth is between 6 and 12 in. = 3,241 ft^3 / 3,590 ft^2 = .90 ft = 10.8 in.

Minimum required biotreatment cell surface area = 3,590 ft^2

Biotreatment Cell Maintenance

The following maintenance activities and schedule are based on the recommendations provided in the California Stormwater BMP Handbook – New and Redevelopment.

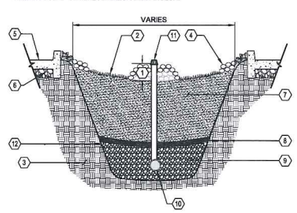
The primary maintenance requirement for biotreatment areas is that of inspection and repair or replacement of the treatment area's components. Generally, this involves nothing more than the routine periodic maintenance that is required of any landscaped area. Plants that are appropriate for the site, climatic, and watering conditions should be selected for use in the biotreatment cell. Appropriately selected plants will aid in reducing fertilizer, pesticide, water, and overall maintenance requirements. Biotreatment system components should blend over time through plant and root growth, organic decomposition, and the development of a natural soil horizon. These biologic and physical processes over time will lengthen the facility's life span and reduce the need for extensive maintenance.

Routine maintenance should include a biannual health evaluation of the trees and shrubs and subsequent removal of any dead or diseased vegetation (EPA, 1999). Diseased vegetation should be treated as needed using preventative and low-toxic measures to the extent possible. BMPs have the potential to create very attractive habitats for mosquitoes and other vectors because of highly organic, often heavily vegetated areas mixed with shallow water. Routine inspections for areas of standing water within the BMP and corrective measures to restore proper infiltration rates are necessary to prevent creating mosquito and other vector habitat. In addition, bioteatment BMPs are susceptible to invasion by aggressive plant species such as cattails, which increase the chances of water standing and subsequent vector production if not routinely maintained.

In order to maintain the treatment area's appearance it may be necessary to prune and weed. Furthermore, mulch replacement is suggested when erosion is evident or when the site begins to look unattractive. Specifically, the entire area may require mulch replacement every two to three years, although spot mulching may be sufficient when there are random void areas. Mulch replacement should be done prior to the start of the wet season.

Accumulated sediment and debris removal (especially at the inflow point) will normally be the primary maintenance function. Other potential tasks include replacement of dead vegetation, soil pH regulation, erosion repair at inflow points, mulch replenishment, unclogging the under drain, and repairing overflow structures. There is also the possibility that the cation exchange capacity of the soils in the cell will be significantly reduced over time. Depending on pollutant loads, soils may need to be replaced within 5-10 years of construction (LID, 2000).

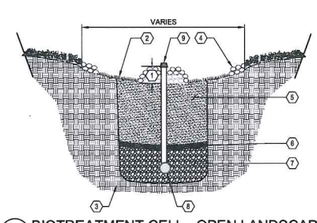
NOTES:
1. SEE CALCULATIONS ON STORMWATER PLANS FOR DIMENSIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.
3. ANY EXPOSED EARTH IN BIOTREATMENT SOIL SHALL RECEIVE A MINIMUM OF 2" OF A FLOAT-RESISTANT MULCH.



TYP BIOTREATMENT CELL - PARKING MEDIAN
SCALE: N.T.S.

1. PONDING DEPTH FROM INLET OPENING TO GRADE (MAX. 12" DEPTH, 10" AVERAGE)
2. VEGETATION (SEE LANDSCAPE PLANS)
3. NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
4. COBBLE STONE DISSIPATOR ALONG EDGE OF BIORETENTION CELL ADJACENT TO IMPERVIOUS SURFACE
5. IMPERVIOUS SURFACE, SEE PLAN FOR LOCATION AND TYPE
6. COMPACTED AGGREGATE BASE
7. BIOTREATMENT SOIL MIX WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT-REQUIRED "MODEL BIORETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
8. PEA GRAVEL (MIN. 2" DEPTH)
9. DRAIN ROCK (MIN. 12" DEPTH)
10. PERFORATED PVC SUBDRAIN PIPE
11. OVERFLOW PIPE WITH ATRIUM GRATE
12. 1:1 SLOPE

NOTES:
1. SEE CALCULATIONS ON STORMWATER PLANS FOR DIMENSIONS.
2. SEE LANDSCAPE PLANS FOR PLANTING AND IRRIGATION.
3. ANY EXPOSED EARTH IN BIOTREATMENT SOIL SHALL RECEIVE A MINIMUM OF 2" OF A FLAT-RESISTANT MULCH.



TYP BIOTREATMENT CELL - OPEN LANDSCAPE
SCALE: N.T.S.

1. PONDING DEPTH FROM INLET OPENING TO GRADE (MAX. 12" DEPTH, 10" AVERAGE)
2. VEGETATION (SEE LANDSCAPE PLANS)
3. NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
4. COBBLE STONE DISSIPATOR ALONG EDGE OF BIORETENTION CELL ADJACENT TO IMPERVIOUS SURFACE
5. BIOTREATMENT SOIL MIX WITH PERCOLATION RATE OF 5" TO 10" PER HOUR (MINIMUM 18" DEPTH). SHALL CONFORM TO THE SAN FRANCISCO BAY MUNICIPAL REGIONAL PERMIT-REQUIRED "MODEL BIORETENTION SOIL MEDIA SPECIFICATION" OR EQUIVALENT.
6. PEA GRAVEL (MIN. 2" DEPTH)
7. DRAIN ROCK (MIN. 12" DEPTH)
8. PERFORATED PVC SUBDRAIN PIPE
9. OVERFLOW PIPE WITH ATRIUM GRATE

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This set of office project documents and all ideas, designs, arrangements and plans indicated or represented by such documents, are the property of the Architect and/or Consultants and may not be used in whole or in part without the express written consent of the Architect. Copyright protection claimed includes all forms and matters now or hereafter required by or allowed by law or judicial decree. The Architect and Consultants reserve all rights with respect to such work, including without limitation, the rights of ownership, copyright, and the right of possession of all copies of such documents and the right to control the exhibition, reproduction, display or publication of such documents and the drawing contained therein.

© Copyright 2014

Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Job. No.	4299.00
Date	4/9/2014
Checked by	TV
Scale	1" = 50'

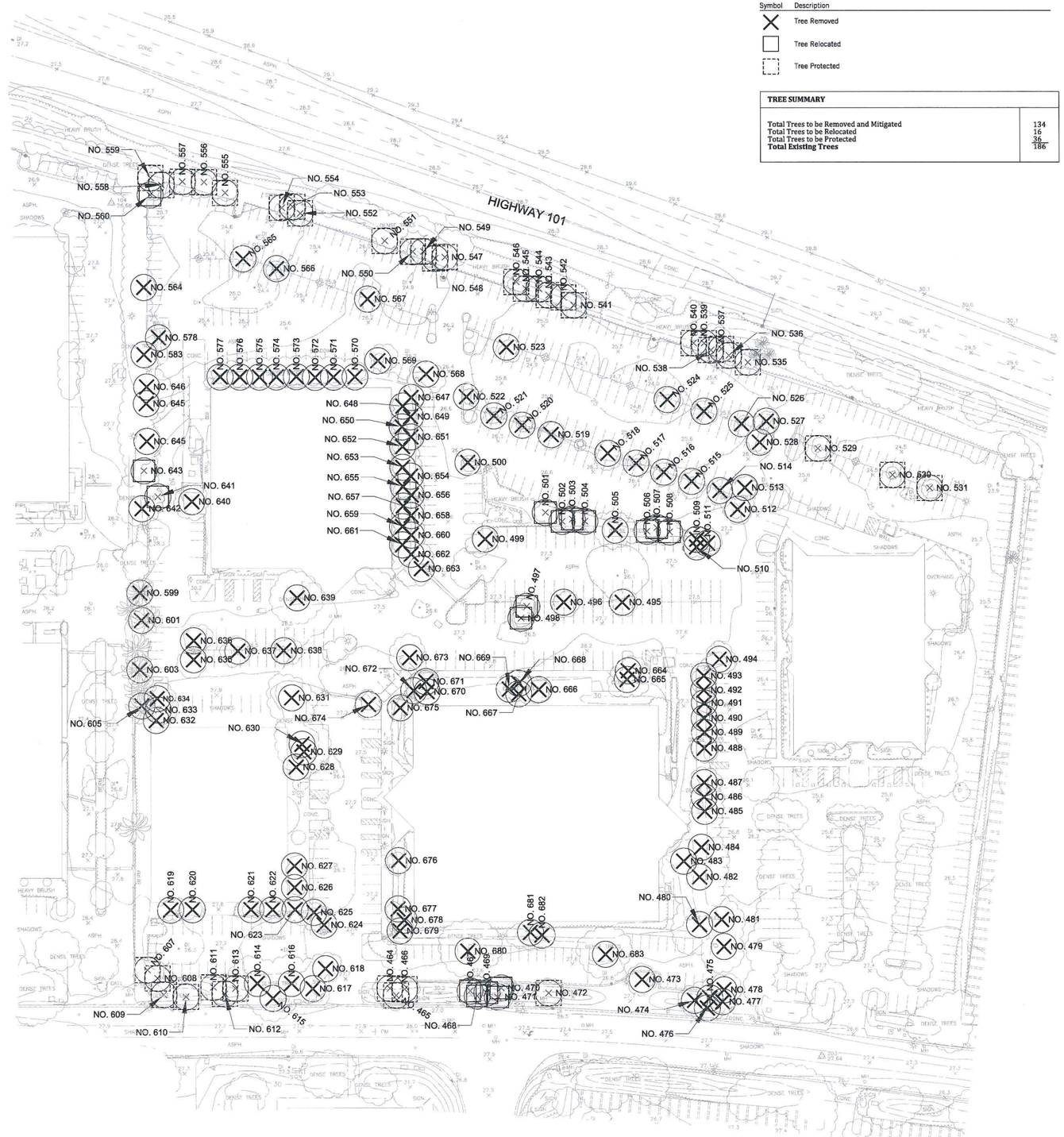
PHASE 3 CONCEPTUAL STORM WATER CONTROL PLAN

S-2

TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)
458	TA	Olive	14,12,12,11
459	TA	Coast redwood	46
460	TA	Olive	16,14,12
461	TA	Olive	19,18,15,12
462	TA	Coast redwood	44
463	TA	Olive	16,14,13,12
464	Arden	Coast redwood	18
465	Arden	Coast redwood	17
466	Arden	Coast redwood	18
467	Arden	Coast redwood	17
468	Arden	Coast redwood	16
469	Arden	Coast redwood	14
470	Arden	Coast redwood	17
471	Arden	Coast redwood	18
472	Arden	Coast redwood	19
473	Arden	Coast live oak	12
474	Arden	Crape myrtle	7
475	Arden	Crape myrtle	5
476	Arden	Crape myrtle	7
477	Arden	Crape myrtle	6
478	Arden	Crape myrtle	6
479	Arden	London plane	10
480	Arden	London plane	15
481	Arden	London plane	12
482	Arden	London plane	14
483	Arden	London plane	13
484	Arden	London plane	12
485	Arden	Holly oak	10
486	Arden	Holly oak	8
487	Arden	Holly oak	9
488	Arden	Holly oak	8
489	Arden	Holly oak	8
490	Arden	Holly oak	5
491	Arden	Holly oak	6
492	Arden	Holly oak	5
493	Arden	Holly oak	9
494	Arden	London plane	9
495	Arden	London plane	8
496	Arden	London plane	7
497	Arden	Coast redwood	11
498	Arden	Coast redwood	9
499	Arden	Crape myrtle	5
500	Arden	Crape myrtle	5
501	Arden	Coast redwood	12
502	Arden	Coast redwood	8
503	Arden	Coast redwood	10
504	Arden	Coast redwood	10
505	Arden	London plane	11
506	Arden	Coast redwood	14
507	Arden	Coast redwood	12
508	Arden	Coast redwood	14
509	Arden	Crape myrtle	5
510	Arden	Crape myrtle	5
511	Arden	Crape myrtle	6
512	Arden	Crape myrtle	6
513	Arden	Crape myrtle	5
514	Arden	London plane	7
515	Arden	London plane	8
516	Arden	London plane	7
517	Arden	London plane	6
518	Arden	London plane	8
519	Arden	London plane	8
520	Arden	London plane	5
521	Arden	London plane	6
522	Arden	Crape myrtle	5
523	Arden	London plane	7
524	Arden	London plane	8
525	Arden	London plane	6
526	Arden	London plane	6
527	Arden	Crape myrtle	5
528	Arden	Crape myrtle	6
529	Arden	London plane	5
530	Arden	London plane	5
531	Arden	London plane	6
532	Arden	Purpleleaf plum	6
533	Arden	Purpleleaf plum	5
534	Arden	Canary Island pine	15
535	Arden	Purpleleaf plum	5
536	Arden	Purpleleaf plum	5
537	Arden	Purpleleaf plum	5
538	Arden	Purpleleaf plum	5
539	Arden	Purpleleaf plum	5
540	Arden	Purpleleaf plum	5
541	Arden	Coast redwood	7
542	Arden	Coast redwood	6
543	Arden	Coast redwood	8
544	Arden	Coast redwood	8
545	Arden	Coast redwood	8
546	Arden	Coast redwood	8
547	Arden	Coast redwood	5
548	Arden	Coast redwood	7
549	Arden	Coast redwood	6
550	Arden	Coast redwood	7
551	Arden	Coast redwood	8
552	Arden	Coast redwood	6
553	Arden	Coast redwood	6
554	Arden	Coast redwood	8
555	Arden	Coast redwood	7
556	Arden	Coast redwood	10
557	Arden	Coast redwood	10
558	Arden	Coast redwood	9
559	Arden	Coast redwood	10
560	Arden	Coast redwood	10
561	Arden	Purpleleaf plum	9
562	Arden	Purpleleaf plum	10
563	Arden	Purpleleaf plum	10
564	Arden	Jap. black pine	18
565	Arden	London plane	8
566	Arden	London plane	6
567	Arden	London plane	8
568	Arden	London plane	12
569	Arden	London plane	9
570	Arden	Purpleleaf plum	9
571	Arden	Purpleleaf plum	8
572	Arden	Purpleleaf plum	9

TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)
573	Arden	Purpleleaf plum	9
574	Arden	Purpleleaf plum	9
575	Arden	Purpleleaf plum	10
576	Arden	Purpleleaf plum	9
577	Arden	Purpleleaf plum	6
578	Arden	London plane	9
579	Arden	Purpleleaf plum	11
580	Arden	Purpleleaf plum	10
581	Arden	Purpleleaf plum	8
582	Arden	Purpleleaf plum	12
583	Arden	Jap. black pine	9
584	Arden	Purpleleaf plum	10
585	Arden	Purpleleaf plum	9
586	Arden	Purpleleaf plum	10
587	Arden	Purpleleaf plum	11
588	Arden	Purpleleaf plum	9
589	Arden	Purpleleaf plum	11
590	Arden	Purpleleaf plum	7
591	Arden	Purpleleaf plum	10
592	Arden	Purpleleaf plum	12
593	Arden	Purpleleaf plum	10
594	Arden	Purpleleaf plum	6
595	Arden	Purpleleaf plum	8
596	Arden	Purpleleaf plum	9
597	Arden	Purpleleaf plum	9
598	Arden	Purpleleaf plum	8
599	Arden	Canary Island date palm	36
600	Arden	Canary Island date palm	34
601	Arden	Canary Island date palm	34
602	Arden	Canary Island date palm	38
603	Arden	Canary Island date palm	38
604	Arden	Canary Island date palm	40
605	Arden	Canary Island date palm	45
606	Arden	Canary Island date palm	44
607	Arden	Coast redwood	13
608	Arden	Coast redwood	12
609	Arden	Coast redwood	15
610	Arden	Coast redwood	17
611	Arden	Coast redwood	12
612	Arden	Coast redwood	9
613	Arden	Coast redwood	7
614	Arden	London plane	13
615	Arden	London plane	12
616	Arden	London plane	14
617	Arden	London plane	6
618	Arden	London plane	9
619	Arden	Purpleleaf plum	7
620	Arden	Purpleleaf plum	6
621	Arden	Purpleleaf plum	6
622	Arden	Purpleleaf plum	5
623	Arden	Purpleleaf plum	8
624	Arden	London plane	7
625	Arden	London plane	7
626	Arden	Purpleleaf plum	6
627	Arden	Purpleleaf plum	7
628	Arden	Purpleleaf plum	6
629	Arden	Coast redwood	47
630	Arden	Coast redwood	39
631	Arden	Coast redwood	52
632	Arden	Coast live oak	10
633	Arden	Coast live oak	6
634	Arden	Coast live oak	8
635	Arden	London plane	9
636	Arden	London plane	8
637	Arden	London plane	7
638	Arden	London plane	8
639	Arden	Coast live oak	25
640	Arden	Coast redwood	21
641	Arden	Coast redwood	11
642	Arden	Coast redwood	26
643	Arden	Coast redwood	14
644	Arden	Aleppo pine	13
645	Arden	Aleppo pine	17
646	Arden	Aleppo pine	14
647	Arden	Purpleleaf plum	6
648	Arden	Purpleleaf plum	7
649	Arden	Purpleleaf plum	6
650	Arden	Purpleleaf plum	6
651	Arden	Purpleleaf plum	6
652	Arden	Purpleleaf plum	6
653	Arden	Purpleleaf plum	7
654	Arden	Purpleleaf plum	7
655	Arden	Purpleleaf plum	7
656	Arden	Purpleleaf plum	6
657	Arden	Purpleleaf plum	6
658	Arden	Purpleleaf plum	7
659	Arden	Purpleleaf plum	6
660	Arden	Purpleleaf plum	6
661	Arden	Purpleleaf plum	6
662	Arden	Purpleleaf plum	7
663	Arden	London plane	12
664	Arden	Coast redwood	37
665	Arden	Coast redwood	36
666	Arden	Purpleleaf plum	8
667	Arden	Purpleleaf plum	6
668	Arden	Purpleleaf plum	7
669	Arden	Purpleleaf plum	7
670	Arden	Purpleleaf plum	6
671	Arden	Purpleleaf plum	6
672	Arden	Purpleleaf plum	6

TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (in.)
673	Arden	London plane	10
674	Arden	London plane	6
675	Arden	Purpleleaf plum	7
676	Arden	Purpleleaf plum	9
677	Arden	Purpleleaf plum	8
678	Arden	Purpleleaf plum	8
679	Arden	Purpleleaf plum	8
680	Arden	Coast live oak	18
681	Arden	Purpleleaf plum	7
682	Arden	Purpleleaf plum	9
683	Arden	Coast live oak	20
1	SCTC 2	Evergreen ash	19
2	SCTC 2	Evergreen ash	26
3	SCTC 2	Evergreen ash	26
4	SCTC 2	Coast redwood	4
5	SCTC 2	Coast redwood	14



Tree Removal and Protection Legend

Symbol	Description
X	Tree Removed
□	Tree Relocated
⬚	Tree Protected

TREE SUMMARY	
Total Trees to be Removed and Mitigated	134
Total Trees to be Relocated	16
Total Trees to be Protected	36
Total Existing Trees	186

0' 40' 80' 120'

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212 751-3122)

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This and all other project documents and all ideas, designs, and arrangements indicated or represented by them are the property of LPA, INC. Documents are to be used only for the purpose for which they are intended and shall not be used for any other purpose or project, or extended for use on any other project without written consent of LPA, INC. Documents are not to be loaned, shown to others, reproduced or duplicated in any form or manner without written consent of LPA, INC. Documents are to be returned upon request. Copyrights and other property rights in these documents are retained by LPA, INC. Copyright 2014

Submitted	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job. No.	13154.10
Date	4/9/2014
Checked by	BE
Scale	1" = 40'

Proposed Landscape Tree Removal and Protection Plan

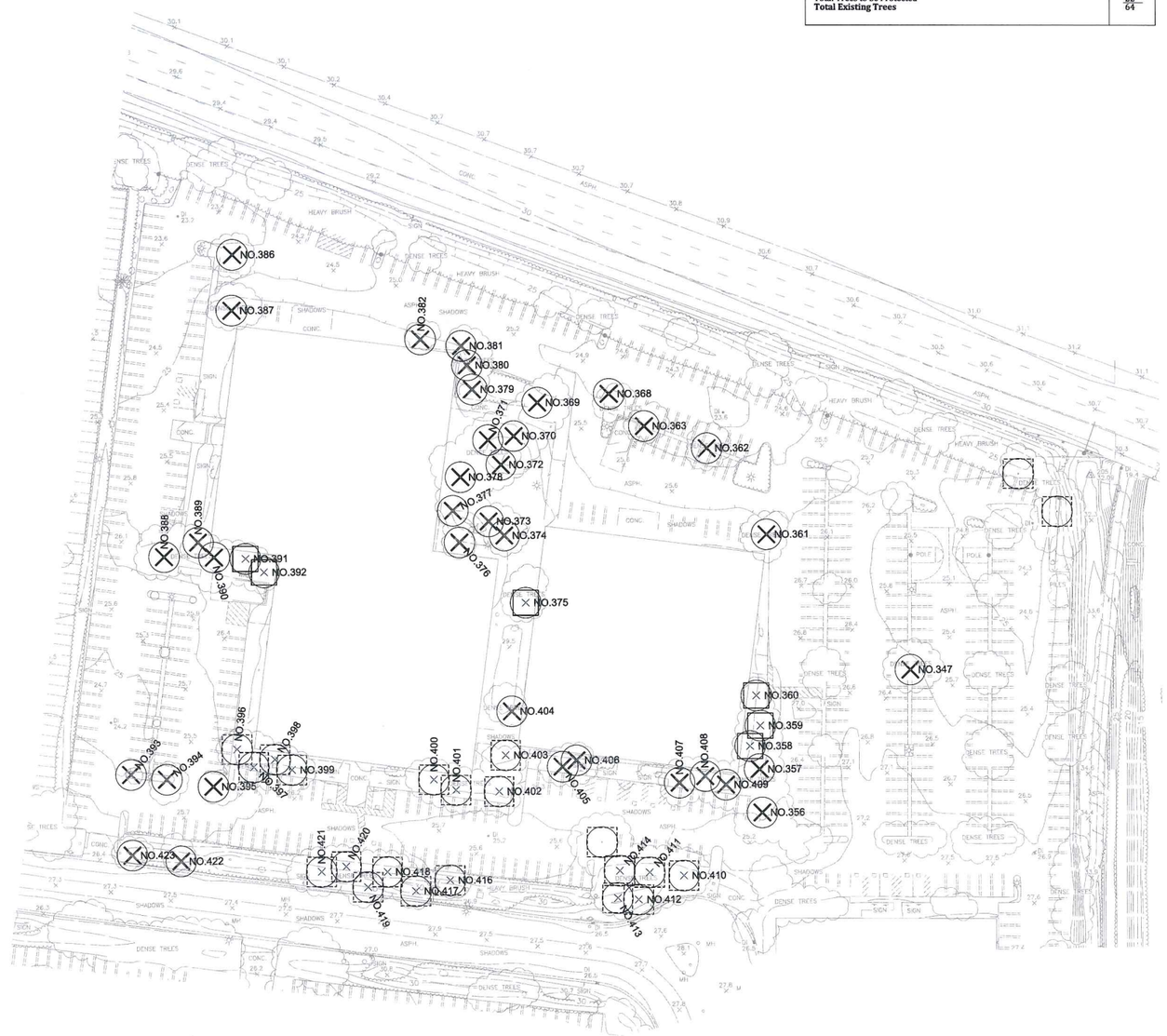
L-5

TREE No.	LOCATION	SPECIES	TRUNK DIAMETER (IN.)
340	Park Sq.	Holly oak	15
341	Park Sq.	Sweetgum	10
342	Park Sq.	Sweetgum	11
343	Park Sq.	Sweetgum	11
344	Park Sq.	Sweetgum	10
345	Park Sq.	Sweetgum	8
346	Park Sq.	Sweetgum	9
347	Park Sq.	Holly oak	18
348	Park Sq.	Camphor	9
349	Park Sq.	Red ironbark	22
350	Park Sq.	Camphor	9
351	Park Sq.	Holly oak	13
352	Park Sq.	Holly oak	13
353	Park Sq.	Holly oak	11
354	Park Sq.	Sweetgum	9
355	Park Sq.	Sweetgum	12
356	Park Sq.	London plane	21
357	Park Sq.	Coast redwood	30
358	Park Sq.	Coast redwood	25
359	Park Sq.	Coast redwood	26
360	Park Sq.	Coast redwood	19
361	Park Sq.	Camphor	14
362	Park Sq.	Holly oak	13
363	Park Sq.	Holly oak	13
364	Park Sq.	Red ironbark	22
365	Park Sq.	Red ironbark	25,23
366	Park Sq.	Red ironbark	26
367	Park Sq.	Red ironbark	20
368	Park Sq.	Camphor	13
369	Park Sq.	Camphor	21
370	Park Sq.	Coast redwood	35
371	Park Sq.	Coast redwood	27
372	Park Sq.	Coast redwood	33
373	Park Sq.	Sweetgum	14
374	Park Sq.	Sweetgum	19
375	Park Sq.	Coast redwood	34
376	Park Sq.	Sweetgum	7
377	Park Sq.	Sweetgum	14
378	Park Sq.	Coast redwood	38
379	Park Sq.	Sweetgum	7
380	Park Sq.	Sweetgum	13
381	Park Sq.	Sweetgum	12
382	Park Sq.	Sweetgum	14
383	Park Sq.	Red ironbark	18,15
384	Park Sq.	Red ironbark	6,6,5,4
385	Park Sq.	Red ironbark	28
386	Park Sq.	Holly oak	13
387	Park Sq.	Holly oak	14
388	Park Sq.	Camphor	18
389	Park Sq.	Sweetgum	15
390	Park Sq.	Camphor	16
391	Park Sq.	Coast redwood	21
392	Park Sq.	Coast redwood	27
393	Park Sq.	Sweetgum	7,7
394	Park Sq.	Sweetgum	9,7
395	Park Sq.	Camphor	12
396	Park Sq.	Coast redwood	33
397	Park Sq.	Coast redwood	28
398	Park Sq.	Coast redwood	29
399	Park Sq.	Coast redwood	32
400	Park Sq.	Coast redwood	30
401	Park Sq.	Coast redwood	31
402	Park Sq.	Coast redwood	30
403	Park Sq.	Coast redwood	28
404	Park Sq.	Sweetgum	13
405	Park Sq.	Tuliptree	12
406	Park Sq.	Tuliptree	15
407	Park Sq.	Tuliptree	13
408	Park Sq.	Tuliptree	16
409	Park Sq.	Tuliptree	18
410	Park Sq.	London plane	17,16
411	Park Sq.	Coast redwood	32
412	Park Sq.	Coast redwood	31
413	Park Sq.	Coast redwood	30
414	Park Sq.	Coast redwood	28
415	Park Sq.	Holly oak	17
416	Park Sq.	Coast redwood	21
417	Park Sq.	Coast redwood	22
418	Park Sq.	Coast redwood	24
419	Park Sq.	Coast redwood	30
420	Park Sq.	Coast redwood	28
421	Park Sq.	Coast redwood	31
422	Park Sq.	Sweetgum	10
423	Park Sq.	Sweetgum	13
424	Park Sq.	Coast redwood	22
425	Park Sq.	Coast redwood	19
426	Park Sq.	Coast redwood	20
427	TA	Olive	15,14,13,11,9
428	TA	Coast redwood	23
429	TA	Coast redwood	32
430	TA	Coast redwood	39
431	TA	Olive	16,16,11,10
432	TA	Coast redwood	49
433	TA	Olive	14,11,11,9,9,8,7
434	TA	Coast redwood	35
435	TA	Olive	14,13,12,12,10
436	TA	Olive	27

Tree Removal and Protection Legend

Symbol	Description
X	Tree Removed
□	Tree Relocated
⬚	Tree Protected

TREE SUMMARY	
Total Trees to be Removed and Mitigated	36
Total Trees to be Relocated	6
Total Trees to be Protected	22
Total Existing Trees	64



0' 40' 80' 120'

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This and all other project documents and all ideas, designs, and arrangements indicated herein are the exclusive property of LPA, PCC, LPA and cannot be used without their consent. Any use of these documents except as permitted in the particular agreement between the client and LPA, PCC, LPA is prohibited. The client and all others shall not be responsible for any reuse of or alterations made to these documents without written consent and adaptation by LPA, PCC, LPA. Consent to the reuse or alteration of LPA, PCC, LPA's documents shall not be deemed to be a waiver of any rights or claims against LPA, PCC, LPA and shall not be deemed to create any rights in third parties.

© Copyright 2014

Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Job. No.	13154.10
Date	4/9/2014
Checked by	BE
Scale	1" = 40'

Proposed Landscape Tree Removal and Protection Plan

L-5.1

I. GENERAL

NO CUTTING OF ANY PART OF CITY TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT SECURING APPROVAL AND DIRECT SUPERVISION FROM THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY (408-615-3080).

NO CUTTING OF ANY PART OF PRIVATE TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT DIRECT SUPERVISION OF AN INTERNATIONAL SOCIETY OF ARBORICULTURE (I.S.A.) CERTIFIED ARBORIST.

WHEN CONSTRUCTION OCCURS WITHIN THE DRIP LINE OF EXISTING TREES, CONTRACTOR SHALL PILE THE SOIL ON THE SIDE AWAY FROM THE TREE. WHEN THIS IS NOT POSSIBLE, PLACE SOIL ON PLYWOOD, TARP, OR 4"-5" THICK BED OF MULCH. THIS IS TO HELP PREVENT CUTTING INTO THE SOIL SURFACE WHEN THE BACKHOE OR TRACTOR BLADE REFILLS THE TRENCH.

REFILL OPEN TRENCHES QUICKLY WITHIN HOURS OF EXCAVATION WHEN THEY OCCUR WITHIN THE DRIP LINE OF EXISTING TREES. IF THIS IS NOT POSSIBLE AND THE WEATHER IS HOT, DRY, OR WINDY, CONTRACTOR MUST KEEP ROOT ENDS MOIST BY COVERING THEM WITH WET BURLAP. IF THE TEMPERATURE IS 80°F OR GREATER, THE BURLAP MUST BE INSPECTED EVERY HOUR AND RE-WET AS NECESSARY TO MAINTAIN A CONSTANT COOL MOIST CONDITION. IF THE TEMPERATURE IS BELOW 80°, THE BURLAP MUST BE INSPECTED EVERY FOUR HOURS AND RE-WET AS NECESSARY TO MAINTAIN A CONSTANT COOL MOIST CONDITION. SMALL ROOTS CAN DRY OUT AND DIE IN 10-15 MINUTES. LARGER ROOTS CAN SUCCUMB IN AN HOUR OR LESS UNDER UNFAVORABLE WEATHER CONDITIONS.

WHEN ROOTS 2" OR LARGER ARE REQUIRED TO BE CUT, SHOVEL BY HAND NEAR THE ROOTS AND PRUNE THE ROOTS WITH AN INDUSTRY-APPROVED PRUNING TOOL. ROOTS THAT ARE ACCIDENTALLY BROKEN SHOULD BE PRUNED TWO INCHES FROM THE DAMAGED END. CRUSHED OR TORN ROOTS ARE MORE LIKELY TO ALLOW DECAY TO BEGIN. SHARPLY CUT ROOTS PRODUCE A FLUSH OF NEW ROOTS HELPING THE TREE TO RECOVER FROM ITS INJURY.

CONTRACTOR SHALL NOTIFY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY 72 HOURS IN ADVANCE OF ANY WORK REQUIRING DIGGING AROUND OR WITHIN THE DRIP LINE OF EXISTING TREES.

A CLEAR SYSTEM OF FLAGGING MUST BE PROVIDED AROUND TREES WITHIN 20' OF THE PROPOSED GRADING. CONTRACTOR SHALL SECURE APPROVAL OF SUCH SYSTEM FROM THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY.

MATERIALS, EQUIPMENT, TEMPORARY BUILDINGS, FUELS, PAINTS AND OTHER CONSTRUCTION ITEMS SHALL NOT BE PLACED WITHIN THE DRIP LINE OF EXISTING TREES.

FENCE ALL TREES TO BE RETAINED TO COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCING SHALL BE PLACED AT THE DRIP LINE OF EXISTING TREES OR, IF POSSIBLE, 1.5 TIMES THE RADIUS OF THE DRIP LINE OUT FROM THE TRUNK OF THE TREE. A WARNING SIGN SHALL BE PROMINENTLY DISPLAYED ON EACH FENCE. THE SIGN SHALL BE A MINIMUM OF 8.5"x11" AND CLEARLY STATE "WARNING – TREE PROTECTION ZONE THIS FENCE SHALL NOT BE REMOVED WITHOUT APPROVAL FROM THE CITY ARBORIST/PROJECT ARBORIST". FENCES SHALL BE 6-FOOT TALL CHAIN LINK OR EQUIVALENT, AS APPROVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. FENCES SHALL REMAIN UNTIL ALL GRADING AND CONSTRUCTION WORK IS COMPLETED. IN ADDITION, WRAP ALL TREES WITH STRAW WADDLE UP TO THE FIRST MAIN BRANCH, THEN WRAP SNOW FENCING AROUND THE WADDLE ON ALL TREES IN THE CONSTRUCTION ZONE TO PROTECT THEM FROM BARK DAMAGE CAUSED BY THE WORK.

NO TRENCHING SHALL BE DONE WITHIN THE DRIP LINE OF EXISTING TREES WITHOUT THE APPROVAL OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. OPEN TRENCHING IN THE ROOT ZONE OF A PUBLIC TREE IS PROHIBITED EXCEPT IN CASES WHERE THE TRENCHING FALLS OUTSIDE THE DRIP LINE OF THE TREE INVOLVED. EXCEPTIONS MAY BE ALLOWED IF, IN THE OPINION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY, THE IMPACT OF TRENCHING ON THE TREE WILL BE NEGLIGIBLE.

ANY CUTTING OF EXISTING ROOTS OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. ANY CUTTING OF EXISTING ROOTS OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A CERTIFIED ARBORIST.

GRADING SHOULD NOT CREATE DRAINAGE PROBLEMS FOR TREES BY CHANNELING WATER INTO THEM, OR CREATING SUNKEN AREAS.

ALL GRADING WITHIN THE DRIP LINE OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. ALL GRADING WITHIN THE DRIP LINE OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A. CERTIFIED ARBORIST. THE ORIGINAL GRADE AT THE BASE OF EXISTING TREES SHALL NOT BE MODIFIED. IF A GRADE INCREASE IS NECESSARY, DRY WELLS SHOULD BE USED.

WHEN TRENCHING IS ALLOWED, THE CONTRACTOR MUST FIRST CUT ROOTS WITH A VERMEER ROOT CUTTER PRIOR TO ANY TRENCHING TO AVOID TUGGING OR PULLING OF ROOTS.

TREES THAT ARE DETERMINED TO BE REMOVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY DUE TO AN UNFORSEEN CIRCUMSTANCE DURING CONSTRUCTION SHALL BE REPLACED BY THE CONTRACTOR. THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY SHALL DETERMINE THE REPLACEMENT SPECIE, SIZE, QUANTITY, AND SPACING.

PLACE 4"-5" THICK MULCH AROUND ALL EXISTING TREES (OUT TO THEIR DRIP LINE) THAT ARE TO BE RETAINED PRIOR TO ANY CONSTRUCTION. THIS WILL HELP MAINTAIN MOISTURE UNDER THE TREE WITHIN THE FENCING AREA.

BORE PITS ARE NOT ALLOWED WITHIN THE DRIP LINE OF ANY TREE.

II. BORING

WHERE THERE IS INSUFFICIENT SPACE TO BYPASS THE DRIP LINE BY TRENCHING ADJCENT TO ALL EXISTING TREES IN EXCESS OF 5" D.B.H., THE INSTALLATION MUST BE MADE BY BORING. THE BEGINNING AND ENDING DISTANCE OF THE BORE FROM THE FACE OF THE TREE IN ANY DIRECTION IS DETERMINED BY THE DIAMETER OF THE TREE AS SPECIFIED BY THE ACCOMPANYING TABLE:

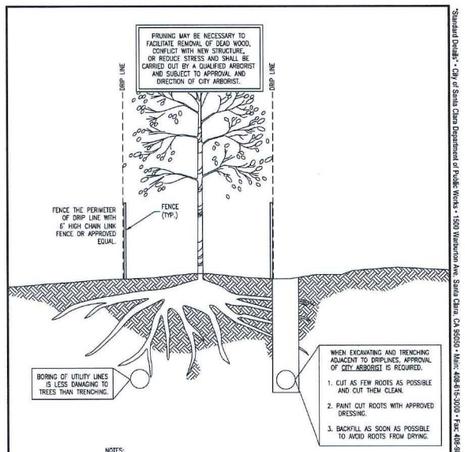
WHEN TREE DIAMETER AT 4-1/2 FEET IS:	TRENCHING WILL BE REPLACED BY BORING AT THIS MINIMUM DISTANCE FROM THE FACE OF THE TREE IN ANY DIRECTION:
0-2 INCHES	1 FOOT
3-4 INCHES	2 FEET
6-9 INCHES	5 FEET
10-14 INCHES	10 FEET
15-19 INCHES	12 FEET
OVER 19 INCHES	15 FEET

III. TREE PROTECTION

CONTRACTOR SHALL TAG AND IDENTIFY EXISTING TREES WHICH ARE TO REMAIN WITHIN THE PROJECT LIMITS AND ON THE PUBLIC RIGHT-OF-WAY PRIOR TO START OF WORK. PROTECT ALL TAGGED TREES AT ALL TIMES FROM DAMAGE BY THE WORK. TREATMENT OF ALL MINOR DAMAGE TO TAGGED TREES SHALL BE PERFORMED BY AN I.S.A. CERTIFIED ARBORIST OR OTHER PERSONNEL APPROVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. IF A TAGGED TREE IS PERMANENTLY DISFIGURED OR KILLED AS A RESULT OF THE WORK, CONTRACTOR SHALL REMOVE THE TREE, INCLUDING ITS ROOTS, FROM THE SITE AND REPLACE EACH REMOVED TREE WITH AN EQUAL-SIZED TREE. IF SUCH REPLACEMENT IS NOT POSSIBLE, THE CONTRACTOR SHALL REIMBURSE TO THE TREE OWNER THE AMOUNT LISTED IN THE TABLE BELOW. THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY SHALL BE THE SOLE JUDGE OF THE CONDITION OF ANY TREE. CONTRACTOR SHALL PROVIDE REGULAR WATERING OF EXISTING LANDSCAPING WITHIN THE CONSTRUCTION AREA THROUGH THE CONSTRUCTION PERIOD.

CONTRACTOR SHALL PAY THE TREE OWNER THE VALUE OF EXISTING TREES TO REMAIN THAT DIED OR WERE DAMAGED BECAUSE OF THE CONTRACTOR'S FAILURE TO PROVIDE ADEQUATE PROTECTION AND MAINTENANCE. THE PAYMENT AMOUNT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF VALUES, USING "TREE CALIPER" METHOD ESTABLISHED IN THE MOST RECENT ISSUE OF THE "GUIDE FOR ESTABLISHING VALUES OF TREES AND OTHER PLANTS", PREPARED BY THE COUNCIL OF TREE AND LANDSCAPE ARCHITECTS.

7 INCHES	$2,400
8 INCHES	$3,400
9 INCHES	$4,400
10 INCHES	$5,200
11 INCHES	$6,200
12 INCHES	$7,200
13 INCHES	$8,200
14 INCHES	$9,200
15 INCHES	$10,000
16 INCHES	$11,000
17 INCHES	$12,000
18 INCHES AND OVER:	
ADD FOR EACH CALIPER INCH	$1,200



NOTES:

1. PROVIDE ADEQUATE RETAINING WALL – NO CLOSER THAN DRIP LINE. LARGE AMOUNTS OF FILL WILL INHIBIT DELICATE BALANCE BETWEEN ROOTS AND SOIL.
2. AVOID ANY PONDING BY DRAINING LOW POINTS.
3. PRIOR TO GRADING, INSTALL FENCES AND BARRICADES AROUND TREE.
4. FERTILIZE AND WATER TO MINIMIZE SHOCK AS DIRECTED BY QUALIFIED ARBORIST.

DRAWN BY: M. LEE	TREE PROTECTION	LS-6
CHECKED BY: J. MENDOZA		
APPROVED BY: G. GOMEZ		
DATE: DECEMBER 2002	CITY OF SANTA CLARA	PAGE: 51

"Standard Details" - City of Santa Clara Department of Public Works - 1500 Warburton Ave. Santa Clara, CA 95050 - Main: 408-615-3000 - FAX: 408-696-3593 - engineering@santaclaraca.gov

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This set of plans and specifications and all ideas, designs, arrangements and plans indicated or represented by these documents are the property of L.P.A., PCC, L.P.A. and shall not be used by any person for any purpose except as expressly provided in an agreement or other written instrument between the owner and L.P.A., PCC, L.P.A. Nothing in this paragraph shall be deemed to limit the rights of the owner in the drawings and specifications subject to the agreement between the owner and L.P.A., PCC, L.P.A. Contractors to the owner are entitled to rely on the accuracy of information furnished by the owner and on the accuracy of documents prepared by other consultants to the owner, provided such documents are the product of professionals in the building industry and are dated as being current and complete as of the date of the building permit.

© Copyright 2014

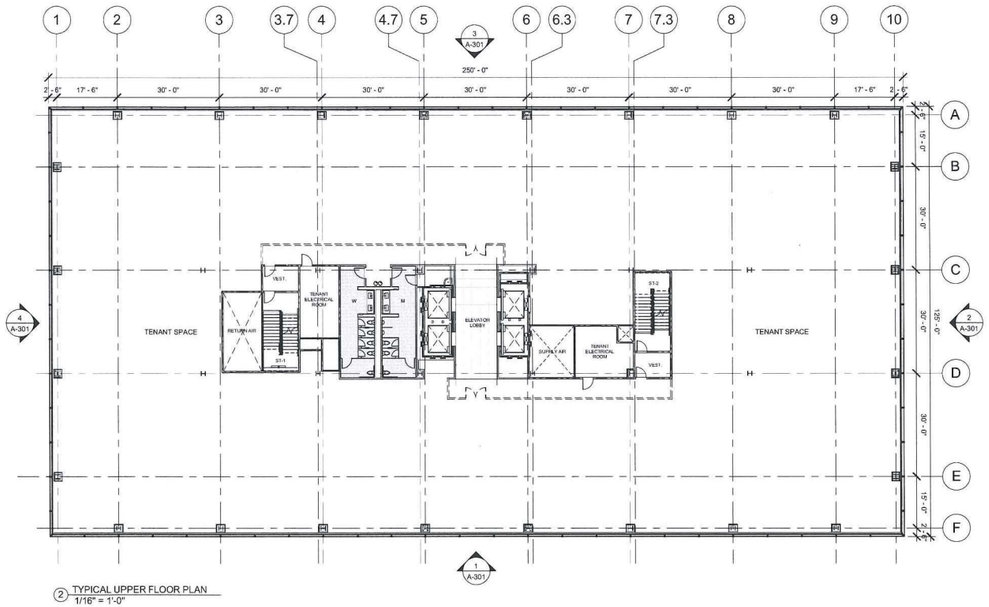
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/18/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/10/2014

Revision	Date

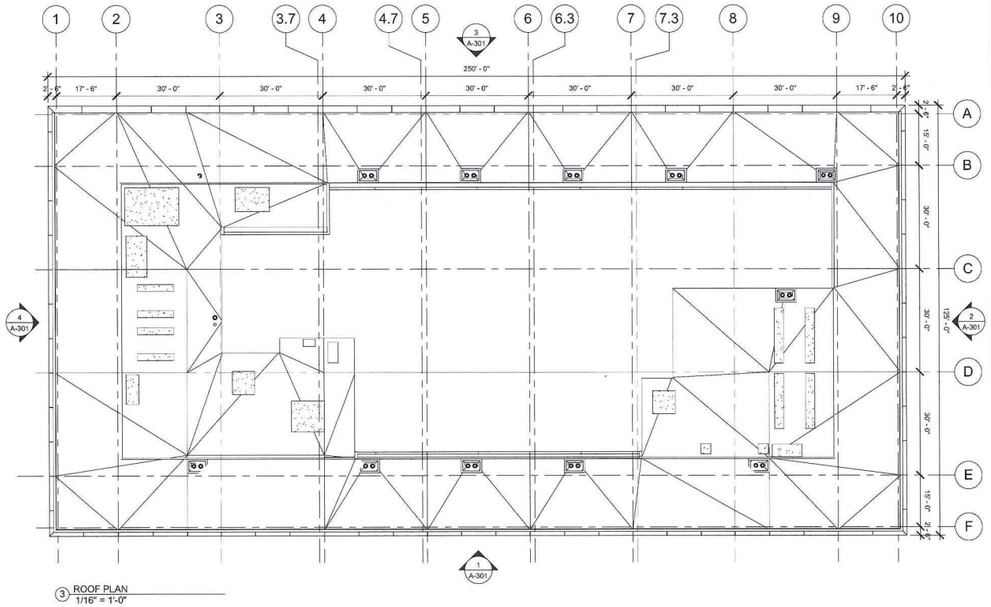
Job. No.	13154.10
Date	4/9/2014
Checked by	
Scale	

LANDSCAPE TREE PROTECTION NOTES

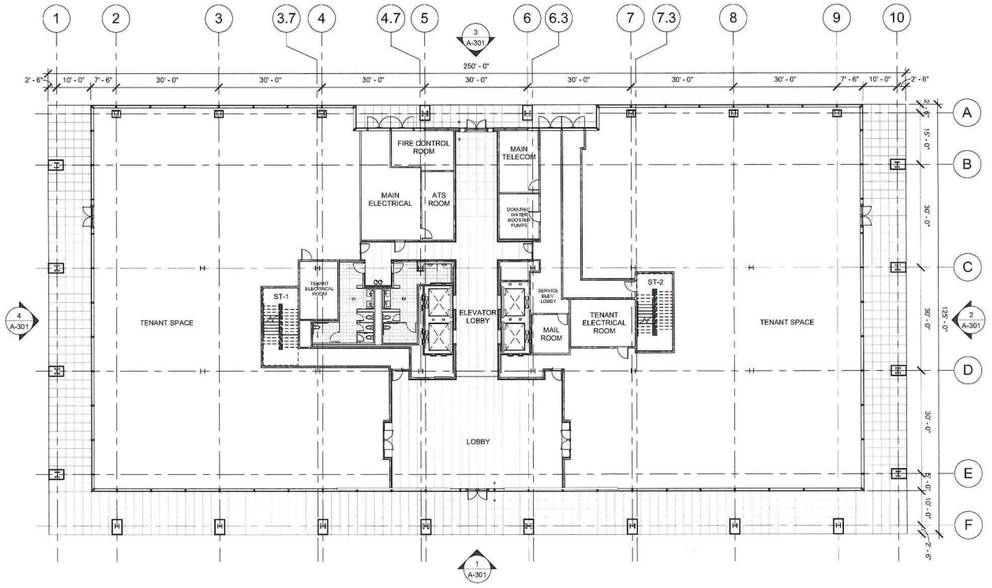
L-5.2



② TYPICAL UPPER FLOOR PLAN
1/16" = 1'-0"



③ ROOF PLAN
1/16" = 1'-0"



① GROUND FLOOR PLAN
1/16" = 1'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES
Since 1864

This and all other project documents, not all views, details, or specifications are applicable to this project, remain the property of LPA, PCF, UHM and/or its consultants and may not be used for any purpose not agreed to in writing by the respective parties. Any reproduction, in whole or in part, without the written consent of the respective parties is prohibited. Contractor shall verify and assume responsibility for accuracy of all dimensions and conditions. Do not scale drawings. Contractor shall notify LPA, PCF, UHM immediately of any discrepancy from what is shown on the drawings and be responsible for any work done without proper dimensions and information. Contractor shall be responsible for coordinating all trades, subcontractors, and suppliers. Contractor shall be responsible for all dimensions and conditions on the job, and shall report any discrepancies from the drawings and/or conditions on the job that affect the work to the architect before proceeding with the work.

© Copyright 2014

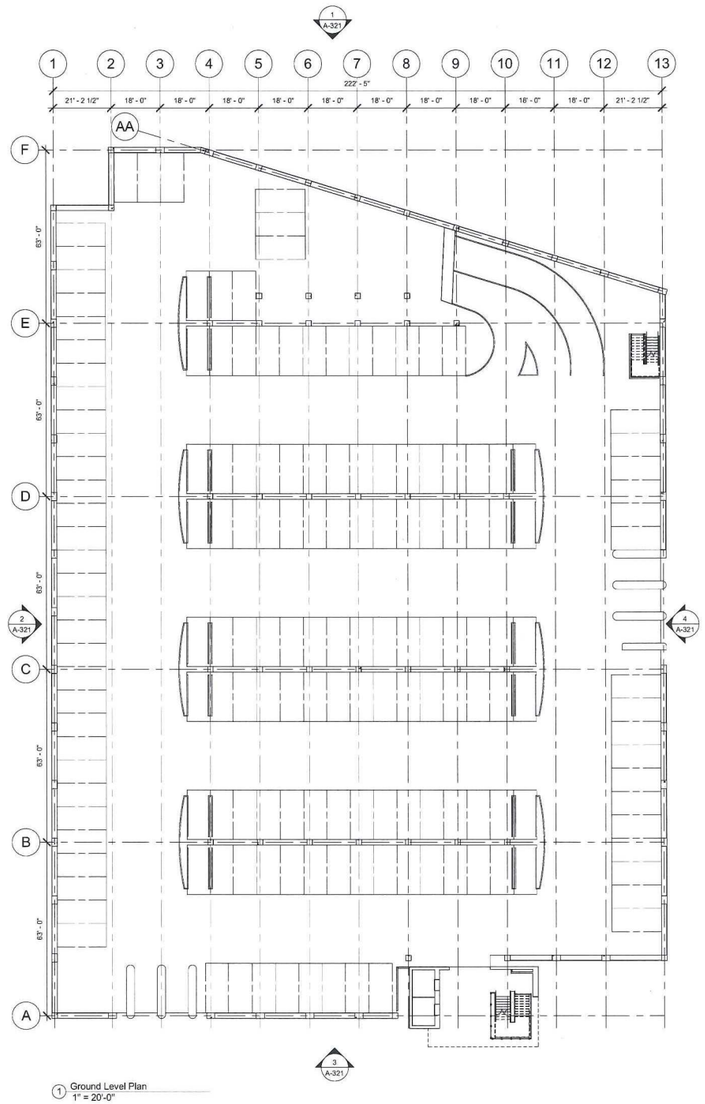
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

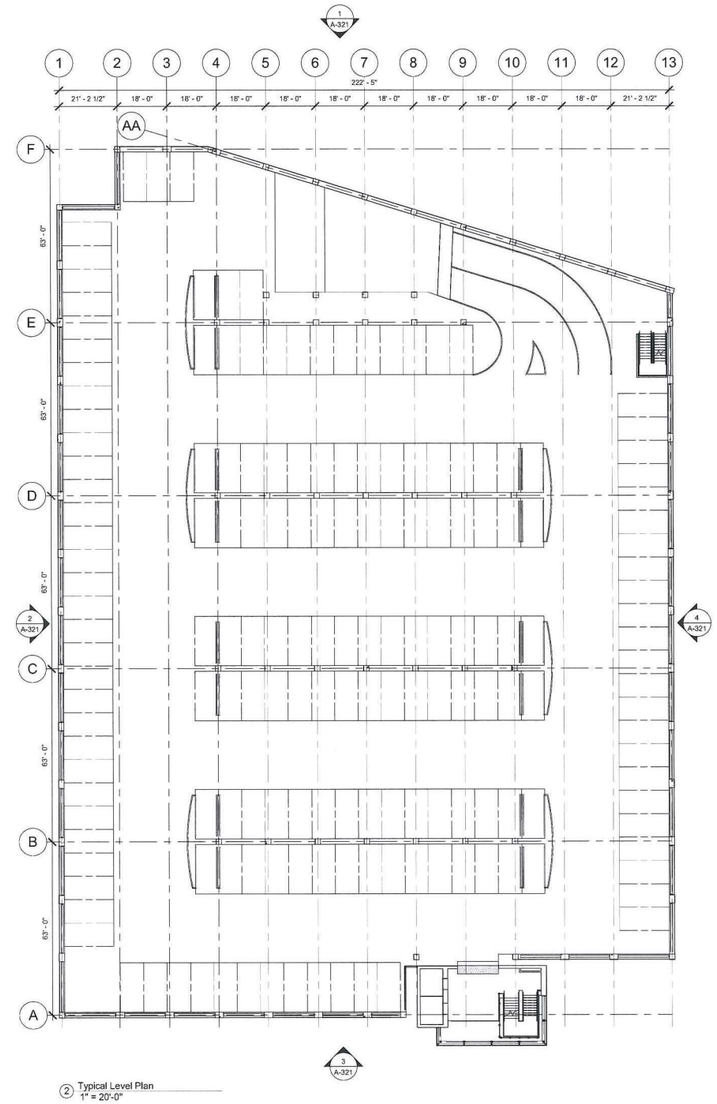
Job No:	13154.10
Date:	2/19/2014
Checked by:	–
Scale:	1/16" = 1'-0"

Building Floor Plans (Ground, Typical, Roof)

A - 101



1 Ground Level Plan
1" = 20'-0"



2 Typical Level Plan
1" = 20'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES.

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL

LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 791-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES
Since 1864

This and all other project documents and all rights thereunder are the property of LPA, Inc. ("LPA") and are protected by applicable copyright laws. Except as expressly granted in a separate written agreement between LPA and a client, no license to use, reproduce, publish, display, transmit, or distribute in any form or by any means, electronic or mechanical, now known or hereafter invented, including, without limitation, photocopying and recording, or to prepare derivative works from, or otherwise use, the documents and the work represented thereby without the express written consent of LPA, and LPA's consent to the licensing hereunder, if any, is conditioned upon the licensee's agreement to indemnify and hold LPA harmless for any reuse of the documents and the work represented thereby or derivatives from project changes thereto.

© LPA, 2014

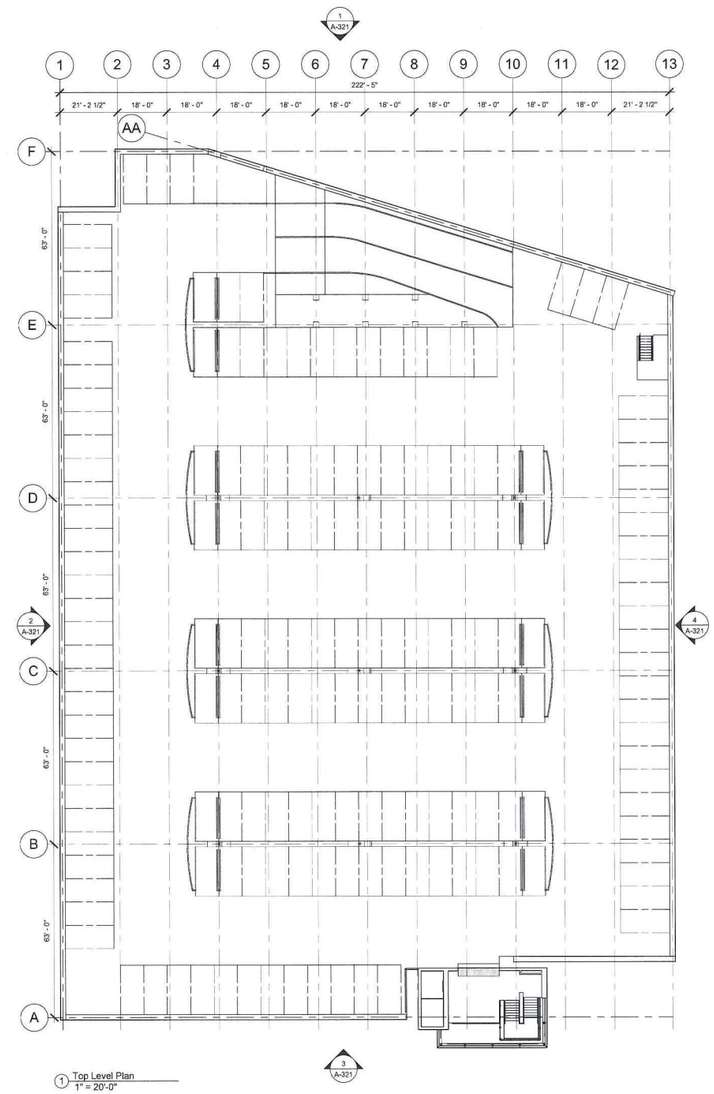
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Revision	Date

Job No:	13154.10
Date:	2/19/2014
Checked by	–
Scale	1" = 20'-0"

Parking Facility 2A Plans (Ground, Typical)

A - 121



1 Top Level Plan
1" = 20'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES.

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL.

LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHco.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES
Since 1864

This set of plans and specifications, and all rights to the use of the designs and information contained therein, are the property of LPA, Inc., PEI Cobb Freed & Partners Architects LLP, HMH, Burton Landscape Architecture Studio and tk1sc Collaborative and may not be reproduced, altered or disclosed to the public without the express written consent of LPA, Inc., PEI Cobb Freed & Partners Architects LLP, HMH, Burton Landscape Architecture Studio and tk1sc Collaborative. LPA, Inc., PEI Cobb Freed & Partners Architects LLP, HMH, Burton Landscape Architecture Studio and tk1sc Collaborative assume no responsibility for accuracy of documents that are not delivered in their original form, or for documents altered or reproduced without the express written consent of LPA, Inc., PEI Cobb Freed & Partners Architects LLP, HMH, Burton Landscape Architecture Studio and tk1sc Collaborative.

© Copyright 2014

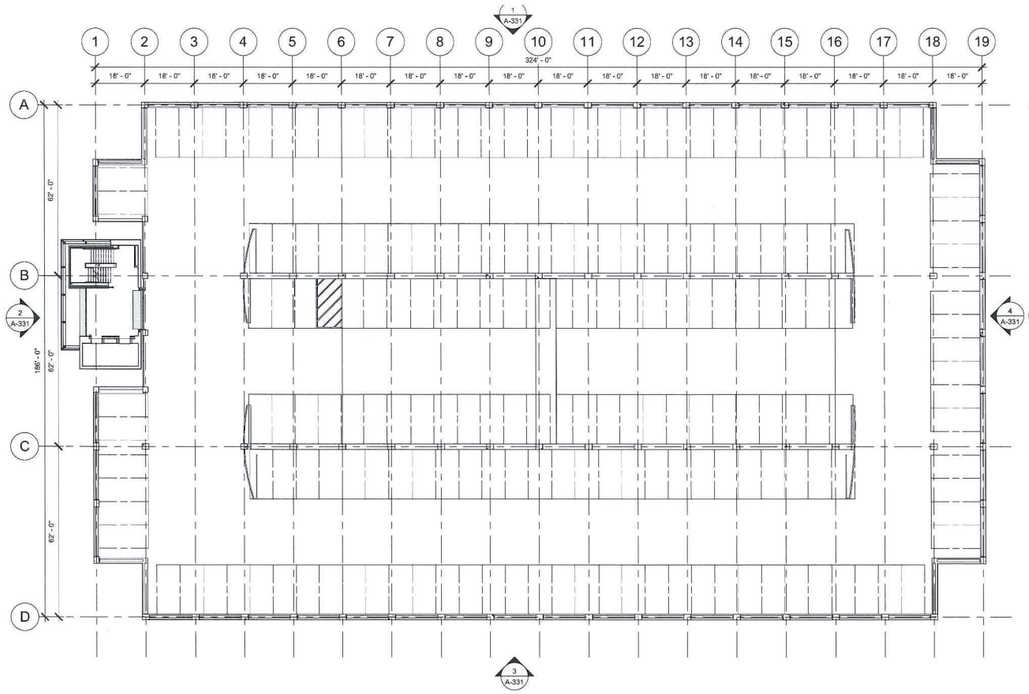
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/8/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

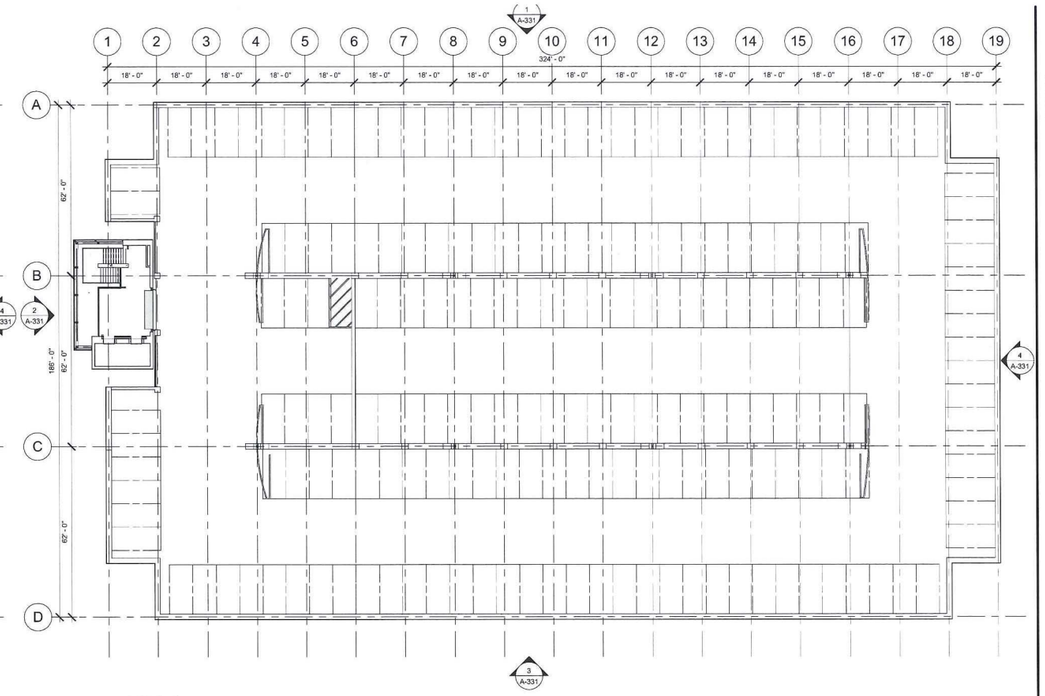
Job No.	13154.10
Date:	2/19/2014
Checked by	–
Scale:	1" = 20'-0"

Parking Facility 2A
Plans (Top)

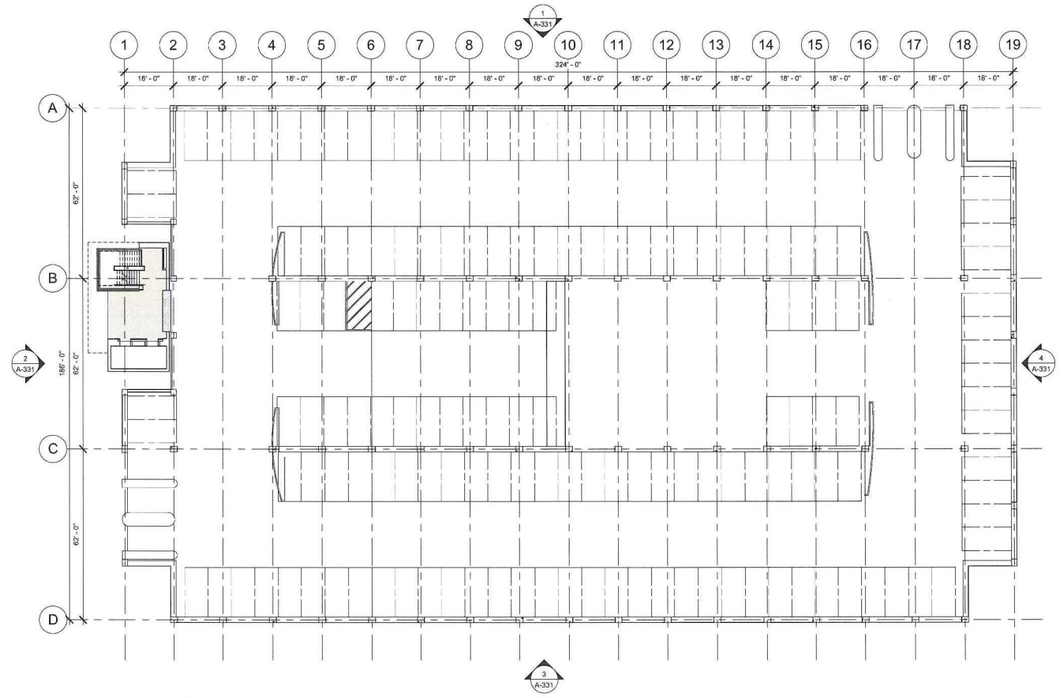
A - 122



1 Typical Level
1" = 20'-0"



2 Top Level
1" = 20'-0"



4 Ground Level
1" = 20'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES.

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMH-ca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This and all other project documents and all rights thereto, including but not limited to copyrights, are the property of LPA, Inc. ("LPA") and are to be returned to LPA upon request. These documents are not to be loaned or disclosed to the owner or other parties for reproduction, nor shall physical or electronic copies be made or used for any purpose other than those for which they were prepared and delivered by LPA, nor shall they be used by the owner or any other party for any purpose other than those for which they were originally prepared and delivered by LPA, nor if any Contract by the owner and LPA shall be terminated for any reason prior to the completion of the project, all rights to the use of the documents by the owner shall cease and all copies of the documents shall be returned to LPA. LPA shall not be responsible for any errors or omissions in the documents due to subsequent changes in the existing conditions.

© Copyright 2014

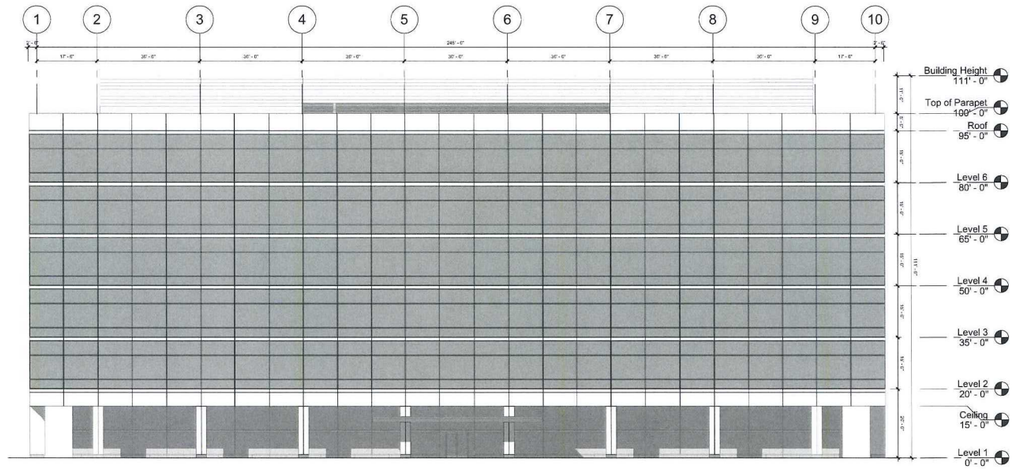
Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/2/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

Revision	Date

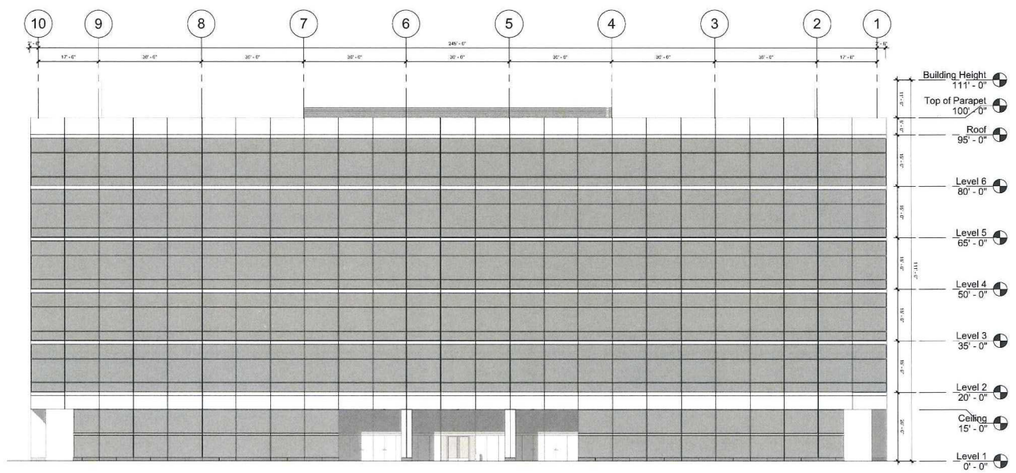
Job No:	13154.10
Date:	2/19/2014
Checked by:	-
Scale:	1" = 20'-0"

Parking Facility 3A
Plans (Ground, Typical, Top)

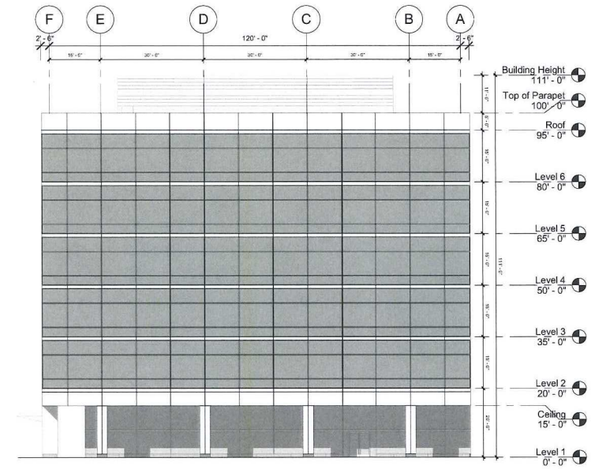
A - 131



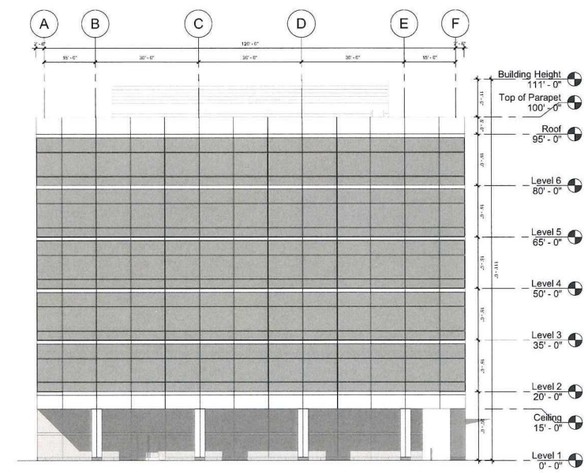
1 FRONT EXTERIOR ELEVATION
1/16" = 1'-0"



2 REAR EXTERIOR ELEVATION
1/16" = 1'-0"



3 SIDE ELEVATION (LEFT)
1/16" = 1'-0"



4 SIDE ELEVATION (RIGHT)
1/16" = 1'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES.

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES
Since 1864

This set of plans and specifications was prepared by or under the direct supervision of the Architect named below. Ownership of these documents is the property of LPA, Inc. (LPA) and is to be returned upon request. These documents are not to be used in whole or in part, for any purpose or project other than the project for which they were prepared and acquired by owner, except by agreement in writing and appropriate compensation therefor. LPA, Inc. makes no representations as to their suitability for any purpose other than that for which they were prepared and acquired by owner. LPA, Inc. makes no warranties, express or implied, with respect to these documents and disclaims all liability for any reuse of these documents without specific written verification or adaptation by LPA, Inc.

© Copyright 2014

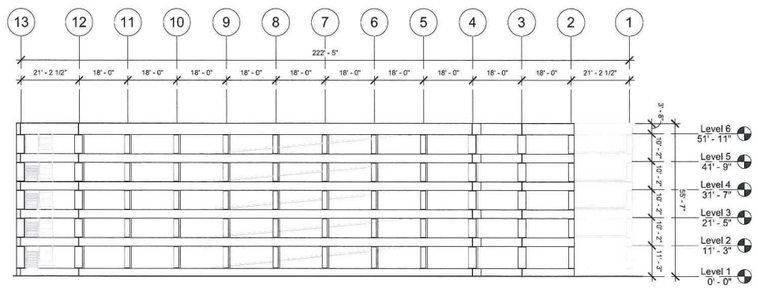
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/8/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/12/2014

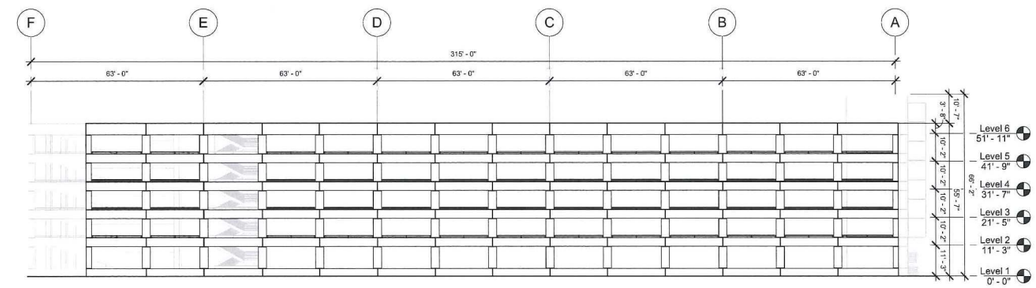
Job No.	13154.10
Date	2/19/2014
Checked by	–
Scale	1/16" = 1'-0"

Building Exterior Elevations

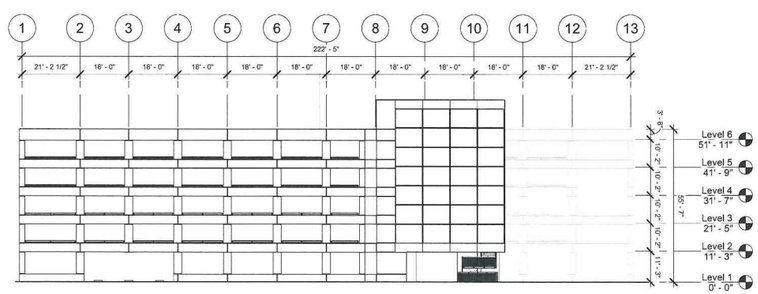
A - 301



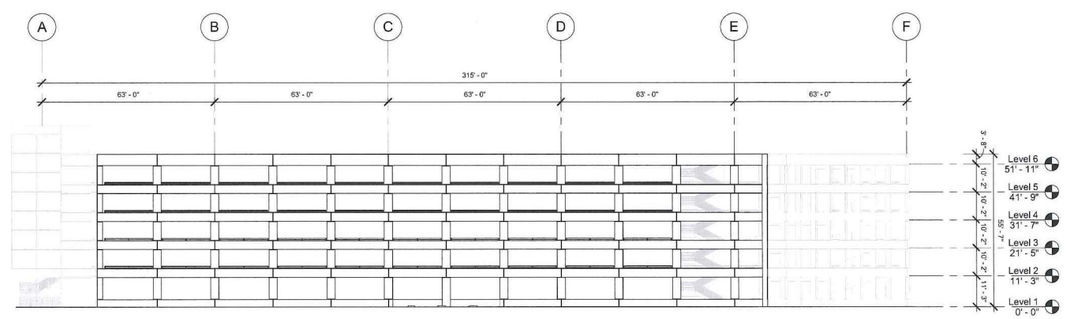
1 North Elevation
1" = 20'-0"



2 West Elevation
1" = 20'-0"



3 South Elevation
1" = 20'-0"



4 East Elevation
1" = 20'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES.

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL.

LPA

PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road
San Jose, CA 95131
(408) 487-3200
HMHca.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES
Since 1864

This set of plans/ project documents, incl. all, there specifications, and other documents prepared by the registered practice of LPA, Inc. (LPA) are and shall remain the property of LPA. The reproduction, alteration or reuse of this set of plans/ project documents on any other project is prohibited without the written consent of LPA, Inc. Contractors to the business keep control over their own work and are responsible for the safety of their employees and for the means and methods of their work. LPA, Inc. is not responsible for the safety of others, including but not limited to, the public, contractors, subcontractors, and their employees and the working conditions.

© Copyright 2014

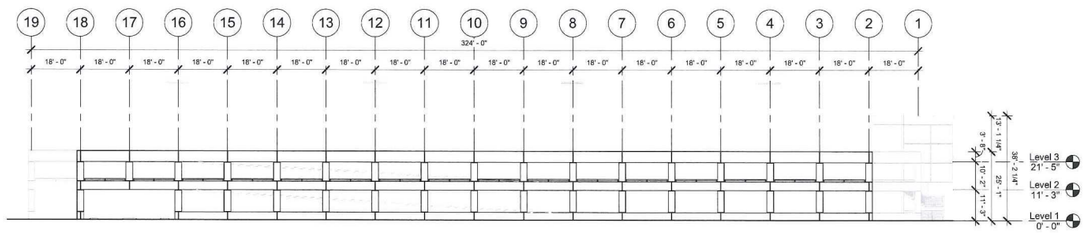
Revision	Date

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/2/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/10/2014

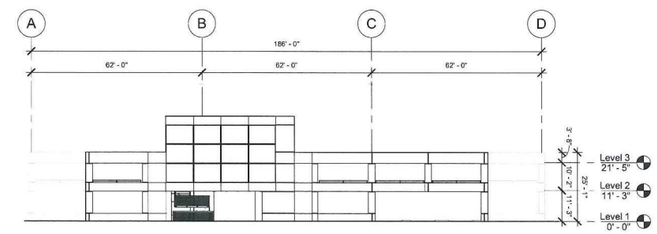
Job. No.	13154.10
Date	2/19/2014
Checked by	–
Scale	1" = 20'–0"

Parking Facility 2A
Exterior Elevations

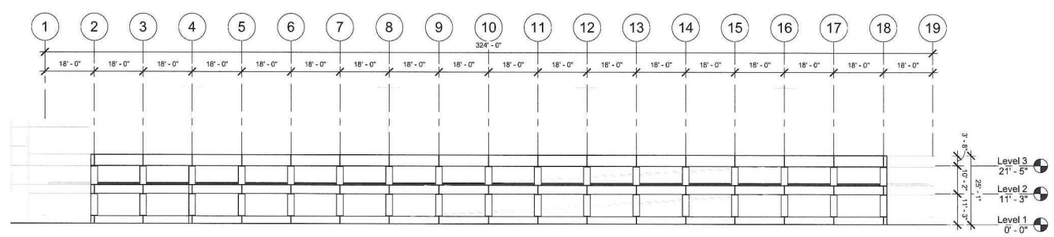
A - 321



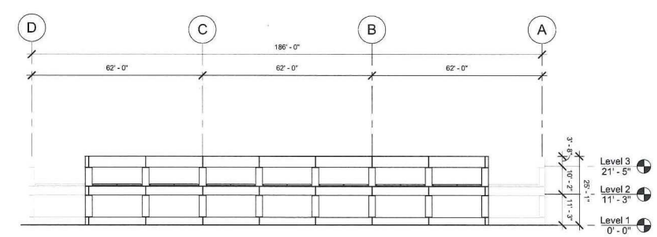
1 North Elevation
1" = 20'-0"



2 West Elevation
1" = 20'-0"



3 South Elevation
1" = 20'-0"



4 East Elevation
1" = 20'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE TO MODULE LINES.

- ALL PLANS AND ELEVATIONS ARE CONCEPTUAL

LPA
PEI COBB FREED & PARTNERS
Architects LLP
88 Pine Street
New York, NY 10005
(212) 751-3122

HMH
1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHco.com

burton
Landscape Architecture Studio
307 S Cedros Solana Beach Ca 92075
858 794 7204 T 858 794 7207 F
www.burton-studio.com

tk1sc
COLLABORATIVE

SANTA CLARA SQUARE PHASE II & III

SANTA CLARA, CA

Developed for: IRVINE COMPANY | OFFICE PROPERTIES Since 1864

This set of plans, project documents and all ideas and designs incorporated herein, as an instrument of service, is the property of LPA, Inc. LPA's plans are to be used only for the project and purpose for which they were prepared or as amended in writing by the architect and agreed to by all parties. Any other use or reuse by any person or entity on other projects, or for other purposes, is prohibited without the express permission of LPA, Inc. Copyright in the drawings and other original work of authorship contained herein is the property of LPA, Inc. Copyright in the drawings also extends to any derivative work based on the drawings, including but not limited to any other drawings, models, or other depictions or representations of the drawings or any portion thereof, in any medium. LPA, Inc. shall not be responsible for any modifications made to this document and the existing conditions.

© Copyright 2014

Submittal	Date
PLANNING APPLICATION SUBMITTAL	2/19/2014
PLANNING APPLICATION RESUBMITTAL	4/9/2014
FINAL PLANNING APPLICATION SUBMITTAL	5/1/2014

Reason	Date

Job No	13154.10
Date	2/19/2014
Checked by	–
Scale	1" = 20'-0"

Parking Facility 3A
Exterior Elevations

A - 331

RECEIVED
MAY 06 2014
PLANNING DIVISION

GENERAL NOTES:

• PROJECT NAME:	SANTA CLARA TECHNOLOGY CAMPUS
• OWNERS:	IRVINE CO LLC 550 NEWPORT CENTER DR NEWPORT BEACH, CA 92660 (949)720-2000
• DEVELOPER:	IRVINE CO LLC 550 NEWPORT CENTER DR NEWPORT BEACH, CA 92660 (949)720-2000
• ENGINEER:	HMH 1570 OAKLAND ROAD SAN JOSE, CA 95131 (408)487-2200
• ASSESSOR'S PARCEL NO.:	216-45-011, 014, 019, 027, 028
• STREET LOCATION:	2600, 2620, 2700 AUGUSTINE DR (216-45-019, 028, 027) 3399 BOWERS AVE (216-45-014) 3285 SCOTT BLVD (216-45-011)
• EXISTING ZONING:	PD (PLANNED DEVELOPMENT)
• PROPOSED ZONING:	PD
• EXISTING GP DESIGNATION:	HIGH INTENSITY OFFICE / R&D
• PROPOSED GP DESIGNATION:	COMMUNITY COMMERCIAL
• EXISTING USE:	OFFICES / R&D
• PROPOSED USE:	RETAIL
• WATER SUPPLY:	CITY OF SANTA CLARA
• SEWAGE DISPOSAL:	SANTA CLARA SEWER UTILITY
• STREET TREES:	SHALL CONFORM TO CITY OF SANTA CLARA STANDARDS
• GROSS SITE AREA:	±14.2 ACRES
• PROPOSED DEDICATION:	±0.4 ACRES
• NET SITE AREA:	±13.8 ACRES
• EXISTING LOTS:	5 LOTS
• PROPOSED LOT(S):	1 LOT

- REQUIRED ACCESS ROADS, UP THROUGH FIRST LIFT OF ASPHALT, SHALL BE INSTALLED AND ACCEPTED BY THE FIRE DEPARTMENT PRIOR TO THE START OF CONSTRUCTION. BULK COMBUSTIBLE MATERIALS SHALL NOT BE DELIVERED TO THE SITE UNTIL INSTALLATION IS COMPLETE. DURING CONSTRUCTION, EMERGENCY ACCESS ROADS SHALL BE MAINTAINED CLEAR AND UNIMPEDED. NOTE THAT BUILDING PERMIT ISSUANCE MAY BE WITHHELD UNTIL INSTALLATIONS ARE COMPLETED.
- APPROVED NUMBERS OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND.
- RUNOFF FROM THE SITE SHOULD NOT BE COLLECTED INTO A PIPE SYSTEM, CONCENTRATED AND DISCHARGED DOWN SLOPE. CONTROL OFF-SITE DRAINAGE, FLOWING TO THE SITE SIMILARLY. NO IMPROVEMENTS SHALL OBSTRUCT OR DIVERT RUNOFF TO THE DETRIMENT OF AN ADJACENT, DOWN STREAM OR DOWN SLOPE PROPERTY. RETAINING WALLS SHALL INCLUDE PROVISIONS FOR DRAINAGE.
- ANY EXISTING SANITARY SEWER LATERAL PROPOSED TO BE REUSED MUST BE TELEVISED BY CITY OF SANTA CLARA AND APPROVED BY THE CITY BEFORE REUSE. A SANITARY LATERAL CLEAN-OUT SHALL BE INSTALLED AT THE PROPERTY LINE, IF ONE DOES NOT ALREADY EXIST WITHIN TWO (2) FEET OF THE PROPERTY LINE. ANY TRENCHING WITH THE DRIPLINE OF ALL TREES SHALL BE HAND DUG AND SO NOTED ON THE PLANS. ALL UTILITIES SERVING THE SITE SHALL BE UNDERGROUND.
- FINAL GRADING PLANS SHALL INCLUDE A COMPLETE EROSION CONTROL PLAN. INTERIM EROSION CONTROL MEASURES TO BE CARRIED OUT DURING CONSTRUCTION AND BEFORE INSTALLATION OF THE FINAL LANDSCAPING SHALL BE INCLUDED. INTERIM EROSION CONTROL METHODS SHOULD INCLUDE SILT FENCES OR STRAW BALE DIKES (WITH LOCATION AND DETAILS) AND THE CITY STANDARD SEEDING SPECIFICATION.
- DEMOLITION OF EXISTING STRUCTURES TO BE COMPLETED AS PART OF THE DEMOLITION PERMIT PROCESS AND PRIOR TO THE ACQUISITION OF FINAL BUILDING PERMIT APPROVAL.
- THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY OF SANTA CLARA.
- PRIVATE COMMON INGRESS/EGRESS, EVAE, PSDE, PSSE, PUE, UGGE, & WLE TO BE DETERMINED.
- ALL EXISTING BUILDINGS ARE TO BE REMOVED.
- ALL EXISTING EASEMENTS ARE TO BE ABANDONED UNLESS OTHERWISE NOTED.
- BOUNDARIES AND EASEMENTS DEPICTED HEREON HAVE BEEN TRANSCRIBED FROM THE DOCUMENTS REFERENCED BELOW. PORTIONS OF THESE MAY HAVE BEEN REORIENTED TO FIT TOGETHER. THIS MAY NOT BE COMPLETE OR ACCURATE. SEE THE COMMENTARY BELOW.

TITLE REPORTS
(A) FATCO, ORDER #NCS-297088-WA1, DATED MAY 14, 2007 - APN 216-45-019
(B) FATCO, ORDER #NCS-297089-WA1, DATED MAY 15, 2007 - APN 216-45-027
(C) FATCO, ORDER #NCS-297090-WA1, DATED MAY 14, 2007 - APN 216-45-028
(D) FATCO, ORDER #NCS-297092-WA1, DATED MAY 14, 2007 - APN 216-45-011
(E) FATCO, ORDER #NCS-297094-WA1, DATED MAY 17, 2007 - APN 216-45-014

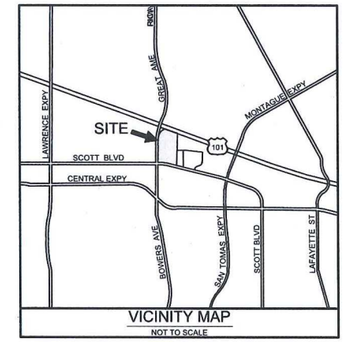
- EXISTING INGRESS/EGRESS, AND PARKING EASEMENTS AS REFERENCED IN THE TITLE REPORTS F(15) ARE TO BE ABANDONED.

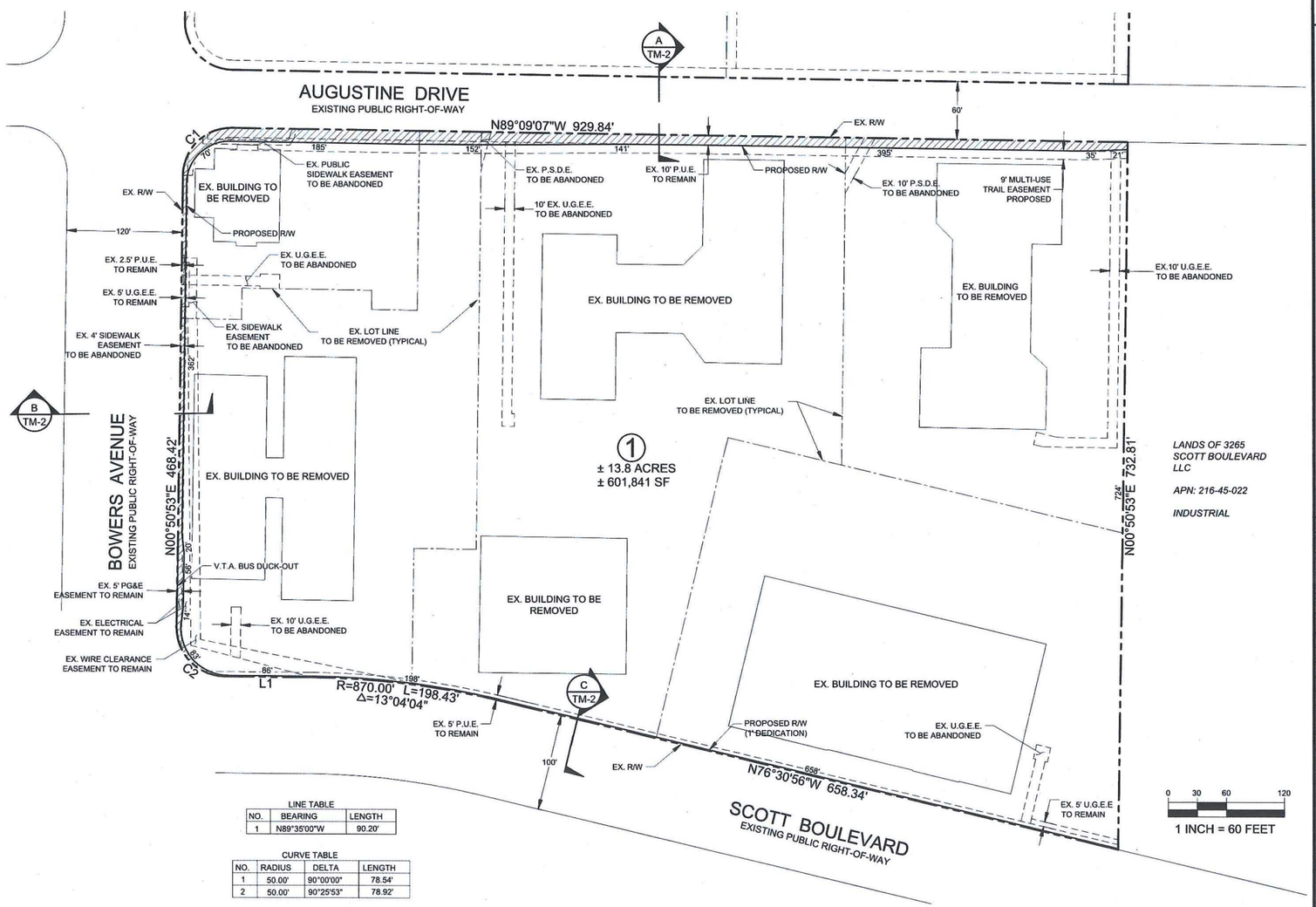
LEGEND

- TENTATIVE MAP BOUNDARY
- EXISTING LOT LINES TO BE REMOVED
- EASEMENT
- RIGHT-OF-WAY
- PUBLIC RIGHT OF WAY DEDICATION (± 14,548 SF)

NOTE:

EMERGENCY VEHICLE ACCESS EASEMENT: E.V.A.E
PRIVATE STORM DRAIN EASEMENT: P.S.D.E
PRIVATE SANITARY SEWER EASEMENT: P.S.S.E
PRIVATE UTILITY EASEMENT: P.U.E
UNDERGROUND ELECTRICAL EASEMENT: U.G.E.E
WATER LINE EASEMENT: W.L.E
LANDSCAPE EASEMENT: L.E





LINE TABLE

NO.	BEARING	LENGTH
1	N89°35'00"W	90.20'

CURVE TABLE

NO.	RADIUS	DELTA	LENGTH
1	50.00'	90°00'00"	78.54'
2	50.00'	90°25'53"	78.92'

HMH
Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance
1570 Oakland Road San Jose, CA 95131
(408) 487-2200 HMHca.com

LPA
p. 949 261 1001 t. 949 260 1199
w. lpainc.com e. info@lpainc.com
18012 Mitchell Avenue Suite 100
Irvine, California 92614

VESTING TENTATIVE PARCEL MAP
FILE # PLN2014-10259
SANTA CLARA SQUARE

NO	DATE	DESCRIPTION
3	5/5/2014	PER CITY COMMENTS
2	4/8/2014	PER CITY COMMENTS
1	2/26/2014	PER CITY COMMENTS

PROJECT NO:	3643.10
CAD DWG FILE:	364310TM.DWG
DESIGNED BY:	RB
DRAWN BY:	RB
CHECKED BY:	RTH
DATE:	DECEMBER 4, 2013
SCALE:	1" = 60'

© HMH

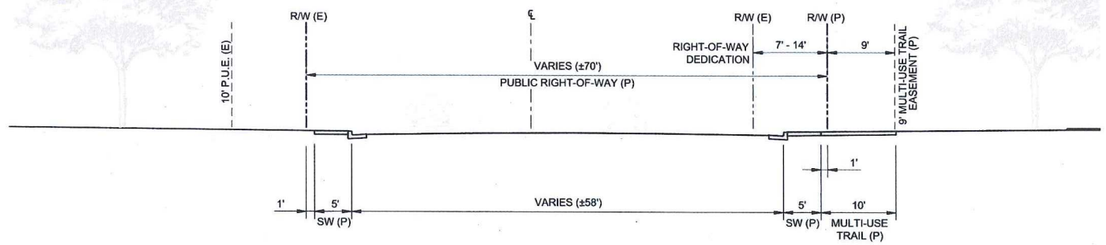
VESTING TENTATIVE PARCEL MAP

TM-1
OF 2

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT. INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND HMH HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR HMH.

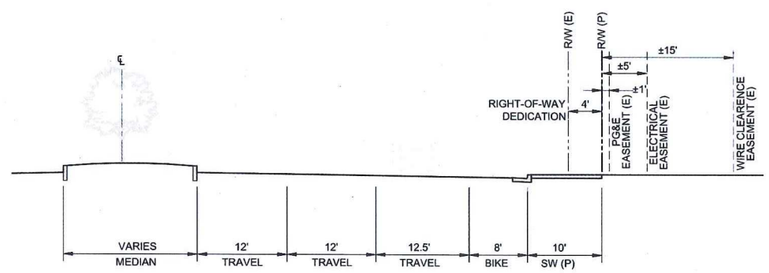
S:\PROJECTS\364310\CLTMAP 2\364310TM.DWG

PLOTTED: 5/5/2014 2:02 PM



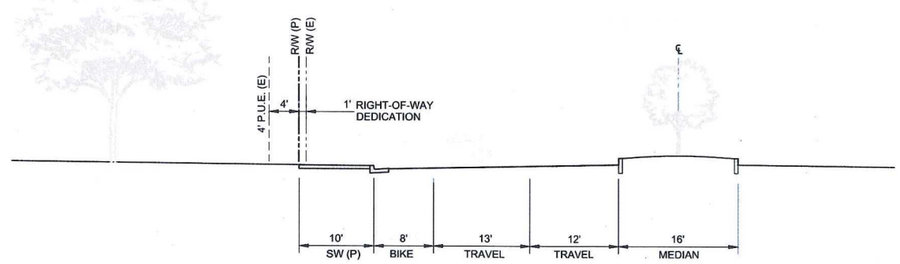
A AUGUSTINE DRIVE SECTION

NTS



B BOWERS AVENUE SECTION

NTS



C SCOTT BOULEVARD SECTION

NTS

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND HMH HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR HMH.

S:\PROJECTS\364310\PL\TMAP 2\364310TM.DWG

HMH
Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHca.com

LPA
p. 949 261 1021 f. 949 261 1480
w. lpainc.com e. irvine@lpainc.com
18401 California Avenue, Suite 100
Irvine, California 92612

VESTING TENTATIVE PARCEL MAP
FILE # PLN2014-10259
SANTA CLARA SQUARE

NO	DATE	DESCRIPTION
3	5/5/2014	PER CITY COMMENTS
2	4/8/2014	PER CITY COMMENTS
1	2/26/2014	PER CITY COMMENTS

PROJECT NO:	3643.10
CAD DWG FILE:	364310TM.DWG
DESIGNED BY:	RB
DRAWN BY:	RB
CHECKED BY:	RTH
DATE:	DECEMBER 4, 2013
SCALE:	NOT TO SCALE

© HMH

VESTING TENTATIVE PARCEL MAP

TM-2

OF 2

PLOTTED: 5/5/2014 2:02 PM

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PLANNING COMMISSION & CITY COUNCIL COUNCIL HEARINGS WEDNESDAY, MAY 28, 2014 & TUESDAY, JUNE 10, 2014
SANTA CLARA SQUARE PROJECT

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/14/2014

Dated at Santa Clara, California

This 14TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

CITY OF SANTA CLARA NOTICE OF
PLANNING COMMISSION & CITY COUNCIL HEARINGS
Wednesday, May 28, 2014 & Tuesday, June 10, 2014

Project Name: Santa Clara Square Project. You are hereby notified that on Wednesday, **May 28, 2014** at the hour of 7:00 p.m. in the City Council Chambers of City Hall, 1500 Warburton Avenue, Santa Clara, CA, the **Planning Commission** will consider: **File Numbers: PLN2014-10256** General Plan Amendment #80 from High Intensity Office/R&D to Community Commercial [Retail Center] and Light Industrial to High Intensity Office/R&D [Office Phase II & III]; **PLN2014-10257** Rezone from Planned Development (PD) to Planned Development (PD) [Retail Center]; **PLN2014-10258** Rezone from Light Industrial (ML) to Commercial Park (CP) [Office Phase II & III]; PLN2014-10259 Vesting Tentative Parcel Map; **PLN2014-10260** Development Agreement Amendment and Ordinance; **PLN2014-10381** Architectural Review; and **CEQ2014-01172** Addendum to previously certified EIR. **Project Location: 2620-2800 Augustine Drive and 2423-2475 Augustine Drive**, a 47.57-acre project site comprised of eight parcels located on the north and south sides of Augustine Drive, between Bowers Avenue and San Tomas Aquino Creek, Scott Boulevard and Highway 101, Along Augustine Drive. (APNs: 216-45-011, -014, -019, -027, -028, -036, -037, -006) **Applicant/Owner: The Irvine Company.** On Tuesday **June 10, 2014** the City **Council** will subsequently consider the above file applications and introduce an Ordinance to execute the Development Agreement Amendment at the hour of 7:00 p.m. in the City Council Chambers of City Hall, 1500 Warburton Avenue, Santa Clara, CA.

Request: Santa Clara Square Retail Center Project proposes to amend the previously approved 1,969,600 square feet of office development and 35,000 square feet of retail development (2009 Project, PLN2008-06859), and provides for the development of a 125,000 square feet of retail center; Santa Clara Square East Office Project (Phase II and III) proposes to shift the approved office development from the 2009 Project site to make room for the Retail Center. Office Phase I is currently under construction. Office Phase II and III will relocate the remaining approved office uses immediately to the east of Office Phase I. The office sites proposed will not exceed the 2009 Project approval. Office Phase II and III are proposed to consist of 6-8 story office buildings with associated surface and structured parking at a ratio of 3.3/1000.

Actions to be considered include approval of the Addendum to the previously certified EIR, General Plan Amendment, Planned Development Rezoning, Tentative Parcel Map, Development Agreement Amendment and Ordinance and Architectural Review.

At these meetings you may be heard on this matter if you so desire. If you challenge this land use decision in court, you may be limited to raising only those issues you or someone else raised at these public hearings or in written correspondence delivered to the City at or prior to the close of the public hearings. The City's Project Clearance Committee and Subdivision Clearance Committee have evaluated the potential environmental impacts of these projects. The results of this evaluation are a part of the minutes of the Committee's and are available in the project file in the Planning Division office. Should you have any questions, please call the Planning Division office at (408) 615-2450. Written comments on this item are encouraged to be submitted to the Planning Division, City Hall, 1500 Warburton Avenue, Santa Clara 95050, by Wednesday morning of the week prior to the meeting so they can be included in the City Council Members' packets.

AMERICANS WITH DISABILITIES ACT (ADA) In accordance with the Americans with Disabilities Act of 1990, the City of Santa Clara will ensure that all existing facilities will be made accessible to the maximum extent feasible. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure full and equal access and enjoyment of all programs and activities for all individuals with a disability. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should contact the City's ADA office (408) 615-3000, to discuss meeting accessibility. In order to allow participation by such individuals, please do not wear scented products to meetings at City facilities.

Pub.: 5/14/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8B

Date: May 27, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: PUBLIC HEARING: Adoption of a Resolution Overruling Any Other Protests and Ordering that Alternative Method for the Levy of Special Benefit Assessment be made Applicable to the Santa Clara Convention Center Complex Maintenance District No. 183, and Approving, Confirming and Adopting Director's Report for Fiscal Year 2014/15

EXECUTIVE SUMMARY:

On May 6, 2014, the City Council adopted Resolution No. 14-8128 related to the proposed FY 2014/15 special benefit assessments for the Santa Clara Convention Center Complex Maintenance District No. 183, which is bounded by Tasman Drive, Great America Parkway and San Tomas Aquino Creek. In addition, the resolution established June 10, 2014 as the date that City Council will hear testimony and act upon the attached report prepared by the Director of Public Works.

The parties benefiting from the maintenance and operation of the common improvements are listed below, together with the proposed FY 2014/15 fiscal year assessments for each party:

	Proposed FY 2014/15 Assessment		
	Amount	Less Prior Years' Surplus	Total
City of Santa Clara (Convention Center):	$ 610,547	(0)	$ 610,547
Hyatt Regency Hotel Santa Clara:	$ 281,823	(0)	$ 281,823
Equity Office (Techmart)	$ 446,283	(0)	$ 446,283
Total	**$ 1,338,653**	**(0)**	**$ 1,338,653**

Proposition 218 requires that written ballots be sent and returned if there are proposed increases greater than any previously approved assessments. Since the proposed assessments for operation and maintenance costs for the District of $1,338,653 for Fiscal Year 2014/15 are $67,478 less than the greatest previously approved assessments, no ballots and approvals are required from the parties of the District. A meeting was scheduled and held on May 1, 2014 for property owners and interested parties to discuss their assessment.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the assessments would allow the Convention Center Complex grounds to be maintained in the lease-prescribed first-class condition, to continue to encourage business and trade. Failure to implement the terms of the Assessment District would be in conflict with the terms of agreements with District parties.

ECONOMIC/FISCAL IMPACT:

The City's FY 2014/15 proposed budget includes funds to pay for the proposed assessment for the City's portion (formerly that of the Redevelopment Agency). The total cost for operation and maintenance of the District for FY 2014/15 is a $356 (-0.03%) decrease over the FY 2013/14 assessment. No prior years' surplus for each of the entities was used to reduce the cost of operations and maintenance of the District. The City's portion of the net assessment is proposed to be $610,547. The City's General Fund was previously responsible for the City's former Redevelopment Agency's portion of the assessment, since Redevelopment Agency funds could not be used for operating costs.

RECOMMENDATION:

That the Council open the public hearing to hear evidence on the proposed assessments, and if no majority protest results, then adopt a resolution overruling any other protests, and ordering that the alternative method for the levy of special benefit assessment be made applicable to the Santa Clara Convention Center Complex Maintenance District No. 183, and approving, confirming and adopting Director's Report for FY 2014/15.

Rajeev Batra
Director of Public Works/City Engineer

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
1) ***Resolution***
2) ***Director's Report***

DISCUSSION:

The original lease agreements between the Redevelopment Agency of the City of Santa Clara, Santa Clara Convention Hotel Limited Partnership (originally Doubletree, then Westin, now Hyatt Regency Hotel), and SCCC Associates II (now Equity Office) (Techmart) provided for the formation of Maintenance District No. 183 ("District") to apportion the funds necessary to maintain and operate the common improvements serving the Convention Center, Hotel, and Trade Center.

The common improvements generally consist of, but are not limited to, surface and structural (parking garage) parking areas, landscaping, roadway, pedestrian bridges, space frames, lighting, etc. In addition to the cost of maintaining and operating the common areas, the proposed total cost includes expenses relating to City's cost to administer the District, insurance, utilities, and reserve funds.

A City ordinance requires that a report for each maintenance district be prepared each fiscal year by the Director, setting forth the budget for the ensuing year, the formula for the annual assessment levy, and a description of each property, including the amount of assessment to be levied against each lot. A copy of the Director's Report for the District for FY 2014/15 has been prepared and is attached. This report has also been filed with the City Clerk as required by the ordinance.

Proposition 218 passed by the voters of California in November 1996 made significant changes in the method and manner of approving assessments for maintenance districts. A written majority of ballots, weighted according to the proportional financial obligation, needs to be received to approve any proposed annual increase. Proposition 218 requires that written ballots be sent and returned if there are proposed increases greater than any previously approved assessments. Since the proposed assessments for operation and maintenance costs for the District for FY 2014/15 of $1,338,653 are $67,478 less than the greatest previously approved assessments, no ballots and approvals are required from the parties of the District.

Copies of the Director's Report were mailed to each of the owners in Maintenance District No. 183, apprising them of the proposed formula, including the amount of the individual assessment. A copy of the information mailed to each of the property owners has been placed in Council offices for review.

Staff notified and scheduled meetings on March 6, 2014 and May 1, 2014 with the property owners and any interested tenants to discuss the Director's Report and the assessment district procedures. Representatives for each property owner attended this meeting.

The proposed District budget is lesser compared to last fiscal year's budget. No prior years' surplus funds from the entities were used to reduce the assessment. A summary of the District's proposed budget is shown below:

Entity	Mntce. Dist. 183 Budget FY 2014/15	Less Prior Years Surplus	Assessment FY 2014/15
City of Santa Clara (Convention Center) (formerly Redevelopment Agency)	$ 610,547.00	(0)	$ 610,547.00
Hyatt Regency Hotel	$ 281,823.00	(0)	$ 281,823.00
Equity Office (TECHMART)	$ 446,283.00	(0)	$ 446,283.00
TOTAL	**$ 1,338,653.00**	(0)	**$ 1,338,653.00**

The Resolution of Intention No. 14-8128, adopted by the City Council on May 6, 2014, set June 10, 2014 as the hearing date in which the Council will act upon the Director's Report, including any testimony by the parties liable to be assessed. Adoption of the attached resolution will assure the Director of Finance sufficient time to transmit the approved Director's Report and assessments to the County Assessor prior to the August 2014 deadline.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, OVERRULING ANY OTHER PROTESTS AND ORDERING THAT ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO THE SANTA CLARA CONVENTION CENTER COMPLEX MAINTENANCE DISTRICT NO. 183, AND APPROVING, CONFIRMING AND ADOPTING DIRECTOR'S REPORT FOR FISCAL YEAR 2014-15

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to the provisions of Chapter 16, Article II, Division 5.1 of the Santa Clara City Code ("City Code") on May 13, 1986, Council adopted Resolution No. 5068, "A Resolution of Intention to Form Santa Clara Convention Center Complex Maintenance District No. 183 and to Order that the Alternative Method for the Levy of Benefit Assessments be Made Applicable Thereto";

WHEREAS, after proceedings to that end duly held on June 3, 1986, the Council adopted Resolution No. 5081, "A Resolution of Intention to Order that the Alternative Method for the Levy of Benefit Assessments be Made Applicable to City of Santa Clara Convention Center Complex Maintenance District No. 183, Providing for Notice of Hearing Thereon, Approving Director's Report, and Providing for Notice of Hearing on Director's Report";

WHEREAS, pursuant to Resolution No. 13-8033 and Chapter 16, Article II, Division 5.1 of the City Code (now codified as Article VI of Chapter 16.10), the City Manager has caused to be prepared a budget for the costs and expenses of maintaining and operating within the City of Santa Clara Convention Center Complex Maintenance District No. 183 ("District") the local public improvements for the fiscal year 2014-15, including (a) the gross amount required for the costs and expenses of maintaining and operating the improvements; (b) the surplus balance available at the end of the preceding fiscal year for such purposes; (c) the amount, if any, to be

contributed to pay any part of the costs and expenses; (d) the amount, if any, to be repaid to the City for funds advanced by it to pay deficiencies which occurred in prior years; and (e) the balance of the amount necessary to pay the costs and expenses;

WHEREAS, pursuant to Resolution No. 14-8128 and the City Code, the Director of Public Works has made and filed with the City Clerk a written report ("Director's Report") for fiscal year 2014-15, which provides the basis for the levy of benefit assessments for the cost of maintenance and operation on all lots or parcels of property within the District, which the Director's Report sets forth the budget, the formula or formulae for the annual assessment levy, a description of each lot or parcel of property in the District, Assessor's Parcel Number or other description sufficient to identify the same, the amount of assessment to be levied for fiscal year 2014-15 against each lot or parcel of property, and such other information as will be necessary or useful in applying the formula or formulae;

WHEREAS, this Council duly considered the Director's Report and did approve each and every part thereof, and found that each and every part thereof was sufficient and that neither the Director's Report nor any part thereof required modification and ordered that the Director's Report shall be open to public inspection;

WHEREAS, Proposition 218 passed on November 5, 1996, added Articles XIIIC and XIIID to the State of California Constitution which requires property owners within the District to annually approve any assessment increase that is more than any previous assessment;

WHEREAS, procedures of approval required the preparation of a Director's Report on how the assessments were prepared and based;

WHEREAS, pursuant to Resolution No. 14-8128 and the provisions of the City Code, notice of hearing any and all protests in relation to the Report and any of the matters contained therein was given by causing notice of public hearing to be duly posted, published and mailed in the time, form and manner provided by the City Code, all as more particularly appears from the certificates and affidavits thereof on file in the office of the City Clerk of the City, whereupon the hearing on the Report was duly and regularly held at the time and place advertised in the notice and in Resolution No. 14-8128;

WHEREAS, the Director's Report, and public hearing meeting notice were timely provided to the entities within the District who are responsible for paying the assessments;

WHEREAS, procedures of approval require the preparation of a report on how the assessments were prepared and based, but this year a written ballot ("Ballot") need not be returned to the City Clerk's Office in order to determine the approval of the proposed assessment for the District because this year's assessment is not greater than the greatest previously approved assessment amount;

WHEREAS, persons interested, objecting thereto, filed written protests with the City at or before the time set for hearing, and all persons interested, desiring to be heard were given an opportunity to be heard and all matters and things pertaining thereto were fully heard and considered by the Council;

WHEREAS, the Council has remedied and corrected any errors or informalities in the Director's Report and has revised and corrected any of the acts or determinations of the various City officials as contained therein, and is fully informed of the contents;

WHEREAS, pursuant to said Resolution No. 14-8128 and the provisions of the City Code, notice of hearing any and all protests in relation to said Director's Report and any of the matters contained therein was given by causing notice of said hearing to be duly posted, published and mailed in the time, form and manner provided by the City Code, all as more particularly appears from the certificates and affidavits thereof on file in the office of the City Clerk of said City, whereupon the hearing on the Director's Report was duly and regularly held at the time and place advertised in said notice and in said Resolution No. 14-8128.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That a weighted vote, based on the assessment to each property, was not needed to approve the proposed annual assessments for said District because this year's assessment is less than the greatest previously approved assessment.

2. That all written protests, objections and other written communications were read at a noticed public hearing and all persons desiring to be heard were fully heard, and that all protest in relation to the alternative method for the levy of benefit assessment and said formula and said Director's Report be, and each of them are hereby, overruled in accordance with Article VI of Chapter 16.10 of the City Code.

3. That the Director's Report and each and every part thereof contained all the matters and things called for by Resolution No. 5081 and the City Code, including the budget, the formula or formulae for the annual assessment levy, Assessor's Parcel Number or other description sufficient to identify the same, the amount of the assessment to be levied against each lot or parcel of land in accordance with the formula or formulae, and such other information as will be necessary or useful in applying the formula adopted by the Council.

4. That the Director's Report and assessment roll, and each of the assessments therein as duly revised and corrected be, and they are hereby approved, confirmed and adopted.

5. That the special benefit assessments shall be levied and collected annually upon the last equalized secured and utility tax rolls upon which ad valorem property taxes are collected. They shall be in addition to all other ad valorem property taxes levied, and shall be collected together with, and not separate therefrom, and enforced in the same manner and by the same persons and at the same time and with the same penalties and interest as are ad valorem property taxes. All laws applicable to the collection and enforcement of the ad valorem property taxes shall be applicable to the special benefit assessment levy, and the assessed lot or parcel of property, if sold for taxes, shall be subject to redemption in the same manner as such real property is redeemed from the sale for ad valorem property taxes, and if not redeemed, shall in like manner pass to the purchaser.

6. That the Director's Report, together with a certified copy of this Resolution, shall forthwith be delivered to the Director of Finance of this City, who may thereafter deliver the Director's Report to the officer of the County of Santa Clara designated by law to extend ad valorem property taxes upon the tax roll. Proper County officer shall cause to be posted to the tax rolls, in a column provided therefor, the amount of each of the special benefit assessments proposed to be levied and collected for the fiscal year as set forth in the Director's Report as confirmed.

7. That the City Clerk shall forward a certified copy of this Resolution and Director's Report to the City Manager, Director of Public Works, and Director of Finance of this City and to the officer designated by law to extend ad valorem property taxes upon the tax roll on which they are collected.

8. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 10th DAY OF JUNE, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Director's Report

I:\MD #183 Convention Center\Assessments\2014\June\Resolution #183 6-10-14 for Council.doc

DIRECTOR'S REPORT

CITY OF SANTA CLARA

SANTA CLARA CONVENTION CENTER COMPLEX

MAINTENANCE DISTRICT NO. 183

FISCAL YEAR 2014-2015

4/28/14

COUNCIL APPROVAL JUNE 10, 2014

Rajeev Batra
Director of Public Works/City Engineer

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

I, Rajeev Batra, Director of Public Works/City Engineer of the City of Santa Clara, California, pursuant to the provisions of Section 16.10.490 of the Code of the City of Santa Clara, hereby make this report and following special benefit assessment to cover the cost and expenses of maintaining and operating the improvement within Santa Clara Convention Center Complex Maintenance District No. 183 of said City, including the costs and expenses incidental thereto, to be paid by said Maintenance District.

The amount to be paid therefore by said Maintenance District for the Fiscal Year 2014-2015 is as follows:

		As Preliminarily Approved
Maintenance and Operations	$	1,130,453
Permanent Parking Controls	$	3,000
Reserve for Dynamic Parking Controls	$	205,200
Exceptional Improvements	$	0
Funds Advanced by and to be Repaid to City	$	0
TOTAL COST	**$**	**1,338,653**
Less Amount of Surplus From Prior Years:		
Convention Center	$	0
Hyatt Corporation - A Delaware Limited Liability Corporation	$	0
Equity Office Techmart	$	0
Amount of Reserves:	$	0
Amount of Contribution:	$	0
BALANCE OF ASSESSMENT	**$**	**1,338,653**

And I do thereby assess and apportion the amount of said costs and expenses, including the cost and expenses incidental thereto, upon the several lots or parcels of property liable therefore and specially benefited thereby, in proportion to the benefits to be received by each lot or parcel of property, from the maintenance and operation thereof and more particularly set forth in the list hereto attached and by reference made a part hereof.

Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the assessor's maps of the County of Santa Clara for Effective Roll Year 2013/2014 to the right of the parcel numbers and include all of such parcel.

I hereby certify to the best of my professional knowledge and experience that each of the identified benefiting properties located within the District receives a special benefit over and above the benefits conferred to the public at large and that the amount of the assessment is proportional to the benefits specially received or enjoyed by each parcel or property within the District.

Dated: 5.27.14

Rajeev Batra

Rajeev Batra
Director of Public Works/City Engineer
City of Santa Clara

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 1. BUDGET

Category	Estimated Cost	Description Of Category
Maintenance and Operation	$ 1,130,453	Labor, materials, supplies and equipment to maintain and operate Maintenance District No. 183 including, but not limited to water, sewer, electrical and other utility costs, sweeping of parking lots, maintenance of pavement and sidewalks, pavement striping, signs, fountains, landscaping, storm drains, lighting, space frames, parking structure, bridges, other common improvements, City supervision and management of maintenance district, insurance, contingencies, and incidental expenses.
Permanent Parking Controls	$ 3,000	Labor, materials, supplies and equipment to maintain and operate fixed directional signs, electronic signs, automatic vehicle counting devices, cashiering stations, ticket printer, dispensers, card readers, cashier booths, including regularly scheduled parking attendants and guards.
Dynamic Parking Controls	$ 205,200	Labor, materials, supplies and equipment to maintain and operate movable barriers and barrier placement, special parking attendants and guards, implementation of adjustable gates, special directional signs, and implementation of electronic signs.
Exceptional Improvements	$ 0	Special improvement project benefiting special parcel.
Funds Advanced by and to be Repaid to City	$ 0	For deficits which occurred in prior years
TOTAL COST	**$ 1,338,653**	

Less	Amount of Surplus From Prior Years:		
	City of Santa Clara	$	0
	Hyatt Regency Hotel Santa Clara	$	0
	Equity Office Techmart	$	0
	Amount of Reserves:	$	0
	Amount of Contribution:	$	0
	BALANCE OF ASSESSMENT	**$**	**1,338,653**

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 2. PROPERTY OWNERS TO BE ASSESSED

Name & Address of Owner	Assessor's Parcel Number	As Finally Confirmed	As Preliminarily Approved
City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050 (Convention Center)	104-55-017	$	$ 610,547
Santa Clara Convention Center Hyatt Corporation, an Agent of Hyatt Equities, LLC, A Delaware Limited Liability Company dba Hyatt Regency Santa Clara Attention: Dania Duke - General Manager 5101 Great America Parkway Santa Clara, CA 95054 (408) 980-3901 (Hotel)	104-55-005 104-55-012	$	$ 281,823
Equity Office Techmart LLC Attention: Olga Ornelas, General Manager 10 Almaden Boulevard, Suite 535 San Jose, CA 95113 (408) 572-4406 (Techmart)	104-55-013	$	$ 446,283
TOTAL		**$**	**$ 1,338,653**

Also Send Copy of Director's Report To:

Hyatt Regency Santa Clara
Dania Duke, General Manager
5101 Great America Parkway
Santa Clara, CA 95054

Equity Office Techmart LLC
Michelle Mariscal, Sr. Property Manager
10 Almaden Boulevard, Suite 535
San Jose, CA 95113

Equity Office Techmart LLC
5201 Great America Parkway, Suite 226
Santa Clara, CA 95054

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 3. BUDGET/ASSESSMENT COMPARISON

	Budget For Fiscal Year 2013-2014			Budget For Fiscal Year 2014-2015		
	Total Assessment	Reduced By Proportion From Prior Year's Surplus	Net Assessment	Total Assessment	Reduced By Proportion From Prior Year's Surplus	Net Assessment
City of Santa Clara (Convention Center)	$ 604,555	$ 0	$ 604,555	$ 610,547	$ 0	$ 610,547
Hyatt Regency Hotel Santa Clara	$ 283,758	$ 0	$ 283,758	$ 281,823	$ 0	$ 281,823
Equity Office Techmart	$ 450,696	$ 0	$ 450,696	$ 446,283	$ 0	$ 446,283
TOTAL	**$ 1,339,009**	**$ 0**	**$ 1,339,009**	**$ 1,338,653**	**$ 0**	**$ 1,338,653**

SANTA CLARA CONVENTION CENTER COMPLEX
MAINTENANCE DISTRICT NO. 183
City of Santa Clara, California

SPECIAL BENEFIT ASSESSMENT for Fiscal Year 2014-2015

DIRECTOR'S REPORT

TABLE 4. FORMULA FOR ASSESSMENT LEVY

	Category	Estimated Expenditure	City of Santa Clara (Conv. Center)	Hyatt Regency Hotel Santa Clara	Equity Office Techmart
			39.64%	22.94%	37.42%
I.	Maintenance and Operations	$ 1,130,453	$ 448,112	$ 259,326	$ 423,015
			30.04%	22.12%	47.84%
II.	Permanent Parking Controls	$ 3,000	$ 901	$ 664	$ 1,435
			78.72%	10.64%	10.64%
III.	Dynamic Parking Controls	$ 205,200	$ 161,534	$ 21,833	$ 21,833
IV.	Exceptional Improvements	$ 0	$ 0	$ 0	$ 0
V.	Funds Advanced by/to be Repaid to City	$ 0	$ 0	$ 0	$ 0
VI.	Surplus Funds from Prior Year	$ 0	$ 0	$ 0	$ 0
	TOTAL ASSESSMENT	**$ 1,338,653**	**$ 610,547**	**$ 281,823**	**$ 446,283**

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING A RESOLUTION ORDERING THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO THE CITY OF SANTA CLARA CONVENTION CENTER COMPPLEX MAINTENANCE DISTRICT NO. 183 ...

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/14/2014

Dated at Santa Clara, California

This 14TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

CITY OF SANTA CLARA

NOTICE OF PUBLIC HEARING REGARDING A RESOLUTION ORDERING THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA CONVENTION CENTER COMPLEX MAINTENANCE DISTRICT NO. 183, AND APPROVING, CONFIRMING AND ADOPTING DIRECTOR'S REPORT FOR FY 2014/15

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting of June 10, 2014 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California, as the location, date, and time to conduct a public hearing to consider the passage of a resolution as follows:

"A RESOLUTION ORDERING THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA CONVENTION CENTER COMPLEX MAINTENANCE DISTRICT NO. 183, AND APPROVING, CONFIRMING AND ADOPTING DIRECTOR'S REPORT FOR FY 2014/15."

The purpose of the public hearing is to provide City staff with an opportunity to present the City Council and the public with information regarding the costs of operating and maintaining the Santa Clara Convention Center Complex Maintenance District No. 183 property and improvements. The City of Santa Clara, Equity Office Techmart LLC, and the Hyatt Corporation are the property owners and pay for these costs on a cost sharing formulae basis. Ballots from property owners or tenants must be received at the City Clerk's office no later than Tuesday, June 10, 2014 at 5:00 p.m. or at the time this matter is heard. The public may submit written comments prior to, or make oral presentations at, the public meeting.

A copy of the above Resolution and Director's Report will be made available for public inspection in the City Clerk's Office, City Hall, 1500 Warburton Avenue, Santa Clara, California and at the Central Park Library, 2635 Homestead Road, Santa Clara, California.

R. Diridon, Jr., City Clerk
City of Santa Clara

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-800-735-2929. Sign language interpretation, translation into languages other than English, and interpretation for persons with visual impairments are available. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency.

Pub.: 5/14/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 8C

Date: May 27, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: PUBLIC HEARING: Adoption of a Resolution Overruling Any Other Protests and Ordering that the Alternative Method for the Levy of Benefit Assessment be Made Applicable to the City of Santa Clara Parking Maintenance District No. 122 (PMD #122 - Franklin Square) and Approving, Confirming and Adopting the Director's Report for Fiscal Year 2014/15

EXECUTIVE SUMMARY:

A Parking Maintenance District No. 122 bounded by Benton Street, Homestead Road, Monroe Street, and Jackson Street (Franklin Square) was formed in 1965 to maintain parking lots, arcade, fountains, sidewalk, landscaping, irrigation, lights and utilities of this development. The City Council is required to annually determine how much of operation and maintenance costs the benefiting property owners are to pay based on costs to maintain the parking lots and common areas. In 2002, the Council passed a motion wherein, due to the benefit to the public and the City of the improvements, the City would increase its contribution to this assessment district and pay 100% (up from 25%) of the normal operation and maintenance costs. Additionally, the Council determined that the property owners would contribute annually $14,200, less accrued interest, to be used towards future major assessment district improvements and renovations.

On April 8, 2014, the City Council adopted Resolution No. 14-8124 related to the proposed maintenance assessments for Parking Maintenance District No.122. In addition, the resolution established June 10, 2014 as the date that City Council will hear testimony and act upon the attached Director's Report prepared by the Deputy Director of Public Works. The final recommended operations budget is $188,403.00. This total includes $33,621 for exceptional maintenance and repairs to remove and replace concrete walkways at various locations to eliminate tripping hazards and removal and replacement of asphalt concrete in the North Parking Lot.

Proposition 218 requires that written ballots be sent and returned if there are proposed increases greater than any previously approved assessments (which was $59,911). Since the proposed assessments of $12,056.00 ($14,200 minus $2,144.00 interest) for this fiscal year 2014-15 are less than the greatest previously approved assessments, no ballots and approvals are required from the property owners. A meeting was scheduled and held on May 14, 2014, for property owners and interested parties to discuss their assessment.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the continuation of the assessment will allow the Franklin Square common areas and parking lots to be maintained in a manner that will encourage on-going business in the area. Failure to approve the proposed assessment for the maintenance district could jeopardize the maintenance of the parking district areas.

ECONOMIC/FISCAL IMPACT:

The proposed 2014/15 fiscal year budget includes funds to pay for the proposed assessment. The City's portion of the cost is $154,782, which is about $1,000 greater than last fiscal year's total. The exceptional maintenance to the concrete walkways and North parking lot, which is $33,621, is funded by property owner assessments. The funding request for PMD No. 122 has been included in the proposed FY 2014-15 Operating Budget.

RECOMMENDATION:

That the Council open the public hearing, consider evidence and testimony, and adopt a resolution overruling any other protests and ordering that alternative method for the levy of benefit assessment be made applicable to the City of Santa Clara Parking Maintenance District No. 122 and approving, confirming and adopting the Director's Report for Fiscal Year 2014/15.

Rajeev Batra
Director of Public Works/City Engineer

Dave Staub
Deputy Director of Public Works

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

1) ***Adoption of a Resolution Overruling Any Other Protests and Ordering that the Alternative Method for the Levy of Benefit Assessment be Made Applicable to the City of Santa Clara Parking Maintenance District No. 122 (PMD #122 - Franklin Square)***
2) ***PMD No. 122 Director's Report for 2014/15***

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA, OVERRULING PROTESTS AND ORDERING THAT ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA PARKING MAINTENANCE DISTRICT NO. 122 AND APPROVING, CONFIRMING AND ADOPTING DIRECTOR'S REPORT FOR FISCAL YEAR 2014-15

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Chapter 16.10, Article VI, Sections 16.10.490 and 16.10.500 of the Santa Clara City Code ("City Code"), on April 18, 2000, Council adopted Resolution No. 7026, "A Resolution of Intention to Order that the Alternative Method for the Levy of Benefit Assessment be made Applicable to City of Santa Clara Parking Maintenance District No. 122, Providing for Notice of Hearing Thereon, Approving Director's Report and Providing for Notice of Hearing on Director's Report;"

WHEREAS, Council did declare in Resolution No. 7218 its intention to order that the amount necessary to pay the costs and expenses of the maintenance and operation of the public automobile parking places, covered pedestrian lanes and walkways, fountains and landscaping in the District be raised by an annual special benefit assessment apportioned according to benefits among the several lots or parcels of property within the City of Santa Clara Parking Maintenance District ("District") in accordance with the formula therefore, and more particularly set forth in the Resolution of Intention in accordance with and pursuant to the provision for the alternative method for the levy of benefit assessments in maintenance districts in City as provided in the City Code;

WHEREAS, Resolution No. 14-8124 provided that this Council shall, in addition to all other taxes, annually fix and levy a special assessment tax upon the real property (land and improvements) within the Parking Maintenance District as therein provided, sufficient to raise a determined amount of money to pay all or part of said costs of maintenance and operation;

WHEREAS, the Council shall decide whether or not the costs of maintenance and operation of public improvements shall be borne wholly or partially by the property owners within the Parking Maintenance District;

WHEREAS, the Director of Public Works/City Engineer ("Director") did cause a written report ("Report") to be prepared and filed with the City Clerk of the City, which provides the basis for the levy of benefit assessments for the cost and expenses of maintenance and operation on all lots or parcels of property within the District which the Report sets forth the amounts to be provided in the budget for maintenance and operation, a description of each lot or parcel of property by a legal description, assessor's parcel number or other description sufficient to identify the same, and the amount of the assessment to be levied for the fiscal year 2014-15 against each lot or parcel of property;

WHEREAS, by Resolution No. 14-8124, Council approved the Report and directed that the Report be open to public inspections;

WHEREAS, notice of hearing any and all protests in relation to the alternative method for the levy of benefit assessments and the formula and Report was given by causing a copy of the Resolution of Intention to be duly posted, published and mailed in the time, form and manner provided by in the Code all as more particularly appears from the certificates and affidavits thereof on file in the office of the City Clerk; whereupon the hearing thereon was duly and regularly held at the time and place advertised in the Resolution of Intention;

WHEREAS, Proposition 218 passed on November 5, 1996, added Articles XIIIC and XIIID to the State of California Constitution which requires the property owners within a Maintenance District to approve the continuation of the Maintenance District, and annually approve any increase in assessments;

WHEREAS, procedures of approval require the preparation of a report on how the assessments were prepared and based, but this year a written ballot pursuant to Proposition 218 need not be returned to the Director's Office in order to determine the approval of the proposed assessment for the Maintenance District because this year's assessment is not greater than the greatest previously approved assessment amount;

WHEREAS, all persons interested, desiring to be heard were given an opportunity to be heard and all matters and things pertaining thereto were fully heard and considered by the Council;

WHEREAS, the Council has remedied and corrected any errors or informalities in the Director's Report and has revised and corrected any of the acts or determinations of the various City officials as contained therein, and is fully informed of the contents;

WHEREAS, the Director's Report and public hearing meeting notice were sent out at least ten (10) days in advance of the public hearing to all property owners, and any tenants within said District who are responsible for paying said assessments;

WHEREAS, no other written protests were filed with the Director of said City at or before the time set for hearing, or prior to the close of hearing, and no persons desired to be heard on any matters related to the Maintenance District; and,

WHEREAS, said Council is fully informed in the matter.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That a weighted vote, based on the assessment to each property, was not needed to approve the proposed annual assessments for said District because this year's assessment is less than the greatest previously approved assessment.

2. That all objections and other written communications were read at a noticed public hearing and all persons desiring to be heard were fully heard, and that all protest in relation to the alternative method for the levy of benefit assessment and said formula and said Report be, and each of them are hereby overruled.

3. That the public interest and convenience require that the cost and expenses of acquiring, constructing, reconstructing, installing, extending, enlarging, repairing, improving, maintaining, and operating public automobile parking places, covered pedestrian lanes and walkways, fountains and landscaping therein now existing or hereafter to be constructed in and for the District and of benefit to the District, but not of benefit to the City as a whole, including the cost of necessary repairs, replacements, water, fuel, power, gas, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, and of all additions, improvements and enlargements thereto which may hereafter be made, be raised by an annual special benefit assessment in accordance with and pursuant to the provisions for the alternative method for the levy of benefit assessments in maintenance districts in said City as provided in Chapter 16.10, Article VI, of the Code on all lots or parcels of property within the District.

4. That the costs and expenses of maintaining and operating public improvements within the District shall annually be assessed either partly or wholly upon the several lots and parcels of property within the District benefited thereby by apportioning the costs and expenses according to benefits among the several lots or parcels of property within the District in accordance with the following formula:

> Each assessment shall be determined on the basis of the gross floor area of the building located upon the lot or parcel of property assessed.
>
> For the purposes of the formula herein, gross floor area shall mean that area computed from the outside dimensions of the building, including all and not excluding corridors and other design features, and aggregated for each additional story or mezzanine floor and any basement area.

5. That the formula for the apportionment of benefits in the annual assessment levies be, and it is hereby, finally approved, confirmed and adopted by this Council.

6. That the Director's Report and assessment roll, and each of the assessments therein as duly revised and corrected be, and they are hereby, approved, confirmed and adopted.

7. That the special benefit assessments shall be levied and collected annually upon the last equalized secured and utility tax rolls upon which ad valorem property taxes are collected. They shall be in addition to all other ad valorem property taxes levied, and shall be collected together with, and not separate therefrom, and enforced in the same manner and by the same person and at the same time and with the same penalties and interest as are said ad valorem property taxes. All laws applicable to the collection and enforcement of ad valorem property taxes shall be applicable to the special benefit assessment levy, and the assessed lot or parcel of property, if sold for taxes, shall be subject to redemption in the same manner as such real property is

redeemed from the sale for ad valorem property taxes, and if not redeemed, shall in like manner pass to the purchaser.

8. That the Report together with the certificate of the City Clerk as to the fact and date of approval, confirmation and adoption by this Council, shall forthwith be delivered to the Director of Finance of this City who shall thereafter deliver the Report to the officer of the County of Santa Clara designated by law to extend ad valorem property taxes upon the tax roll, and the proper County officer shall cause to be posted to the tax rolls, in the column provided therefor, the amount of each of the special benefit assessments proposed to be levied and collected for said fiscal year as set forth in said Report as confirmed.

9. That the City Clerk shall forward a certified copy of this Resolution to the Director of Finance of the City and to the officer designated by law to extend ad valorem property taxes upon the tax roll on which they are collected.

10. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

11. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2014, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. PMD No. 122 Director's Report

I:\STREET\MD #122\2014\JUNE\RESOLUTION #122 JUNE 14

DIRECTOR'S REPORT

CITY OF SANTA CLARA

PARKING DISTRICT NO. 122 MAINTENANCE DISTRICT

FISCAL YEAR 2014/15

4/28/14

COUNCIL APPROVAL JUNE 10, 2014

Rajeev Batra
Director of Public Works/City Engineer

ASSESSMENT FORMULA

Fiscal Year 2014/15
City of Santa Clara, California

Parking District No. 122 Maintenance District

The formula upon which the annual assessment levy, for the payment of the costs and expenses of maintaining and operating the improvements, and providing funds for future parking lots and associated walkways, exceptional maintenance and improvements, within Parking District No. 122 Maintenance District, including the costs and expenses incidental thereto, will be apportioned according to benefits among the several lots or parcels of property within the Maintenance District for the Fiscal Year 2014/15 is as follows:

- Costs and expenses are to be shared between the City and property owners as below:

  a. City and property owners shall share the operation and maintenance costs on a 100% / 0% basis.

  b. Property owners shall pay $14,200 annually, less interest from prior years' property owners operation and maintenance assessments as of June 30, 2002, to be kept in a fund to be used towards future exceptional maintenance and improvements of parking lots and associated walkways and appurtenances.

- Each assessment shall be determined on the basis of the gross floor area of the building located upon the lot or parcel of property assessed.

- For the purposes of the formula herein, gross floor area shall mean that area computed from the outside dimensions of the building and not excluding corridors and other design features and aggregated for each additional story or mezzanine floor and any basement area.

DIRECTOR'S REPORT

ASSESSMENT for Fiscal Year 2014/15 City of Santa Clara, California

Parking District No. 122 Maintenance District

I, Dave Staub, Deputy Director of Public Works for the City of Santa Clara, California, pursuant to the provisions of Section 16.10.490 of the Code of the City of Santa Clara, hereby make this report and following benefit assessment to cover the costs and expenses of maintaining and operating the improvement within Parking District No. 122 Maintenance District of said City, including the costs and expenses incidental thereto, to be paid by said Maintenance District.

The amount to be paid therefor by said Maintenance District for the Fiscal Year 2014/15 is as follows:

Expenditures	As Preliminarily Approved	**As Finally Confirmed**
Routine Maintenance & Operation	154,782	-0-
Exceptional Maintenance & Repairs	33,621	
TOTAL COST	**$188,403**	$
Funding for FY 2014/15 Expenditures		
Exceptional Maintenance & Improvement From Fund Balance Reserve	$ 33,621	$
Contribution from City General Fund (001)	$ 154,782	$
TOTAL	**$ 188,403**	**$**
Property Owner Assessment		
Owner's Annual Assessment	$ 14,200.00	
Less Accrued Interest of Owner's Fund Balance	[$ 2,144.00]	[$]
TOTAL NET ASSESSMENT *(Goes to Fund Balance Reserve)*	**$ 12,056.00**	

And I do hereby assess and apportion the amount said costs and expenses, including the costs and expenses incidental thereto, upon the several lots or parcels of property liable therefor and benefited thereby, in proportion to the benefits to be received by such lots or parcels of property, from the maintenance and operation thereof and more particularly set forth in the list hereto attached and by reference made a part hereof.

Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the assessor's maps of the County of Santa Clara for the Fiscal Year 2014/15 to the right of the parcel numbers and include all of such parcel.

Dated: 5.27.14

Rajeev Batra
Director of Public Works/City Engineer

BUDGET

Fiscal Year 2014/15
City of Santa Clara, California

Parking District No. 122 Maintenance District

Expenditures	As Preliminarily Approved	**As Finally Confirmed**	
Maintenance & Operation:	$154,782.00		Labor, materials, supplies, and equipment to maintain Parking Maintenance District No. 122 including, but not limited to water, sewer, and electrical costs, sweeping of parking lots and mall area, maintenance of pavement, striping, landscaping, mall fountains, City supervision (50% of labor and fringe benefits of Grounds Maintenance Worker II).
Exceptional Maintenance and Improvements of Parking Lots and Associated Walkways	$ 33,621.00		Remove and replace concrete walkways at various locations to eliminate tripping hazards and removal and replacement of asphalt concrete in the North Parking Lot.
TOTAL COST	**$188,403.00**		

Funding for FY 2014/15 Expenditure

Owner's Reserve for Exceptional Maintenance & Improvement Fund Balance:	[33,621.00]
Contribution from City General Fund (001):	[$154,782.00]
Owner's Annual Assessment	**$ 14,200.00**
Less Accrued Interest on Owners' Fund Balance:	[$2,144.00]
Total Net Assessment	**$ 12,056.00**

ASSESSMENT

Fiscal Year 2014/15
City of Santa Clara, California

Parking District No. 122 Maintenance District

Name & Address of Owner	*Assessor's Parcel Number*	*(2) As Finally Confirmed*	*(1) As Preliminarily Approved*	*Gross Floor Area (sq. ft.)*	*% of Total Floor Area*
Santa Teresa Village LLC 909 Monroe St Santa Clara, Ca 95050	269-22-111	$	$ 2,520.55	13,305.22	20.907
Ramiro Hermosillo Trust 3121 Riddle Rd. San Jose, CA 95117	269-22-110	$	$ 1,332.55	7,034.13	11.053
John C. & Catherine E. De Martini, Trustee 1951 Golden Way Mountain View, CA 94040	269-22-108	$	$ 1,612.85	8,513.76	13.378
Joanne B. DeLozier, Trustee 796 N. Henry Ave. San Jose, CA 95117	269-22-098	$	$ 1,410.55	7,445.88	11.700
John K & Christine A Frey, Trustee 4221 Five Mile Drive Stockton, CA 95219	269-22-103	$	$ 262.82	1,387.35	2.180
Cheuk-Sang & May-Yee W. Chan, Trustee 3114 Provo Court San Jose, CA 95127	269-22-102	$	$ 151.67	800.59	1.258
Ross L. Peterson/Lorraine V. Freitas 875 Russet Drive Sunnyvale, CA 94087	269-22-105	$	$ 379.64	2,004.02	3.149

ASSESSMENT

Fiscal Year 2014/15
City of Santa Clara, California

Parking District No. 122 Maintenance District

Name & Address of Owner	*Assessor's Parcel Number*	*(2) As Finally Confirmed*	*(1) As Preliminarily Approved*	*Gross Floor Area (sq. ft.)*	*% of Total Floor Area*
Helen A. Freitas Trustee 1922 De La Pena Avenue Santa Clara, CA 95050	269-22-104	$	$ 315.38	1,664.82	2.616
Gillmor Properties LLC 1201 Franklin Mall Santa Clara, CA 95050	269-22-113	$	$ 407.62	2,151.67	3.381
James T. Ruffo 1291 Franklin Mall Santa Clara, CA 95050	269-22-106	$	$1,510.98	7,976.00	12.533
Giovanni & Raffaella Vitarelli, Trustee 925 Circle Drive Santa Clara, CA 95050	269-22-101	$	$ 417.74	2,205.13	3.465
Giovanni & Raffaella Vitarelli, Trustee 925 Circle Drive Santa Clara, CA 95050	269-22-100	$	$ 233.65	1,233.34	1.938
Gillmor Properties LLC 1201 Franklin Mall Santa Clara, CA 95050	269-22-115	$	$1,141.58	6,026.07	9.469
Gillmor Properties LLC 1201 Franklin Mall Santa Clara, CA 95050	269-22-114	$	$ 358.42	1,892.02	2.973
TOTAL		**$**	**$12,056.00**	**63,640.00**	**100**

I, the City Clerk of the City of Santa Clara, hereby certify that the foregoing assessment in the amount set forth in Column (1) was filed with me on _____, 2014.

_____
Rod Diridon, Jr., City Clerk
City of Santa Clara

I, the City Clerk of the City of Santa Clara, hereby certify that the foregoing assessment in the amounts set forth in Column (2) unless Column (2) is blank, in which event the amounts in Column (1) apply, was approved and confirmed by the City Council of said City on _____, 2014.

_____
Rod Diridon, Jr., City Clerk
City of Santa Clara

I, the County Auditor of the County of Santa Clara, hereby certify that the foregoing assessment was filed in my office on _____, 2014.

_____
County Auditor, County of Santa Clara

PROOF OF PUBLICATION

Santa Clara Weekly

P.O. Box 580, Santa Clara, California 95052

IN THE
City of Santa Clara,
State of California,
County of Santa Clara

CITY OF SANTA CLARA NOTICE OF PUBLIC HEARING REGARDING A RESOLUTION ON THE LEVY OF BENEFIT ASSESSMENTS APPLICABLE TO THE SANTA CLARA PARKING MAINTENANCE DISTRICT NO. 122 ...

State of California,
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expessing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

Pub: 5/14/2014

Dated at Santa Clara, California

This 14TH day of MAY, 2014

I declared under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

CITY OF SANTA CLARA

NOTICE OF PUBLIC HEARING REGARDING A RESOLUTION ON THE LEVY OF BENEFIT ASSESSMENTS APPLICABLE TO THE SANTA CLARA PARKING MAINTENANCE DISTRICT NO. 122, AND APPROVAL OF DIRECTOR'S REPORT FOR SAME FOR FISCAL YEAR 2014/15

NOTICE IS HEREBY GIVEN that the City Council of the City of Santa Clara has determined and fixed its regularly scheduled meeting on June 10, 2014 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the City Hall Council Chambers, 1500 Warburton Avenue, Santa Clara, California, as the location, date, and time to conduct a public hearing to consider the passage of a resolution as follows:

"A RESOLUTION OF INTENTION TO ORDER THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO SANTA CLARA PARKING MAINTENANCE DISTRICT NO. 122, PROVIDING FOR NOTICE OF HEARING THEREON, APPROVING DIRECTOR'S REPORT, AND PROVIDING FOR NOTICE OF HEARING ON DIRECTOR'S REPORT FOR FISCAL YEAR 2014/15."

The purpose of the public hearing is to provide City staff with an opportunity to present the City Council and the public with information concerning the proposed assessments ($12,056 total) to the property owners, and potentially several tenants, to pay towards maintenance repairs of the parking lot and associated walkways the allocation of $33,621 from the Property Owner's Reserve for Maintenance to restain the plaza sidewalk, and the proposed determination of the City to pay all of the remaining costs ($154,782) for routine maintenance and operation of the property and improvements of the Santa Clara Parking Maintenance District No. 122. A total of twelve property owners and potentially several tenants pay for the assessments. The public may submit written comments prior to, or make oral presentations, at the public meeting.

A copy of the above Resolution and Director's Report will be made available for public inspection in the City Clerk's Office, City Hall, 1500 Warburton Avenue, Santa Clara, California and at the Central Park Library, 2635 Homestead Road, Santa Clara, California.

Rod Diridon, Jr., City Clerk
City of Santa Clara

The public hearing location is accessible by wheelchair and public transportation. People with impaired speech or hearing may call (408) 615-2490 through 711 the nationwide Telecommunications Relay Service. The California Relay Service can also be reached in Spanish for both TDD and voice at 1-800-955-3000. Sign language interpretation, translation into languages other than English, and interpretation for persons with visual impairments are available. If you need sign or other interpretation, please call (408) 615-2490 at least one week in advance of the hearing. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure access for all individuals with a disability or with limited English proficiency.

Pub.: 5/14/2014

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 9A

Santa Clara All-America City 2001

Date: May 27, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer

Subject: Award of Contract: Santa Clara Various Streets and Roads Preservation Project for Benton Street, Los Padres Boulevard, and Lincoln Street (CE 13-14-04)

Contractor: Granite Construction Company

Address: 585 W. Beach Street
Watsonville, CA 95076

Bid Amount: $1,689,382.80

EXECUTIVE SUMMARY:

The Santa Clara Various Streets and Roads Preservation (Project) consists of rehabilitating approximately one and a half (1.5) miles of City streets on the following street segments: Benton Street from Kiely Boulevard to Blackfield Drive; Los Padres Boulevard from El Camino Real to Benton Street; and Lincoln Street from El Camino Real to Homestead Road. Street rehabilitation includes asphalt concrete (AC) reconstruction, AC failure repair, installation of pavement reinforcing grids, adjustment of utility covers, replacement of impacted traffic signal loop detectors and concrete valley gutters, concrete bridge deck sealing, installation of thermoplastic striping, pavement markings and raised pavement markers, and other necessary work to complete the Project.

On May 21, 2014, bids were opened for construction of the Project. Six (6) bids were received ranging from $1,689,382.80 to $ 1,998,759.15 (see bid summary below). The lowest bid of $ 1,689,382.80 submitted by Granite Construction Company is 11.9% below the Engineer's Estimate of $1,917,020.00. The bid was reviewed for compliance with the terms and conditions of the Bid Documents and any necessary minor corrections were made. Granite Construction Company has been determined to be the lowest responsive and responsible bidder, therefore, staff recommends awarding the contract.

BID SUMMARY	**Bid Opening: May 21, 2014**	
ENGINEER'S ESTIMATE:	**$1,917,020.00**	
Contractor	**Total Bid**	**Percentage above/below Engineer's Estimate**
Granite Construction Company	$1,689,382.80	11.9% below
O'Grady Paving, Inc.	$1,730,205.40	9.7% below
Goodfellow Top Grade Construction, LLC	$1,763,415.00	8.0% below
RGW Construction, Inc.	$1,778,494.40	7.2% below
Teichert Construction	$1,904,882.40	0.6% below
Ghilotti Construction Company	$1,988,759.15	4.3% above

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The award of contract will allow the construction to proceed on schedule and meet the federal grant timeline. Street rehabilitation will extend the useful life of said streets and improve their riding quality. A disadvantage may be the inconvenience to the public during construction.

ECONOMIC/FISCAL IMPACT:

The cost of the contract is $1,689,382.80 plus 10% for any potential change orders in the amount not-to-exceed $169,000 for a total cost of $1,858,382.80. Funding for this Project is available in the Santa Clara Various Streets and Roads Preservation Project (533-4443-80300-1371-(G)STP14), the Annual Street Maintenance Rehabilitation Project (522-4443-80300-1468), Distribution System Replacement/Restoration (592-4463-80300-7054), and Miscellaneous Sewer Improvements (594-4463-80300-1904) accounts. The Project obtained a federal grant funding through the Federal Surface Transportation Program (STP) Grant of up to $1,891,000. Federal pro rata share would cover approximately 88% of the total participating cost while the remaining cost will be provided through City local matching funds per Federal requirements. The City will be reimbursed up to the legal pro rata of the obligated federal funds once construction is complete. The City's local matching fund is available through Gas Tax funds. Since funding sources for the construction of the Project are Federal Grant and non-General Fund accounts, there is no impact to the General Fund. There is no additional cost to the City.

RECOMMENDATION:

That the Council:

1. Award the Public Works Contract for the Santa Clara Various Streets and Roads Preservation Project (CE 13-14-04) to Granite Construction Company in the amount of $1,689,382.80; and,
2. Authorize the City Manager to approve and execute change orders up to approximately 10% of the original contract price, or $169,000, for a total amount not to exceed amount of $1,858,382.80.

Rajeev Batra

Rajeev Batra
Director of Public Works/City Engineer

Certified as to Availability of Funds:

533-4443-80300-1371-[G]STP14	$ 1,582,565.20
522-4443-80300-1468	$ 250,407.60
592-4463-80300-7054	$ 13,282.50
594-4463-80300-1904	$ 12,127.50

for Gary Ameling
Director of Finance/Assistant City Manager

APPROVED:

for Julio J. Fuentes
City Manager

MAJORITY VOTE OF COUNCIL

Documents related to this Report: None.

6/10/14

10A

MINUTES OF THE REGULAR MEETING
OF THE SENIOR ADVISORY COMMISSION
March 24, 2014

COMMISSIONERS PRESENT:	Wanda Buck, Dwight Collins, ArLyne Diamond, Samuel Orme, Alice Pivacek
COMMISSIONERS ABSENT:	Bobbie Estrada and Frank Kadlecek
STAFF PRESENT:	Phil Orr, Recreation Supervisor-Senior Center Morgan Pershing, Reference Librarian II Patricia Lord, Recreation Manager
GUESTS:	None

MATTERS FOR COUNCIL ACTION –Recommend that the Senior Center advertise and promote speakers of interest to the senior community before the monthly Commission meetings.

I. CALL TO ORDER - The meeting was called to order by Chair Pivacek.

II. ROLL CALL – Commissioners Estrada and Kadlecek were excused.

III. MINUTES OF THE February 24, 2014 MEETING –The meeting minutes were approved as written.

IV. APPROVAL OF THE ORDER OF THE MEETING AGENDA – On a motion made by Commissioner Buck and seconded by Commissioner Collins the agenda was approved as written.

V. CORRESPONDENCE/COMMUNICATIONS – None

VI. COMMISSIONER'S REPORTS:

A. Chair's Report: No Report

B. Sourcewise (COA): Commissioner Collins reported that the last meeting was a class in conducting an effective meeting.

C. California Senior Legislature (CSL): Commissioner Collins reported on the status on the reauthorization of the Older American Act.

D. Volunteer/Communication: No report.

E. Organizations Serving Santa Clara Seniors: Commissioner Buck reported that the Santa Clara Women's League raised $12,000 from Showtime and that Project Sentinel is a resource to the public for resolving housing related concerns.

F. Nutrition/Dining: No report

G. Seniors and the Arts in Santa Clara/Transportation: Commissioner Diamond asked if the Senior Center could invite those who are running for public office to speak at the Senior Center. Phil Orr will follow up.

H. Healthy Seniors: No report

I. Social Services: Commissioner Orme advised that Santa Clara University Associate Professor of Psychology Patti Simone, Ph.D. will speak to the Senior Advisory Commission at their June 2014 meeting on the topic of memory. On a motion made by Commissioner Orme and seconded by Commissioner Diamond, the Commission recommends to Council that the Senior Center advertise and promote speakers of interest to the senior community before monthly Commission meetings. Commissioner Orme recommends the book Successful Aging by Rowe and Kahn.

VII. STAFF REPORTS:

A. Phil Orr announced the following: the City has partnered with Assembly member Bob Wieckowski to offer a Senior Scam Stoppers seminar on April 5 at the Senior Center, the City has partnered with multiple community service organizations to offer an Easter Egg Hunt on April 19 in Central Park, the City has partnered with Santa Clara Rotary to offer the Silicon Valley BBQ Championship on June 27 & 28th in Central Park.

B. Morgan Persing provided hand outs for upcoming internet classes and money smart week.

VIII. OLD BUSINESS: None

IX. NEW BUSINESS: None

X. PUBLIC PRESENTATIONS: None

XI. CONFERENCE AND TRAVEL AB1234: None

There being no further business the meeting was adjourned. The next regular meeting is scheduled for April 28, 2014 at 10:00 a.m. at the Santa Clara Senior Center, Room 232.

Prepared by:

DWIGHT COLLINS
Secretary

JAMES TEIXEIRA
Director of Parks and Recreation

I:\Senior Center\Senior Advisory Commission\Minutes\2014\SAC March 24, 2014.DRAFT.docx

6/10/14

10B

CITY OF SANTA CLARA
CIVIL SERVICE COMMISSION
SUMMARY OF MINUTES

May 12, 2014 at 7:00 PM
City Council Chambers, City Hall
1500 Warburton Avenue
Santa Clara, California

Present: Commissioners Mario Bouza, Brian Doyle, Kim Kristalyn, Fran Palacio and Beverly Silva; Tina Murphy, Assistant Director of Human Resources; and Sheila Ivers, Recording Secretary.

Recommendation for Council Action:

A) Approve the Modified Job Specification for Staff Analyst II

I. ROUTINE ITEMS

A. CALL TO ORDER - PLEDGE OF ALLEGIANCE
Chairperson Silva called the meeting to order at 7:00 p.m., and led the meeting in the Pledge of Allegiance.

B. MINUTES of March 10, 2014 Civil Service Commission meeting
There being no comment or objection, the minutes of the March 10, 2014 Civil Service Commission meeting were adopted.

C. CHANGE OF STATUS REPORT for March and April, 2014

D. CURRENT RECRUITMENT ACTIVITY REPORT for March and April, 2014

E. EXAMINATION REPORT for March and April, 2014
Ms. Tina Murphy, Assistant Director of Human Resources, stated that in April, Commissioner Doyle reviewed the oral examination for Permit Technician. Commissioner Silva reviewed the oral examination for Librarian II, as well as the oral and performance examinations for Equipment Operator. In all cases, the examinations were found to be job-related and appropriate.
MOTION by Commissioner Kristalyn, seconded by Commissioner Bouza, to **NOTE AND FILE Items I-C, I-D, and I-E.**
MOTION carried, 5-0.

II. UNFINISHED BUSINESS - None

III. NEW BUSINESS

A. <u>CONSIDER REQUEST</u> to Extend Eligible List for Office Specialist II
MOTION by Commissioner Kristalyn, seconded by Commissioner Bouza, **to APPROVE the extension of the eligible list for Office Specialist II by six months to December 6, 2014.**
MOTION carried, 5-0.

B. <u>CONSIDER REQUEST</u> to Approve Modified Job Specification for Staff Analyst II
MOTION by Commissioner Bouza, seconded by Commissioner Kristalyn, **to APPROVE the modified job specification for Staff Analyst II.**
MOTION carried 5-0.

C. <u>CONSIDER REQUEST</u> to Establish Dates for the Appeal of Disciplinary Action
MOTION by Commissioner Doyle, seconded by Commissioner Kristalyn, **to ESTABLISH October 20th and 21st, 2014 as dates for a Board of Review to be held regarding a disciplinary action.**
MOTION carried, 5-0.

IV. INFORMATIONAL ITEMS

A. Ms. Murphy spoke briefly regarding the opening on the Civil Service Commission, and went over the dates that the paperwork is due. She encouraged the Commission to recommend the open position to any qualified residents of Santa Clara. She also informed the Commission that a new Boards and Commissions website for the City of Santa Clara has been launched.

B. <u>Budget Memo</u> 2014-15: Ms. Murphy explained the City Manager's budget memo and the constraints the City may be under in the next fiscal year.

V. REPORTS OF COMMISSIONERS - None

VI. ORAL COMMUNICATIONS –

Ms. Murphy noted that this was Chairperson Silva's last Commission meeting, and she thanked her for her service to the City of Santa Clara.

VII. ADJOURNMENT

MOTION by Commissioner Kristalyn, seconded by Commissioner Bouza, **to ADJOURN the meeting at 7:15 p.m., until the next regularly scheduled meeting of the Civil Service Commission at 7:00 p.m. on Monday, July 14, 2014.**
MOTION carried, 5-0.

Proposed May, 2014
Approved August, 2001

CITY OF SANTA CLARA, CALIFORNIA
STAFF ANALYST II
(797)

EDUCATION AND EXPERIENCE
Minimum Qualifications:

- Graduation from an accredited college or university with a Bachelor's Degree in Urban Planning, Public Administration, Business Administration, or a related area
- Four (4) years of progressively responsible professional experience which has included research, policy analysis, grants administration, human services programs, planning, community development, public administration, or business administration

Possible Substitutions:

- A Master's Degree from an accredited college or university in one of the above fields may be substituted for one year of the required professional experience

LICENSE
Possession of a valid California Class C driver's license is required at the time of appointment and for the duration of employment

DISTINGUISHING CHARACTERISTICS
The Staff Analyst II in the Planning and Inspection Department is responsible for an advanced level of program analysis and administrative duties in support of community development, human services, housing, and federal/state grant activities.

TYPICAL DUTIES
Duties may include, but are not limited to, the following:

Under general supervision:

- Participates in the development and implementation of the City's planning policies
- Performs administrative duties related to all facets of the Housing and Community Services Division programs
- Maintains liaison with governmental agencies, commissions and committees, citizen groups, public service agencies, program applicants, and the general public
- Prepares necessary reports including program planning, performance, and evaluation
- Develops and assists with the preparation and negotiation of contracts and budgets for development projects and human service programs
- Monitors performance by contractors to development and service agreements
- Makes recommendations for improved delivery of capital improvements and services
- Reviews and analyzes payment requests based on performance accomplishments
- Monitors compliance of City, sub-grantees, and contractors to applicable federal and state regulations

- Prepares various presentations, policies and procedures, reports, and correspondence including status reports, project issue reports, and City Council agenda reports
- Coordinates the provision of financial assistance to property owners and preparation of loan packages
- Maintains financial records and budgets
- Prepares appropriate correspondence, applications, and reports
- Performs a variety of financial and budgetary analysis for the development of long term policy and fiscal impacts, and makes recommendations based on findings
- Assists with developing policies and procedures relative to housing and human service programs
- Completes applications for state and federal grants
- Performs environmental review of programs and projects in compliance with federal environmental regulations
- Compiles performance data and prepares drafts of reports to the City Manager and grantors
- Performs necessary duties to implement community oriented programs as directed
- May supervise clerical or administrative support staff
- Performs other related duties as assigned

KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Principles and practices of public administration
- Techniques used in working with different individuals and citizen groups
- Municipal organization, policies, and functions
- Federal, state, and local regulations dealing with grant administration, development of housing, capital improvements, and neighborhood conservation
- Municipal and private sector financing and financial institutions
- Federal grants management
- Interpretation and presentation of statistical information
- Computer applications, databases, and spreadsheets
- Computer programs commonly used by the City, such as Windows Office
- Financial accounting, analysis of complex governmental instructions, regulations, and legislation
- Basic principles and practices of supervision

Ability to:

- Be resourceful
- Work independently with minimal supervision
- Effectively handle multiple priorities, organize workload and meet strict deadlines
- Use persuasion in dealing with individuals and groups with varied backgrounds
- Prepare clear and concise reports
- Speak publicly and explain City practices and objectives to diverse populations, including public and private agencies, organizations, and individuals
- Communicate effectively, both orally and in writing
- Interpret and apply legal requirements with application to local, state, and federal programs

- Use moderately complex or specialized computer applications such as online Federal databases
- Prepare comprehensive reports, proposals, and written materials of an analytical, technical, and evaluative nature
- Analyze new and revised statutes and proposed legislation to determine effects on City programs and department, as well as their impact on the community and community groups
- Assume responsibility for planning activities on multiple, diverse, and complex projects
- Deal tactfully and courteously with others
- Establish and maintain effective working relationships with those contacted in the course of work, including coworkers, supervisors, and the general public
- Work in a team-based environment and achieve common goals
- Supervise others, prioritize and assign work, and ensure appropriate training
- Walk or stand for extended periods of time
- Bend, stoop, reach, carry, crawl, climb and lift as necessary to perform assigned duties

SUPERVISION RECEIVED

Works under the general supervision of the Housing and Community Services Division Manager or others as assigned.

SUPERVISION EXERCISED

Assists in the supervision and training of the Staff Analyst I and administrative support staff when assigned.

OTHER REQUIREMENTS

Must be able to perform all of the essential functions of the job assignment.

CONFLICT OF INTEREST

Incumbents in this position are required to file a Conflict of Interest statement upon assuming office, annually, and upon leaving office, in accordance with City Manager Directive 100.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 13A

Date: June 10, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Request to Accept Donation from South of Forest Neighborhood Association (SOFNA) and Contributors for Parkway Park Pathway Improvement

EXECUTIVE SUMMARY:

Parkway Park pathway improvement and beautification is underway. The South of Forest Neighborhood Association (SOFNA) and over 31 contributors (list attached) have offered to donate $2,448.64 for the purchase of aggregate, decomposed granite, wood borders, and plant material to be installed at Parkway Park.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of this donation will provide $2,448.64 to purchase aggregate, decomposed granite, wood borders, and plant material to be installed at Parkway Park.

ECONOMIC/FISCAL IMPACT:

Approval of this donation will provide $2,448.64 to purchase aggregate, decomposed granite, wood borders, and plant material to be installed at Parkway Park donation account number 532-1132-59650-3001.

RECOMMENDATION:

That the Council:

1. Approve and accept a donation of $2,448.64 from SOFNA (532-1132-59650-3001); and,
2. Approve appropriation of $2,448.64 for the proposed improvement to Parkway Park pathway (532-1132-80300-3001) and,
3. Authorize the transmittal of a letter of appreciation signed by the Mayor and City Manager.

James Teixeira

James F. Teixeira
Director of Parks & Recreation

Certified as to Budget Form

Angela Kraetsch

for Gary Ameling
Director of Finance/
Assistant City Manager

APPROVED:

Julio J. Fuentes

Julio J. Fuentes
City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:

1. ***List of Donors***

I:\Parks\Agendas\Donation\2014\SOFNA Donation Parkway Park Pathway 14.doc

Donors from South of Forest Neighborhood Association and Contributors

Anne and Roberto Lino
Theodore and Maria Coughlin
Debbie Benovitz
Roland Schulz
Stephanie Shih
Royanna Loeffler Gazlay
Margaret Muench
Hermann Luechinger
Michael and Bonnie O'Halloran
Gaudelio and Zenaida Lacuesta
Bob and Joyce Linn
JoAnn McGowan
Leonore Lopes and Family
Joanne Anderson
Kent and Charleen Madill
Mitzi Suekawa
Louis and Rosemary Cabania
Dominic J. Caserta
Catherine Joy Haas
Erika C. Begovich
Arline Norsworthy
Cindy Baldanzi
Michelle Purviance
Chris Quenelle
Elizabeth Sedic
Nicole Purviance
Tracie Johnson
Susanna Ward
Kenneth Brady Jr.
Tony & Alba's Pizza and Pasta
Dave and Barbara Stealey
Fanny Lou Heiden
Nishiyamato Educational Center

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 13B

Date: May 5, 2014

To: City Manager for Council Action

From: Director of Public Works/City Engineer
Director of Water and Sewer Utilities

Subject: The Alameda (Mission St. – Hilmar St.) Parking Improvements Project (CE 12-13-07)
Change Order No. 1
Contractor: Wattis Construction Company Net Increase: $36,111.83

EXECUTIVE SUMMARY:

The Alameda (Mission St. – Hilmar St.) Parking Improvements Project increased parking near the commercial businesses along the Alameda near El Camino Real. Approximately 20 additional car parking spaces (plus two motorcycle spaces) were added using diagonal on-street parking and by creating a small parking lot in the former median island.

The project is substantially complete. This change order is recommended to provide payment for additional services in two areas. The first provides payment for additional area landscaping. In addition, the Contractor removed unsuitable soil and filled the planting area with quality topsoil. This made the planting areas level with adjacent sidewalks, thus eliminating a potential tripping hazard.

The second item will provide payment for unforeseen modifications to several water services running through the work zone. These extremely old water lines required special treatment and replacement parts in order to be relocated to fit the new configuration of the area.

The total value of the two items of this change order exceeds the 10% contingency amount. The Water Department has agreed to contribute an additional $5,000.00, beyond their original contribution to the project, to cover the unexpected water work.

The Council is being asked to approve the $5,000.00 increase in funding for the project and to approve the actual change order to allow for payment for the work.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the funding will allow the Project to be finalized. The additional cost to the Project will be funded by the Water and Sewer Utility Department.

ECONOMIC/FISCAL IMPACT:

The City Council has authorized the City Manager to execute change orders up to 10%, or $34,500.00, of the contract costs for The Alameda Parking Improvements Project (CE 12-13-07). This change order exceeds this contingency amount and the City Council is requested to appropriate an additional $5,000.00 from a Water Department account to cover the additional water work and provide sufficient funds to cover the cost of this change order.

	Change Order No.	Total Value	% of Total Project Cost
Previous Change Orders	NA	0	0
This Change Order for Council Approval	1	$36,111.83	10.5%

Funds for this change order are available in Parking Improvements on the Alameda (522-4443-80300-1469) and Distribution System Replacement/Restoration (592-1423-80300-7054).

RECOMMENDATION:

That the Council:

1. Approve a $5,000.00 increase in funding for The Alameda (Mission Street – Hilmar Street) Parking Improvements Project (CE 12-13-07); and
2. Authorize the City Manager to execute Change Order No. 1 with Wattis Construction Company for a net increase of $36,111.83 for The Alameda (Mission Street – Hilmar Street) Parking Improvements Project (CE 12-13-07) to allow construction of additional Water facilities and installation of planting soil in the area of the Project.

Rajeev Batra
Director of Public Works/City Engineer

Christopher L. de Groot
Director of Water and Sewer Utilities

Certified as to Availability of Funds:

522-4443-80300-1469	$31,111.83
592-1423-80300-7054	$5,000.00

APPROVED:

Julio J. Fuentes
City Manager

Gary Ameling
Director of Finance

FIVE COUNCIL VOTES

Documents Related to This Report:
1) Change Order No. 1

I:\ENGINEERING\Draft\WP\Agenda\CE121307 CO1 AGN.doc

PUBLIC WORKS CONTRACT CHANGE ORDER No. 1

(Per City of Santa Clara Public Works Agreement)

This Change Order is issued after the Effective date of the Agreement and modifies the terms of the Agreement. It is signed by Contractor, Architect/Engineer and Owner and authorizes the addition(s), deletion(s) or revision(s) in the Work described in the Agreement and/or provides for an adjustment in the Contract Price and/or the Contract Times included in the Agreement.

PROJECT NAME: **The Alameda (Mission St. – Hilmar St.) Parking Improvements Project**
CITY CONTRACT NO. **CE 12-13-07**
ORIGINAL CONTRACT PRICE: **$344,520.00**

OWNER: **CITY OF SANTA CLARA, CALIFORNIA**
CONTRACTOR: **Wattis Construction Company**

Contractor agrees to make the following changes in the Contract Work and/or Contract Times:
Description of Changes to be Made:

Added Item	(Date)	Description	Qnty.	Unit	Unit Price	Price
31	01/07/14	Removal and Dispose of 18" of Existing Top Soil in Planter Areas, Provide and Place New Planting Soil in Planter Areas	1	LS	$26,749.56	$26,749.56
32	11/18/13	Locate and Remove Tees from Water Main Line, Repair Water Line, Install 2-2" New Water Services	1	LS	$9,362.27	$9,362.27

Items 31 to 32 above covers all costs associated with extra work to prepare various planting areas, provide and install new planting soils, and haul away undesirable materials.

The 30-working day are added to address all additional work and weather issues for this project.

The above price covers all costs for the Work described in the referenced Proposed Change Order.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Net Change This Change Order:	Net Change in Contract Time Per This Change Order:
$ 36,111.83	**30 -Working Days**

PUBLIC WORKS CONTRACT CHANGE ORDER No. 1

(Per City of Santa Clara Public Works Agreement)

PROJECT NAME:	**The Alameda (Mission St. – Hilmar St.) Parking Improvements Project**
CITY CONTRACT NO.	**CE 12-13-07**
ORIGINAL CONTRACT PRICE:	**$344,520.00**

OWNER: **CITY OF SANTA CLARA, CALIFORNIA**
CONTRACTOR: **Wattis Construction Company**

CHANGE IN CONTRACT PRICE:	**CHANGE IN CONTRACT TIMES:**
Net Change This Change Order:	Net Change in Contract Time Per This Change Order:
$ 36,111.83	**30-Days**

The Parties to this negotiated Contract modification ("Change Order") acknowledge and agree that this Change Order amends the Contract between the City and Contractor which changes the Contract Documents to adjust the Contract Price, Contract Time, or both. A significant element of the consideration between the Parties which formed the basis for this Change Order is that it includes all of the costs related to the change in the Scope of Work to be performed by the Contractor. As an integral part of the consideration for this Change Order, any Work performed or to be performed as a result of this Change Order, any direct or indirect costs (including, but not limited to, any and all home office overhead, special overhead, delay costs, costs incurred due to lost efficiency or contract delays of any kind) has been included in the Description of Changes to be Made, above. The Parties agree that all other terms and conditions included in the Contract Documents and all previous Change Orders which have not been addressed in this Change Order shall remain unchanged and continue in full force and effect.

ENGINEER	**CONTRACTOR**	**CITY OF SANTA CLARA**
Recommended:	**Accepted and Agreed:**	**Approved:**
By: _____	By: _____	By: _____
	Contractor (Authorized Signature)	City Manager
Date: 5/9/14	CYNTHIA L. McMILLEN (Write Name)	Attest: _____ City Clerk
DEPARTMENT HEAD		
Recommended:		Date: _____ The Effective Date of this Change Order
By: _____	Date: 5/9/2014	Approved as to Form:
Date: 5.15.14		_____ City Attorney

I:\ENGINEERING\Draft\WP\PROJECTS\CE\CE121307-Parking Improvement on The Alameda\6-Construction\CE121307 CO1.doc

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 13C

Date: May 21, 2014

To: City Manager for Council Action

From: Director of Planning and Inspection

Subject: Approval of a Professional Services Agreement with Pacific Municipal Consultants (PMC) to Prepare a Zoning Ordinance Update, and Transfer of Funds From the Building Inspection Reserve Account

EXECUTIVE SUMMARY:

The Planning Division is seeking consultant support for the preparation of a comprehensive update of the City's Zoning Ordinance, Title 18 of the Santa Clara City Code (SCCC), including environmental analysis and clearance documentation under the California Environmental Quality Act (CEQA).

The City of Santa Clara's current Zoning Ordinance has been in effect since 1969. Nearly 100 amendments have been done since that time to address specific changes in development standards or land use allowances within certain zoning districts or in broader zoning regulations. With the comprehensive update of goals and policies in the City's 2010-2035 General Plan, a comprehensive update of the Zoning Ordinance was also anticipated following adoption of the General Plan in November 2010. For example, the General Plan now contemplates and promotes office and research & development (R&D) uses at a floor area ratio (FAR) of up to 1.0 (i.e., allowing a 40,000 square foot building on a 40,000 square foot lot, likely in a multi-story structure) in some areas and up to 2.0 in selected areas, with restrictions on certain kinds of incompatible industrial activities. The current zoning district designations in most of these areas limit heights and building coverage such that these FARs could not be met and uses can take place that would have been acceptable in the past industrial production atmosphere but not in the emerging office/R&D scenario.

Only preliminary scoping of the update effort has been conducted internally by staff since 2010. A formal Request for Proposals (RFP) was made available from December 20, 2013 through January 31, 2014 on the City's website. The RFP was also direct mailed to three consultants who expressed interest in the project. After going through the RFP process, Pacific Municipal Consultants (PMC) was selected to help the City prepare the Zoning Code Update. A consultant contract has been prepared.

The original budget for the Zoning Ordinance update was tied to the General Plan update and was estimated at $89,000.00. Based upon the anticipated tasks and public review process spelled out by the various proposals received earlier this year and the selected consultant's work program, the project budget will need additional appropriations in the amount of $70,980.00 from the Building Inspection Reserve (Account 063-44465), resulting in a total cost not to exceed $159,980.00. Authorization to transfer funds from the Building Inspection Reserves account to the Planning Division contractual accounts is requested by this report.

Much of the work required of the consultant is technical in nature, ensuring that the code language in the Zoning Ordinance will effectively implement the General Plan. This code exercise does not alter and should not conflict with the adopted goals and objectives of the adopted General Plan, but rather promote and facilitate achieving those. Once a draft of the Zoning Code and Zoning Map have been prepared, community outreach meetings will be held to allow the public and interested parties a chance to review and comment on how well these tools address their purpose. In addition to or combined with these outreach meetings, there will be study sessions with the Historical and Landmarks Commission, Planning Commission and City Council. The updated Zoning Ordinance adoption by Council is anticipated in January 2015.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

PMC has significant expertise statewide in updating zoning codes for local agencies. Adoption of the update will assure consistency and facilitate processing and review of applications in all zoning districts in the City.

ECONOMIC/FISCAL IMPACT:

The total not to exceed amount of this agreement is $159,980.00. Appropriations for this amount are available in the Planning Contractual Services Fund (539-5523-80100-6520) upon transfer of additional funding from the Building Inspection Reserves account (063-44465).

RECOMMENDATION:

That the Council:
1) Approve additional appropriations of $71,000.00 to the Zoning Code Update Project account (539-5532-80100-6520) funded by a transfer from the Building Inspection Reserve account (063-44465); and,
2) Approve and authorize the City Manager to execute a Professional Services Agreement with Pacific Municipal Consultants (PMC) to prepare a Zoning Code Update at a total cost not to exceed $159,980.00.

Kevin L. Riley
Director of Planning and Inspection

Certified as to Availability of Funds: OK JCH.

539-5523-8XXXX-6520	$89,000.00
063-44465	$71,000.00

APPROVED:

Julio J. Fuentes
City Manager

Gary Ameling
Director of Finance/Assistant City Manager

FIVE COUNCIL VOTES

Documents Related to this Report:
1) Professional Services Agreement with PMC

I:\PLANNING\Zoning Code Update\ Zoning Code Update 2014\PMC Contract\Agenda Report for Contract with PMC.doc

CITY CLERK FILE COPY

EBIX Insurance No. [redacted]

AGREEMENT FOR THE PERFORMANCE OF SERVICES BY AND BETWEEN THE CITY OF SANTA CLARA, CALIFORNIA, AND PMC

PREAMBLE

This agreement for the performance of services ("Agreement") is made and entered into on this _____ day of _____, 2014, ("Effective Date") by and between PMC, a California corporation, with its principal place of business located at 2729 Prospect Park Drive, Suite 220, Rancho Cordova, California ("Contractor"), and the City of Santa Clara, California, a chartered California municipal corporation with its primary business address at 1500 Warburton Avenue, Santa Clara, California 95050 ("City"). City and Contractor may be referred to individually as a "Party" or collectively as the "Parties" or the "Parties to this Agreement."

RECITALS

A. City desires to secure professional services more fully described in this Agreement, at Exhibit A, entitled "Scope of Services"; and

B. Contractor represents that it, and its subcontractors, if any, have the professional qualifications, expertise, necessary licenses and desire to provide certain goods and/or required services of the quality and type which meet objectives and requirements of City; and,

C. The Parties have specified herein the terms and conditions under which such services will be provided and paid for.

The Parties agree as follows:

AGREEMENT PROVISIONS

1. EMPLOYMENT OF CONTRACTOR.

City hereby employs Contractor to perform services set forth in this Agreement. To accomplish that end, City may assign a Project Manager to personally direct the Services to be provided by Contractor and will notify Contractor in writing of City's choice. City shall pay for all such materials and services provided which are consistent with the terms of this Agreement.

2. SERVICES TO BE PROVIDED.

Except as specified in this Agreement, Contractor shall furnish all technical and professional services, including labor, material, equipment, transportation, supervision and expertise (collectively referred to as "Services") to complete the work required by City in accordance with this Agreement at his/her own risk and expense. Services to be provided to City are more fully described in Exhibit A entitled "SCOPE OF SERVICES."

any action of Contractor constitutes a breach, City may terminate this Agreement pursuant to the provisions described herein.

7. REPRESENTATION.

Contractor represents that all materials and services covered by this Agreement shall be fit for the purpose intended, shall be free from defect, and shall conform to the specifications, requirements, and instructions upon which this Agreement is based. Contractor agrees to promptly replace or correct any incomplete, inaccurate, or defective Services at no further cost to City when defects are due to the negligence, errors or omissions of Contractor. If Contractor fails to promptly correct or replace materials or services, City may make corrections or replace materials or services and charge Contractor for the cost incurred by City.

8. PERFORMANCE OF SERVICES.

Contractor shall perform all requested services in an efficient and expeditious manner and shall work closely with and be guided by City. Contractor shall be as fully responsible to City for the acts and omissions of its subcontractors, and of persons either directly or indirectly employed by them, as Contractor is for the acts and omissions of persons directly employed by it. Contractor will perform all Services in a safe manner and in accordance with all federal, state and local operation and safety regulations.

9. RESPONSIBILITY OF CONTRACTOR.

Contractor shall be responsible for the professional quality, technical accuracy and coordination of the Services furnished by it under this Agreement. Neither City's review, acceptance, nor payments for any of the Services required under this Agreement shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement and Contractor shall be and remain liable to City in accordance with applicable law for all damages to City caused by Contractor negligent performance of any of the Services furnished under this Agreement.

Any acceptance by City of plans, specifications, construction contract documents, reports, diagrams, maps and other material prepared by Contractor shall not in any respect absolve Contractor form the responsibility Contractor has in accordance with customary standards of good professional practice in compliance with applicable federal, state, county, and/or municipal laws, ordinances, regulations, rules and orders.

10. COMPENSATION AND PAYMENT.

In consideration for Contractor's complete performance of Services, City shall pay Contractor for all materials provided and services rendered by Contractor at the rate per hour for labor and cost per unit for materials as outlined in Exhibit B, entitled "SCHEDULE OF FEES."

Contractor will bill City on a monthly basis for Services provided by Contractor during the preceding month, subject to verification by City. City will pay Contractor within thirty (30) days of City's receipt of invoice.

16. CONFIDENTIALITY OF MATERIAL.

All ideas, memoranda, specifications, plans, manufacturing procedures, data, drawings, descriptions, documents, discussions or other information developed or received by or for Contractor and all other written information submitted to Contractor in connection with the performance of this Agreement shall be held confidential by Contractor and shall not, without the prior written consent of City, be used for any purposes other than the performance of the Services nor be disclosed to an entity not connected with performance of the Services. Nothing furnished to Contractor which is otherwise known to Contractor or becomes generally known to the related industry shall be deemed confidential.

17. USE OF CITY NAME OR EMBLEM.

Contractor shall not use City's name, insignia, or emblem, or distribute any information related to services under this Agreement in any magazine, trade paper, newspaper or other medium without express written consent of City.

18. OWNERSHIP OF MATERIAL.

All material, including information developed on computer(s), which shall include, but not be limited to, data, sketches, tracings, drawings, plans, diagrams, quantities, estimates, specifications, proposals, tests, maps, calculations, photographs, reports and other material developed, collected, prepared or caused to be prepared under this Agreement shall be the property of City but Contractor may retain and use copies thereof. City shall not be limited in any way or at any time in its use of said material. However, Contractor shall not be responsible for damages resulting from the use of said material for work other than Project, including, but not limited to, the release of this material to third parties.

19. RIGHT OF CITY TO INSPECT RECORDS OF CONTRACTOR.

City, through its authorized employees, representatives or agents shall have the right during the term of this Agreement and for three (3) years from the date of final payment for goods or services provided under this Agreement, to audit the books and records of Contractor for the purpose of verifying any and all charges made by Contractor in connection with Contractor compensation under this Agreement, including termination of Contractor. Contractor agrees to maintain sufficient books and records in accordance with generally accepted accounting principles to establish the correctness of all charges submitted to City. Any expenses not so recorded shall be disallowed by City.

Contractor shall submit to City any and all reports concerning its performance under this Agreement that may be requested by City in writing. Contractor agrees to assist City in meeting City's reporting requirements to the State and other agencies with respect to Contractor's Services hereunder.

27. WAIVER.

Contractor agrees that waiver by City of any one or more of the conditions of performance under this Agreement shall not be construed as waiver(s) of any other condition of performance under this Agreement.

28. NOTICES.

All notices to the Parties shall, unless otherwise requested in writing, be sent to City addressed as follows:

City of Santa Clara
Attention: Planning Division
1500 Warburton Avenue
Santa Clara, California 95050
or by facsimile at (408) 247-9857

And to Contractor addressed as follows:

PMC
c/o Philip O. Carter
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670
or by facsimile at (916) 361-1574

If notice is sent via facsimile, a signed, hard copy of the material shall also be mailed. The workday the facsimile was sent shall control the date notice was deemed given if there is a facsimile machine generated document on the date of transmission. A facsimile transmitted after 1:00 p.m. on a Friday shall be deemed to have been transmitted on the following Monday.

29. CAPTIONS.

The captions of the various sections, paragraphs and subparagraphs of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of interpretation.

30. LAW GOVERNING CONTRACT AND VENUE.

This Agreement shall be governed and construed in accordance with the statutes and laws of the State of California. The venue of any suit filed by either Party shall be vested in the state courts of the County of Santa Clara, or if appropriate, in the United States District Court, Northern District of California, San Jose, California.

31. DISPUTE RESOLUTION.

A. Unless otherwise mutually agreed to by the Parties, any controversies between Contractor and City regarding the construction or application of this Agreement, and claims arising out of this Agreement or its breach, shall be submitted to

that signatures on this Agreement, including those transmitted by facsimile, shall be sufficient to bind the Parties.

The Parties acknowledge and accept the terms and conditions of this Agreement as evidenced by the following signatures of their duly authorized representatives. It is the intent of the Parties that this Agreement shall become operative on the Effective Date.

CITY OF SANTA CLARA, CALIFORNIA
a chartered California municipal corporation

APPROVED AS TO FORM:

RICHARD E. NOSKY, JR.
City Attorney

ATTEST:

ROD DIRIDON, JR.
City Clerk

JULIO J. FUENTES
City Manager
1500 Warburton Avenue
Santa Clara, CA 95050
Telephone: (408) 615-2210
Fax: (408) 241-6771

"CITY"

PMC
A CALIFORNIA CORPORATION

By: _____
(Signature of Person executing the Agreement on behalf of Contractor)

Name: Philip O. Carter

Title: President

Local Address: 2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670

Email Address: pcarter@pmcworld.com

Telephone: (916) 361-8384

Fax: (916) 361-1574

"CONTRACTOR"

S:\Attorney\AGREEMENTS\Service\OVER $50K SERVICE AGREEMENT FORM.doc

A PROPOSAL TO

THE CITY OF **SANTA CLARA**

ZONING ORDINANCE UPDATE

SUBMITTED TO:

JEFF SCHWILK, AICP

CITY OF SANTA CLARA
PLANNING DIVISION
1500 WARBURTON AVENUE
SANTA CLARA, CA 95050

JANUARY 31, 2014

SUBMITTED BY:

PMC®

2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670
PHONE: (916) 361-8384
FAX: (916) 361-1574

(866) 828-6762

WWW.PMCWORLD.COM

input/feedback and receive direction in advance of public hearings. We know the importance of simplifying complex zoning information. We have utilized a wide variety of outreach techniques to solicit input on zoning regulations including, but not limited to SurveyMonkey, MindMixer, live polling, small group exercises, and interactive work stations. PMC's community engagement and facilitation staff will partner with City staff to develop and execute an outreach strategy that is right for the City of Santa Clara.

PMC has written dozens of zoning code updates in recent years in a wide variety of communities throughout California. We have listed several in the Overview and Approach section of the proposal and have listed a few references from that list. We have a proven track record of completing zoning code updates on time and on budget and invite you to talk with any of our clients about the quality of our work and our service.

At PMC, we share a core belief and understanding that no two communities are the same. As such, we draw from our vast experience on an array of projects in a wide range of communities to develop a team and work program best suited to the community's needs. We offer the City an experienced, knowledgeable team that is dedicated to the success of this project. We are passionate about this work and available immediately to begin work. Thank you for considering us for this important project. If you have any questions, please contact project manager Pam Johns at (916) 361-8384, ext. 10311.

Sincerely,

Philip O. Carter
President

Pam Johns
Project Manager

POC:pj:sw:ag

P:\California, State of\Santa Clara, City of\P13-1142 City of Santa Clara Zoning Code Update\1.0 Cover Letter.docx

OVERVIEW AND APPROACH

FIRM OVERVIEW

PMC has grown to become a recognized leader in providing a full range of environmental, planning, and municipal services. With over 800 agencies served, we attribute our success to our focus on understanding and meeting our clients' needs in the most efficient and creative manner possible. Our staff brings this vision into focus with extensive experience serving government agencies. Providing practical and timely solutions to complex issues is our goal. No matter what the assignment, PMC operates as an extension of staff to ensure a team approach in identifying effective strategies for resolving project challenges. With more than 120 professionals and seven primary offices located throughout California, we offer a local perspective enhanced by our broad experience to help clients achieve a successful outcome.

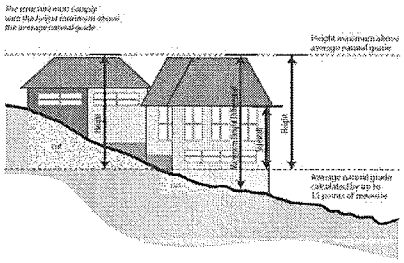
PMC has prepared dozens of comprehensive zoning code updates in a wide variety of communities throughout California in recent years. We have also prepared individual zoning ordinances for targeted issues to meet local needs, legal requirements, and state mandates. What is unique about our firm and our staff in this regard is that we also implement zoning regulations in dozens of communities every day. We understand the issues associated with administering and enforcing the regulations we write. Said another way, we write zoning regulations that work.

FIRM QUALIFICATIONS

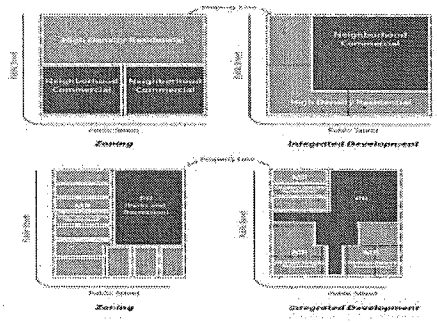
We have highlighted herein a few similar zoning code projects completed by PMC in recent years. Additional qualifications and complete project listing is available upon request.

CITY OF ATHERTON – ZONING CODE UPDATE

PMC completed a comprehensive update to the City's Zoning Code. The update focused on reorganization and simplification of the City's zoning provisions to provide clarity and improve readability. The code was also updated to reflect changes in state and federal law and to respond to citizen, policymaker, and staff concerns and issues. Numerous graphics were created and incorporated to help explain and illustrate the process and provisions of the code.

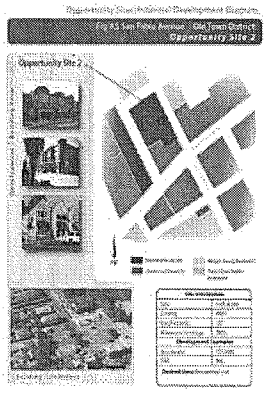


CITY OF PATTERSON – SUSTAINABLE DEVELOPMENT CODE UPDATE



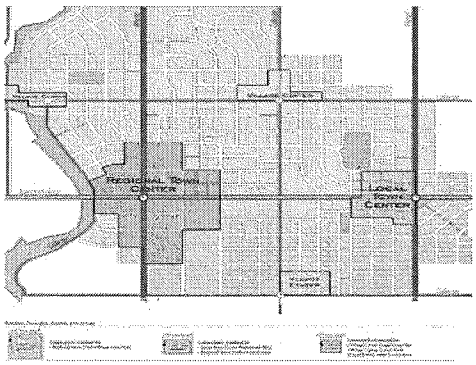
PMC prepared a comprehensive update to the City's Development Code. The code includes a full update to the Zoning Ordinance to implement the recently adopted General Plan, improve code usability, and ensure consistency with any new state and federal laws. The Development Code includes innovative mixed-use provisions, such as a mixed-use overlay zone to allow for the vertical integration of residential and commercial development in key locations, and a new neighborhood commercial district to allow for the horizontal integration of small-scale commercial development within new residential areas. The code includes innovative parking standards to require electric vehicle parking spaces, create a parking exempt zone for downtown, and allow shared parking throughout the community.

CITY OF PINOLE – ZONING CODE UPDATE



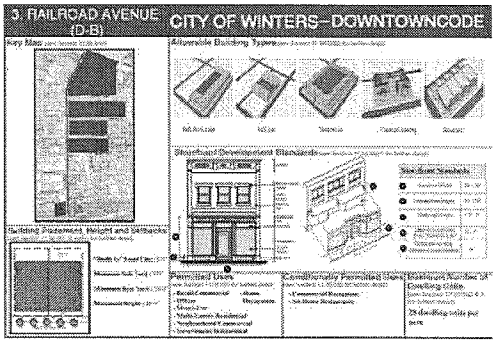
PMC prepared a comprehensive zoning update for the City. The new Zoning Code reflects new policies of the General Plan, ensures compliance with applicable state and federal laws, and updates the allowed use and development regulations throughout the city. PMC also prepared a specific plan for three primary corridors in the community with context-based (form-based) zoning solutions reflecting the existing desired development patterns and allowing more flexibility in the allowed uses throughout those areas.

CITY OF RANCHO CORDOVA – ZONING CODE UPDATE



Following the adoption of its first General Plan, the newly incorporated City of Rancho Cordova selected PMC to implement the General Plan's new vision for the city through the development of its first Zoning Code. The code update process engaged all City staff to create a code that is embraced by all departments. The code avoids common pitfalls that can create unnecessary procedural and regulatory obstacles, such as difficult-to-understand language, overly complex organization structures, rigid single-use districts and standards, and contradictory language. Innovative features of the code include the inclusion of smart growth techniques and form-based standards, a streamlined administrative process, a clear, concise, and user-friendly organization, the expansion of the City's use of mixed-use districts, and the creation of a web-based application that unites the zoning map with zoning text information.

CITY OF WINTERS – FORM-BASED CODE FOR DOWNTOWN



As an implementation piece to the Downtown Winters Master Plan, PMC was retained to develop a special zoning district that incorporates form-based code standards and design guidelines focusing on creating a lively, architecturally complementary, and pedestrian-oriented commercial district and infill residential area. Standards for land use, density, setbacks, and design are set out in a zoning code–like format that can be referenced easily by project applicants and designers and cited easily by City staff and officials. The "DowntownCode" included a regulating plan illustrating the location of uses, public spaces, and special features; building form standards governing basic building form, placement, and fundamental elements to ensure that all buildings complement neighboring structures and the street; and architectural standards guiding exterior materials and quality to preserve and enhance the historic downtown character.

PROJECT APPROACH

Because we implement zoning codes in dozens of communities every day, we understand how to write them. We also understand the unique challenges facing communities with zoning regulations on the books that have not kept pace with the vision or direction outlined in a newer general plan. Our approach to preparing the Zoning Ordinance Update for the City of Santa Clara is based on our extensive experience with assisting similar jurisdictions throughout California with this task. Our approach is fairly simple and is outlined below.

1) **Get the Right Team in Place.** PMC utilizes a small core group of senior-level staff throughout the project to maximize efficiency. We select staff based on expertise, geography, availability, and interest. For this project, we've identified a talented team of "zoners" based in Oakland and Sacramento who are passionate about zoning and community engagement, eager to work for the City of Santa Clara, and ready to begin work immediately. We've also included an environmental task lead from PMC to prepare the corresponding CEQA analysis.

2) **Partner with Staff.** At PMC, we understand the importance of effective communication and coordination between the consultant and agency staff. PMC staff develops zoning regulations as planning consultants and as contract planning staff. No one knows the specific community issues, political issues, and zoning code problems better than Santa Clara staff. Throughout the project, PMC staff will work closely with City staff to gain knowledge, discuss issues, and deliberate appropriate solutions. We will build on the good work of City staff in preparing complete and internally consistent zoning regulations.

WORK PROGRAM

SCOPE OF WORK

PMC's proposed scope of work for Santa Clara's Zoning Ordinance Update project is organized into six primary tasks listed below. The table following describes each of these primary tasks and subtasks with a listing of meetings, deliverables, and City responsibilities assumed for each task. Except as otherwise listed, deliverables assumes electronic copy (original file format and/or PDF as desired). Schedule and budget for each of these primary tasks and subtasks are also provided in this section.

Task 1 – Project Set-Up and Coordination
Task 2 – Background Review and Issue Identification
Task 3 – Vetting of Key Issues
Task 4 – Preparation of Draft Documents
Task 5 – Environmental Review
Task 6 – Public Review and Adoption

TASK 1 – PROJECT SET-UP AND COORDINATION

This task establishes a solid program and plan for the successful preparation of the City's Zoning Ordinance Update. This task involves an initial staff meeting, a final scope, and an outreach strategy, as well as ongoing project coordination. Generally, PMC staff will be available on an as-needed basis to coordinate with City staff to facilitate the efficient exchange of information and allow timely response to City needs for information from the consultant team.

Task 1.1 – Project Kickoff Meeting. At the outset of the project, PMC staff will participate in a meeting with City staff to discuss the work program, project logistics, outreach history, and data needs. To expedite coordination for the project schedule, City staff should provide the PMC team with a list of key zoning issues that need to be addressed in the update as well as miscellaneous cleanup items related to the Zoning Ordinance (e.g., internal inconsistencies). PMC staff will also tour the city to further familiarize ourselves with existing conditions.

Meetings	Deliverables	City Responsibilities
Kickoff meeting and city tour	Kickoff meeting agenda and summary Final work program	Attend meetings and provide direction as needed Provide background data and files

Task 1.2 – Outreach Strategy. Following the kickoff meeting where PMC queries local outreach history, the PMC Community Engagement and Facilitation Team will prepare an outreach strategy outlining the proposed public participation program for project information, public meetings, and corresponding tools and techniques to engage the public and maximize agreement regarding zoning solutions.

Task 2.2 – City Staff Working Group Meeting. PMC will facilitate a meeting with a designated City staff working group to understand what is working and not working with the existing code. PMC will come prepared with specific questions based on our review of the plans, but will ask participants to provide their written list of issues as well.		
Meetings	**Deliverables**	**City Responsibilities**
City staff working group meeting (1)	Agenda and meeting summary	Attend meeting and provide context, input, and direction as appropriate (including list of what works and what needs to be fixed)
Task 2.3 – Key Issues Summary. PMC will prepare a key issues summary highlighting issues identified in previous data review and working group meeting tasks.		
Meetings	**Deliverables**	**City Responsibilities**
	Zoning Ordinance key issues summary Annotated outline for draft Zoning Ordinance Update Document format samples (3)	Review materials and provide input and direction as appropriate
TASK 3 – VETTING OF KEY ISSUES		
This task is intended to identify a few of the most significant and potentially controversial issues from Task 2, conduct analysis, and discuss potential solutions to maximize agreement in advance of drafting documents.		
Task 3.1 – Key Issue Papers. PMC will prepare key issue papers for up to five of the City's most significant and potentially controversial zoning issues. Papers will identify the issue and provide framework, analysis, potential solutions, and recommendations for consideration and direction from staff (as well as public and/or decision-makers if desired) in advance of draft Zoning Ordinance Update.		
Meetings	**Deliverables**	**City Responsibilities**
	Key issue papers (3–5)	Review materials and provide input and direction as appropriate
Task 3.2 – City Staff Working Group Meeting. PMC will facilitate a second meeting with the City staff working group to present the analysis and potential solutions on three to five key issues (key issue papers). If desired, PMC will present the key issues papers to decision-makers with any staff recommendations in advance of the draft Zoning Ordinance Update (see optional Task 3.3).		
Meetings	**Deliverables**	**City Responsibilities**
City staff working group meeting (1)	Meeting materials and summary	Attend meeting and provide context, input, and direction as appropriate

Meetings	Deliverables	City Responsibilities
Meetings/calls with staff regarding zoning map changes (2)	Draft Zoning Map (5 copies plus electronic copies)	Provide base files and direction regarding map changes, review draft map, and provide direction

Task 4.3 – City Staff Working Group Meeting. PMC will facilitate a meeting with the City staff working group to present the draft documents, highlighting significant modifications and specific solutions intended to address the key issues. The purpose of this meeting is to initiate and simplify administrative review of the administrative draft Zoning Ordinance by focusing staff review.

Meetings	Deliverables	City Responsibilities
City working group meeting (1)	Meeting materials and summary	Attend meeting and provide input and direction as appropriate

Task 4.4 – Public Draft Documents. Based on input and direction from City staff, PMC will prepare revisions to the Zoning Ordinance and Zoning Map for public review and distribution. We will provide a screencheck draft for staff to review and confirm prior to production of the public draft document. PMC will provide the documents to the City for posting on the website.

Meetings	Deliverables	City Responsibilities
	Screencheck draft Zoning Ordinance and Zoning Map (5 copies plus electronic copies) Public draft Zoning Ordinance and Zoning Map (10 copies plus electronic copies)	Review screencheck drafts prior to printing of public draft documents

TASK 5 – ENVIRONMENTAL REVIEW

This task involves preparation of environmental analysis for the project in keeping with CEQA requirements. PMC will prepare an addendum to the 2010 General Plan Update EIR (State Clearinghouse No. 2008092005) pursuant to CEQA Guidelines Section 15164 that would be utilized to demonstrate that the Zoning Ordinance Update is simply a later project of the General Plan and its environment effects are adequately addressed in the General Plan Update EIR. If the City prefers, PMC can prepare a Negative Declaration, which is listed as an optional task in lieu of the General Plan EIR Addendum.

Task 5.1 – GP EIR Addendum. PMC will prepare an administrative draft addendum including a project description and technical analysis. The technical analysis will address each environmental issue area in the CEQA Environmental Checklist and will utilize and summarize the environmental impact analysis provided in the General Plan Update EIR. Specifically, the analysis will provide substantial evidence that the Zoning Ordinance Update would not result in a new significant environmental impact or an increased severity of a previously identified environmental impact from the project or changed conditions (pursuant to CEQA Guidelines Section 15162).Upon receipt of City comments on the addendum, we will finalize the addendum. Pursuant to CEQA Guidelines Section 15164, no public review or response to comments on the addendum is required. However, PMC will provide technical assistance to respond to any comments received.

Task 6.2 – Study Sessions. PMC will facilitate up to four study sessions with the Planning Commission, Historical and Landmarks Commission, Parks and Recreation Commission, Chamber of Commerce, and City Council to present the proposed Zoning Ordinance and Zoning Map and solicit input/direction prior to public hearings. Based on past experience, we would recommend the following rollout sequence and number of meetings: Chamber of Commerce (1) Historical and Landmarks Commission and Parks and Recreation Commission (1) Planning Commission and City Council (2) Regardless of staff direction on rollout sequence, we will provide an overview of significant changes proposed, summarize input from the community workshop series outlined in Task 6.1, and present potential modifications as directed by City staff. For the Planning Commission and City Council, the goal is to share information about community participation and to highlight the most significant or potentially controversial issues to hear discussions and receive direction as appropriate in advance of public hearings.		
Meetings	**Deliverables**	**City Responsibilities**
Study sessions (4)	Draft meeting plans/outlines Meeting materials and summary	Prepare and distribute public notices, participate in study session planning, review materials, attend and help facilitate meetings
Task 6.3 – Addendum to Public Draft Documents. Based on input and direction from the study sessions, PMC will prepare addendums to the draft documents highlighting specific changes to the public drafts.		
Meetings	**Deliverables**	**City Responsibilities**
	Addendum to preliminary draft Zoning Ordinance and Zoning Map	Review addendum
Task 6.4 – Public Hearings. PMC will attend up to two public hearings at the Planning Commission and/or City Council to present the draft Zoning Ordinance and Zoning Map. As part of this task, PMC will prepare supporting materials for the staff report and the presentations.		
Meetings	**Deliverables**	**City Responsibilities**
Planning Commission hearings (1) City Council hearings (1)	Supporting materials for staff reports Presentations	Prepare and distribute notices and staff reports, review presentations, attend meetings and partner with PMC on project presentation and responses
Task 6.5 – Final Documents. PMC will prepare final documents based on City Council direction and action as appropriate.		
Meetings	**Deliverables**	**City Responsibilities**
	Final Zoning Ordinance (30 copies plus electronic copies) Final Zoning Map (30 copies plus electronic copies)	Review final documents prior to printing

PROJECT BUDGET

PMC proposes the following budget for Santa Clara Zoning Ordinance Update projects as outlined in the scope of work. This cost estimate includes two optional tasks and ranges from a total of $154,980 to $161,880, depending upon election of optional tasks and preferred environmental documentation.

PMC understands that payment will be based upon completion of the work and that a 15% retention with be withheld pending delivery of the final dncument to the City of Santa Clara. PMC will therefore bill monthly on a percentage completed basis for work performed the prior month. Regarding the final 15% retention, in the event our ability to complete and deliver the final dncument to the City is delayed for longer than three months due to circumstances beyond our control, such as the action or non-action of the City, PMC will bill for wnrk completed in accordance with the agreement up to the point of delay and expect that the Ciry wnuld process the payment in a timely manner

Tasks	Project Manager	Senior Planner	Urban Designer	Lead Facilitator	Enviro Lead	Enviro Planner	GIS/ Graphics	Tech Editor/ Admin Support	Total PMC Hours	Total PMC Labor	Direct Costs	Total Required Tasks	Total Optional Tasks	Grand Total with Optional Tasks
	Johns	Jordan Sinsheimer, Obstfeldt	Eckert	Nelson, Woods	Hindmarsh	Faoro								
	$180	$125	$95	$110	$135	$95	$100	$75						
1.0 Project Set-Up and Coordination	66	50	2	36	2		8		164	$23,350	$600	$23,950		$23,950
1.1Project Kickoff Meeting	6	4		4					14	$2,020	$100	$2,120		$2,120
1.2Outreach Strategy	4	2		12					18	$2,290		$2,290		$2,290
1.3Ongoing Project Coordination	54	36	2	12	2				106	$16,000	$500	$16,500		$16,500
1.4Project Website	2	8		8			8		26	$3,040		$3,040		$3,040
2.0 Background Review and Issue Identification	26	36	8	2					72	$10,160	$100	$10,260		$10,260
2.1Data Review	16	24	8						48	$6,640		$6,640		$6,640
2.2City Staff Working Group Meeting	8	8							16	$2,440	$100	$2,540		$2,540
2.3Key Issues Summary	2	4		2					8	$1,080		$1,080		$1,080
3.0 Vetting of Key Issues	28	40		6					74	$10,700	$200	$7,200	$3,700	$10,900
3.1Key Issue Papers	8	24							32	$4,440		$4,440		$4,440
3.2City Staff Working Group Meeting	8	8		2					18	$2,660	$100	$2,760		$2,760
3.3Joint Study Session-Key Issue Direction (Optional)	12	8		4					24	$3,600	$100		$3,700	$3,700
4.0 Preparation of Draft Documents	90	204	66	2			44	20	426	$54,090	$850	$54,940		$54,940
4.1Administrative Draft Zoning Ordinarice	54	140	54					12	260	$33,250	$250	$33,500		$33,500
4.2Draft Zoning Map Revisions	8	16					40		64	$7,440		$7,440		$7,440
4.3City Staff Working Group Meeting	8	8		2					18	$2,660	$100	$2,760		$2,760
4.4Public Draft Documents	20	40	12				4	8	84	$10,740	$500	$11,240		$11,240
5.0 Environmental Review	4				20	140			164	$16,720	$300	$17,020		$17,020
5.1GP EIR Addendum	2				10	60			72	$7,410	$150	$7,560		$7,560
5.2Negative Declaration (Optional Task in lieu of 5.1)	2				10	80			92	$9,310	$150	$9,460		$9,460
6.0public Review and Adoption	120	104	8	76			48	10	366	$49,270	$3,100	$52,370		$52,370
6.1Community Workshop Series (4)	40	32		60			32	4	168	$21,300	$1,000	$22,300		$22,300
6.2Study Sessions (4)	40	32		16			16	2	106	$14,710	$200	$14,910		$14,910
6.3Addendum to Preliminary Draft Documents	8	16							24	$3,440		$3,440		$3,440
6.4Public Hearings (2)	20	8						2	30	$4,750	$400	$5,150		$5,150
6.5Final Documents	12	16	8					2	38	$5,070	$1,500	$6,570		$6,570
Total assuming task 5.1 GP EIR Addendum *OR*	**332**	**434**	**84**	**122**	**12**	**60**	**100**	**30**	**1174**	**$154,980**	**$5,000**	**$156,280**	**$3,700**	**$159,980**
Total assuming task 5.2 Negative Declaration	**332**	**434**	**84**	**122**	**12**	**80**	**100**	**30**	**1194**	**$156,880**	**$5,000**	**$158,180**	**$3,700**	**$161,880**

The above per-task costs are based upon our best estimate of time needed. Actual time spent on individual tasks may not meet or may exceed such estimates. PMC reserves the right to transfer unused budget from one task to another if necessary. The total estimated budget will not be exceeded without proper authorization.

presentations. Ms. Obstfeld served as project manager for an update and reformat of the commercial and industrial zones for the City of Pacific Grove. She was assistant project manager for the Downtown Soledad Specific Plan and Form-Based Code and has worked on form-based and traditional/form-based hybrid codes for the cities of Petaluma, Kingsburg, Mesa, and Flagstaff. She will serve as senior planner for this project writing key components of the code.

AMY SINSHEIMER, AICP – SENIOR PLANNER

Ms. Sinsheimer has over 10 years of experience managing zoning ordinance updates, housing elements, CEQA, and other long-range planning projects. She has significant experience in zoning and public outreach, including complex projects involving multiple agencies, stakeholders, and team members. Ms. Sinsheimer's zoning experience includes preparation of conventional, form-based, and hybrid zoning codes. Recent zoning experience includes code updates for the cities of Malibu, Richmond, Kingsburg, Grover Beach, King City, Livermore, and Flagstaff. She will serve as senior planner writing key components of the code and serving as task lead for local coastal plan work.

MARTTI ECKERT – ASSOCIATE PLANNER/URBAN DESIGNER

Mr. Eckert assists cities, counties, and public agencies with urban design and long-range planning projects. He has extensive experience working on downtown revitalization plans, general plans, master plans, specific plans, station area plans, vision plans, and zoning codes. Mr. Eckert is especially passionate about incorporating visual tools for communication into the planning process. He has created numerous illustrative land use and vision plans, 3-D models, illustrations, and sketches that distill complex design and planning concepts into clear, concise terms. He will serve as associate planner for this project conducting research, writing limited portions of the code, and designing graphics in support of zoning regulations.

ANDREA NELSON – LEAD FACILITATOR

Ms. Nelson manages planning policy development and community engagement and facilitation projects for local and regional public agencies. She specializes in land use, transportation, and community services issues. With more than 8 years of experience, Ms. Nelson is an experienced facilitator for groups of all sizes and understands the importance of a balanced and inclusive outreach campaign. She has a wealth of experience translating community input into feasible policies for jurisdictions and agencies. She has authored public participation plans, strategic plans, master plans, mobility and needs assessments, organizational development plans, general plan elements, and park and open space system plans. She will serve as lead facilitator for this project in partnership with Abby Woods.

REFERENCES

PMC has an excellent record of outstanding service to our clients as evidenced by the number of repeat clients and their referrals. Below are three client references for similar work performed by one or more of the lead members of the project team in the last 3 years.

Client: City of Pinole
Project: Zoning Code Update (completed 2012)
Contact: Belinda Espinosa, City Manager
E-mail: citymng@ci.pinole.ca.us
Phone: (510) 724-9000

Client: City of San Pablo
Project: Zoning Code Update (scheduled for completion June 2014)
Client: Michele Rodriguez, Development Services Manager
E-mail: MicheleR@SanPabloCa.gov
Phone: (510) 215-3031, ext. 3030

Client: City of Rancho Cucamonga
Project: Zoning Code Update (completed 2013)
Contact: Jennifer Nakamura, Senior Planner
E-mail: jennifer.nakamura@cityofrc.us
Phone: (909) 477-2750

APPENDIX A – RÉSUMÉS

PMC®

APPENDIX A – RÉSUMÉS

PMC®

CHRISTOPHER JORDAN

AICP/Senior Planner

Mr. Jordan is a senior planner at PMC with more than 9 years of experience land use planning, urban design, public agency staffing, and zoning code development and administration. He serves as senior planner or project manager on a variety of advance planning projects, including general plans, zoning codes, and design guidelines. He also has extensive experience as an agency planner, having processed dozens of projects, including master plans, subdivisions, rezones, design reviews, and variances.

EDUCATION

BS, City and Regional Planning, California Polytechnic State University, San Luis Obispo

SELECT ZONING PROJECTS

- City of Elk Grove, Highway Signs Program (Project Manager)
- City of Elk Grove, Mobile Food Vendors Ordinance (Project Director)
- City of Elk Grove, Industrial Sites Analysis Project (Project Director)
- City of Elk Grove, 2010 Focused Zoning Code Update (Project Director)
- City of Elk Grove, Tree Ordinance Update (Project Manager)
- City of Lemoore, Comprehensive Zoning and Development Code Update (Project Manager)
- City of Ione, Comprehensive Subdivision Ordinance Update (Project Manager)
- City of Ione, Comprehensive Zoning Code Update (Project Manager)
- City of Holtville, Downtown Code (Project Manager)
- City of Rancho Cordova, Comprehensive Zoning Code Update (Associate Planner)
- Town of Atherton, Zoning Code Update (Project Manager)
- City of Hemet, Downtown Sign Overlay District (Project Manager)
- City of Winters, Downtown Code (Project Manager)
- City of Colton, Sign Ordinance Update (Project Manager)
- County of Amador, Sign Ordinance Update (Project Manager)
- City of Rancho Cordova, Mixed Use Zoning Provisions (Associate Planner)
- City of Elk Grove, Comprehensive Zoning Code Update (Associate Planner)

PMC®

AMY SINSHEIMER

Senior Planner

Ms. Sinsheimer is a senior planner at PMC, responsible for management and preparation of long-range planning documents. She has over 10 years of progressively responsible consulting experience in land use and environmental planning. Her primary responsibilities include management and preparation of policy and regulatory planning documents (housing elements and zoning codes) and implementation programs. She has significant experience in zoning and public outreach, including complex projects involving multiple agencies, stakeholders, and team members. Ms. Sinsheimer's zoning experience includes preparation of conventional, form-based, and hybrid zoning codes.

SELECT ZONING PROJECTS

- City of Malibu, Zoning Code Update (Project Manager)*
- City of Flagstaff, Zoning Ordinance Update (Project Coordinator)*
- City of Grover Beach, Zoning Code Update (Technical Writer)*
- City of Livermore, Development Code Update (Technical Writer)*
- City of King Historic Corridor Revitalization Plan (Task Manager)*
- City of Kingsburg Development Code Update and Economic Study (Project Manager)*
- City of Richmond Livable Corridors Plan (Technical Writer)*
- Zoning Code implementation for cities of Pismo Beach and Atascadero (Project Manager)*

*Projects completed prior to joining PMC

EDUCATION

BS, Conservation and Resource Studies, University of California, Berkeley

PMC®

ANDREA NELSON
Lead Facilitator

Ms. Nelson manages planning policy development and community engagement and facilitation projects for local and regional public agencies. She specializes in land use, transportation, and community services issues. With more than eight years of experience, Ms. Nelson is an experienced facilitator for groups of all sizes and understands the importance of a balanced and inclusive outreach campaign. She has a wealth of experience translating community input into feasible policies for jurisdictions and agencies. She has authored public participation plans, strategic plans, master plans, mobility and needs assessments, organizational development plans, general plan elements, and park and open space system plans.

**Denotes projects completed while working at MIG, Inc.*

EDUCATION

Master of Planning Practice, University of Auckland, New Zealand

BA, English, Oberlin College, Oberlin, OH

RELEVANT PROJECT EXPERIENCE

- City of San Pablo Comprehensive Zoning Ordinance Update (Public Outreach Task Manager)
- City of Santa Clara Climate Action Plan (Community Engagement Specialist and Senior Facilitator)
- City of West Hollywood, 2013 Community Study (Project Manager)
- City of West Hollywood, Community Visioning for 1343 N. Laurel Avenue (Project Manger)
- Kern Council of Governments, Community Participation and Preliminary Draft for the Sustainable Communities Strategy and Regional Transportation Plan Update. (Assistant Project Manager)
- City of South San Francisco, Climate Action Plan and Pedestrian Master Plan (Community Engagement Specialist and Senior Facilitator)
- BART, Title VI Public Participation Plan and Limited English Proficiency Plan (Community Engagement Specialist and Senior Facilitator)*

AV

PMC®

PATRICK HINDMARSH

Environmental Lead

Mr. Hindmarsh has 15 years of experience in planning and environmental analyses, preparing and editing a variety of technical sections, EIRs, and studies. He focuses on managing and overseeing environmental (CEQA/NEPA) documents for complex projects and has managed several large-scale, complex, and multidisciplinary development projects. Mr. Hindmarsh is known for his ability to keep projects on schedule through close client coordination and identification of issues that could affect the environmental documentation process. He has a proven record of completing environmental documents on time and within budget.

RELEVANT PROJECT EXPERIENCE

* Denotes work or projects completed prior to joining PMC.

- City of Bell, Review and Analysis of the EIR/EIS for the I-710 Corridor Project.
- City of Elk Grove, Dignity Health Campus Subsequent EIR, Project Manager.
- Nevada County, Rincon del Rio Continuing Care Retirement Community, Project Manager.
- City of Wildomar, Housing Element Subsequent EIR.
- San Mateo County, Energy Efficiency Climate Action Plan EIR, Project Manager.
- City of Manteca/AKF Development and Ramos Homes, Austin Road Business Park and Residential Community Environmental Impact Report, Project Manager.*
- Placer County/ KT Communities, Regional University Specific Plan Environmental Impact Report, Project Manager.*
- Ose Properties, Natomas Landing Environmental Impact Report, Project Manager.*
- Setzer Properties, Northwest Land Park Environmental Impact Report, Project Director.*

EDUCATION

BA, Environmental Studies
California State UniversityHayward

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
PMC

EXHIBIT B

FEE SCHEDULE

Contractor shall provide a schedule of rates and fees which includes all billing amounts and costs as follows:

Tasks	Project Manager	Senior Planner	Urban Designer	Lead Facilitator	Enviro Lead	Enviro Planner	GIS/ Graphics	Tech Editor/ Admin Support	Total PMC Hours	Total PMC Labor	Direct Costs	Total Required Tasks	Total Optional Tasks	Grand Total with Optional Tasks
	Johns	Jordan Sinsheimer, Obstfeldt	Eckert	Nelson Woods	Hindmarsh	Faoro								
	$180	$125	$95	$110	$135	$95	$100	$75						
1.0 Project Set-Up and Coordination	66	50	2	36	2		8		164	$23,350	$600	$23,950		$23,950
1.1 Project Kickoff Meeting	6	4		4					14	$2,020	$100	$2,120		$2,120
1.2 Outreach Strategy	4	2		12					18	$2,290		$2,290		$2,290
1.3 Ongoing Project Coordination	54	36	2	12	2				106	$16,000	$500	$16,500		$16,500
1.4 Project Website	2	8		6			8		24	$3,040		$3,040		$3,040
2.0 Background Review and Issue Identification	26	36	8	2					72	$10,160	$100	$10,260		$10,260
2.1 Data Review	16	24	8						48	$6,640		$6,640		$6,640
2.2 City Staff Working Group Meeting	8	8							16	$2,440	$100	$2,540		$2,540
2.3 Key Issues Summary	2	4		2					8	$1,080		$1,080		$1,080
3.0 Vetting of Key Issues	28	40		6					74	$10,700	$200	$7,200	$3,700	$10,900
3.1 Key Issue Papers	8	24							32	$4,440		$4,440		$4,440
3.2 City Staff Working Group Meeting	8	8		2					18	$2,660	$100	$2,760		$2,760
3.3 Joint Study Session–Key Issue Direction (Optional)	12	8		4					24	$3,600	$100		$3,700	$3,700
4.0 Preparation of Draft Documents	90	204	66	2			44	20	426	$54,090	$850	$54,940		$54,940
4.1 Administrative Draft Zoning Ordinance	54	140	54					12	260	$33,250	$250	$33,500		$33,500
4.2 Draft Zoning Map Revisions	8	16					40		64	$7,440		$7,440		$7,440
4.3 City Staff Working Group Meeting	8	8		2					18	$2,660	$100	$2,760		$2,760
4.4 Public Draft Documents	20	40	12				4	8	84	$10,740	$500	$11,240		$11,240
5.0 Environmental Review	4				20	140			164	$16,720	$300	$17,020		$17,020
5.1 GP EIR Addendum	2				10	60			72	$7,410	$150	$7,560		$7,560
5.2 Negative Declaration (Optional Task in lieu of 5.1)	2				10	80			92	$9,310	$150	$9,460		$9,460
6.0 public Review and Adoption	120	104	6	76			48	10	366	$49,270	$3,100	$52,370		$52,370
6.1 Community Workshop Series (4)	40	32		60			32	4	168	$21,300	$1,000	$22,300		$22,300
6.2 Study Sessions (4)	40	32		16			16	2	106	$14,710	$200	$14,910		$14,910
6.3 Addendum to Preliminary Draft Documents	8	16							24	$3,440		$3,440		$3,440
6.4 Public Hearings (2)	20	8						2	30	$4,750	$400	$5,150		$5,150
6.5 Final Documents	12	16	8					2	38	$5,070	$1,500	$6,570		$6,570
Total assuming task 5.1 GP EIR Addendum OR	**332**	**434**	**84**	**122**	**12**	**60**	**100**	**30**	**1174**	**$154,980**	**$5,000**	**$156,280**	**$3,700**	**$159,980**
Total assuming task 5.2 Negative Declaration	**332**	**434**	**84**	**122**	**12**	**80**	**100**	**30**	**1194**	**$156,880**	**$5,000**	**$158,180**	**$3,700**	**$161,880**

The above per task costs are based upon our best estimate of time needed. Actual time spent on individual tasks may vary more or may exceed such estimates. PMC reserves the right to reallocate unused budget from one task to another if necessary. The total authorized budget will not be exceeded without proper authorization.

In no event shall the amount billed to City by Contractor for services under this Agreement exceed one hundred fifty-nine thousand nine hundred eighty dollars ($159,980), subject to budget appropriations.

Contractor may use and bill for additional staff not specifically named above, except such use shall not exceed the amount of compensation named herein without the express written consent of the City in accordance with the requirements of this Agreement.

B. BUSINESS AUTOMOBILE LIABILITY INSURANCE

Business automobile liability insurance policy which provides coverage at least as broad as ISO form CA 00 01 with policy limits a minimum limit of not less than one million dollars ($1,000,000) each accident using, or providing coverage at least as broad as, Insurance Services Office form CA 00 01. Liability coverage shall apply to all owned (if any), non-owned and hired autos.

In the event that the Work being performed under this Agreement involves transporting of hazardous or regulated substances, hazardous or regulated wastes and/or hazardous or regulated materials, Contractor and/or its subcontractors involved in such activities shall provide coverage with a limit of two million dollars ($2,000,000) per accident covering transportation of such materials by the addition to the Business Auto Coverage Policy of Environmental Impairment Endorsement MCS90 or Insurance Services Office endorsement form CA 99 48, which amends the pollution exclusion in the standard Business Automobile Policy to cover pollutants that are in or upon, being transported or towed by, being loaded onto, or being unloaded from a covered auto.

C. WORKERS' COMPENSATION

1. Workers' Compensation Insurance Policy as required by statute and employer's liability with limits of at least one million dollars ($1,000,000) policy limit Bodily Injury by disease, one million dollars ($1,000,000) each accident/Bodily Injury and one million dollars ($1,000,000) each employee Bodily Injury by disease.

2. The indemnification and hold harmless obligations of Contractor included in this Agreement shall not be limited in any way by any limitation on the amount or type of damage, compensation or benefit payable by or for Contractor or any subcontractor under any Workers' Compensation Act(s), Disability Benefits Act(s) or other employee benefits act(s).

3. This policy must include a Waiver of Subrogation in favor of the City of Santa Clara, its City Council, commissions, officers, employees, designated volunteers and agents. For the purposes of this section, "designated volunteers" means those individuals expressly authorized by the City to conduct work on the City's behalf.

D. COMPLIANCE WITH REQUIREMENTS

All of the following clauses and/or endorsements, or similar provisions, must be part of each commercial general liability policy, and each umbrella or excess policy.

1. Additional Insureds. City of Santa Clara, its City Council, commissions, officers, employees, designated volunteers and agents are hereby added as additional insureds in respect to liability arising out of Contractor's work for City, using Insurance Services Office (ISO) Endorsement CG 20 10 11 85 or the combination of CG 20 10 03 97 and CG 20 37 10 01, or its equivalent.

2. Contractor agrees to be responsible for ensuring that no contract used by any party involved in any way with the project reserves the right to charge City or Contractor for the cost of additional insurance coverage required by this Agreement. Any such provisions are to be deleted with reference to City. It is not the intent of City to reimburse any third party for the cost of complying with these requirements. There shall be no recourse against City for payment of premiums or other amounts with respect thereto.

3. The City reserves the right to withhold payments from the Contractor in the event of material noncompliance with the insurance requirements set forth in this Agreement.

F. EVIDENCE OF COVERAGE

Prior to commencement of any Services under this Agreement, Contractor, and each and every subcontractor (of every tier) shall, at its sole cost and expense, purchase and maintain not less than the minimum insurance coverage with the endorsements and deductibles indicated in this Agreement. Such insurance coverage shall be maintained with insurers, and under forms of policies, satisfactory to City and as described in this Agreement. Contractor shall file with the City all certificates and endorsements for the required insurance policies for City's approval as to adequacy of the insurance protection.

G. EVIDENCE OF COMPLIANCE

Contractor or its insurance broker shall provide the required proof of insurance compliance, consisting of Insurance Services Office (ISO) endorsement forms or their equivalent and the ACORD form 25-S certificate of insurance (or its equivalent), evidencing all required coverage shall be delivered to City, or its representative as set forth below, at or prior to execution of this Agreement. Upon City's request, Contractor shall submit to City copies of the actual insurance policies or renewals or replacements. Unless otherwise required by the terms of this Agreement, all certificates, endorsements, coverage verifications and other items required to be delivered to City pursuant to this Agreement shall be mailed to:

EBIX Inc.
City of Santa Clara [Planning & Inspection Department]

P.O. 12010-S2	or	151 North Lyon Avenue
Hemet, CA 92546-8010		Hemet, CA 92543

Telephone number: 951-766-2280
Fax number: 770-325-0409
Email address: ctsantaclara@ebix.com

H. QUALIFYING INSURERS

All of the insurance companies providing insurance for Contractor shall have, and provide written proof of, an A. M. Best rating of at least A minus 6 (A- VI) or shall be an

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
PMC

EXHIBIT D

ETHICAL STANDARDS FOR CONTRACTORS SEEKING TO ENTER INTO AN AGREEMENT WITH THE CITY OF SANTA CLARA, CALIFORNIA

Termination of Agreement for Certain Acts.

A. The City may, at its sole discretion, terminate this Agreement in the event any one or more of the following occurs:

1. If a Contractor[1] does any of the following:

   a. Is convicted[2] of operating a business in violation of any Federal, State or local law or regulation;

   b. Is convicted of a crime punishable as a felony involving dishonesty[3];

   c. Is convicted of an offense involving dishonesty or is convicted of fraud or a criminal offense in connection with: (1) obtaining; (2) attempting to obtain; or, (3) performing a public contract or subcontract;

   d. Is convicted of any offense which indicates a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a City contractor or subcontractor; and/or,

   e. Made (or makes) any false statement(s) or representation(s) with respect to this Agreement.

---

[1] For purposes of this Agreement, the word "Consultant" (whether a person or a legal entity) also refers to "Contractor" and means any of the following: an owner or co-owner of a sole proprietorship; a person who controls or who has the power to control a business entity; a general partner of a partnership; a principal in a joint venture; or a primary corporate stockholder [i.e., a person who owns more than ten percent (10%) of the outstanding stock of a corporation] and who is active in the day to day operations of that corporation.

[2] For purposes of this Agreement, the words "convicted" or "conviction" mean a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere within the past five (5) years.

[3] As used herein, "dishonesty" includes, but is not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, failure to pay tax obligations, receiving stolen property, collusion or conspiracy.

AGREEMENT FOR THE PERFORMANCE OF SERVICES
BY AND BETWEEN THE
CITY OF SANTA CLARA, CALIFORNIA,
AND
PMC

EXHIBIT E

AFFIDAVIT OF COMPLIANCE WITH ETHICAL STANDARDS

I hereby state that I have read and understand the language, entitled "Ethical Standards" set forth in Exhibit D. I have the authority to make these representations on my own behalf or on behalf of the legal entity identified herein. I have examined appropriate business records, and I have made appropriate inquiry of those individuals potentially included within the definition of "Contractor" contained in Ethical Standards at footnote 1.

Based on my review of the appropriate documents and my good-faith review of the necessary inquiry responses, I hereby state that neither the business entity nor any individual(s) belonging to said "Contractor" category [i.e., owner or co-owner of a sole proprietorship, general partner, person who controls or has power to control a business entity, etc.] has been convicted of any one or more of the crimes identified in the Ethical Standards within the past five (5) years.

The above assertions are true and correct and are made under penalty of perjury under the laws of the State of California.

PMC

A California Corporation

By: _____
Signature of Authorized Person or Representative

Name: Philip O. Carter

Title: President

NOTARY'S ACKNOWLEDGMENT TO BE ATTACHED

Please execute the affidavit and attach a notary public's acknowledgment of execution of the affidavit by the signatory. If the affidavit is on behalf of a corporation, partnership, or other legal entity, the entity's complete legal name and the title of the person signing on behalf of the legal entity shall appear above. Written evidence of the authority of the person executing this affidavit on behalf of a corporation, partnership, joint venture, or any other legal entity, other than a sole proprietorship, shall be attached.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California
County of Sacramento

On April 29, 2014 (Date) before me, Pamela V. Warfield, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Philip O. Carter (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

PAMELA V. WARFIELD
Commission # 1889069
Notary Public - California
Sacramento County
My Comm. Expires Jun 9, 2014

Place Notary Seal Above

Signature: Pamela V. Warfield
Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Agreement for Services Document Date: None

Number of Pages: 27 double sided ~~Signer(s) Other Than Named~~ Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Philip O. Carter
☒ Corporate Officer — Title(s): President
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other:

Signer Is Representing: PMC

Signer's Name:
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

© 2013 National Notary Association • www.NationalNotary.org • 1-800-US NOTARY (1-800-876-6827) Item #5907

RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING PHILIP O. CARTER TO BIND THE CORPORATION

This resolution was reviewed, considered, and voted upon by the Board of Directors dated September 27, 2005. The undersigned, being all of the directors of PACIFIC MUNICIPAL CONSULTANTS, a California Corporation, hereby unanimously adopt the following resolution:

> RESOLVED, that as the President of Pacific Municipal Consultants, Philip O. Carter is authorized to sign proposals and bind the Corporation as indicated in the corporate by-laws.

Dated: September 27, 2005

PHILIP O. CARTER
PRESIDENT

EDWARD P. STEARN
SECRETARY

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 15B

Date: May 28, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Adopt the Council Ad Hoc Additional Soccer Fields Committee Recommendation to Reduce the Youth Soccer Park Advance Reservation Policy Time from Ten Days to Two Days and to Allow Friday Games and Grant the City Manager Flexibility to Adjust Guidelines as Needed

EXECUTIVE SUMMARY:

On March 25, 2014 Council established an Ad Hoc Committee to work with the community, stakeholders and youth soccer groups. The Committee met on May 12 and May 19, 2014 to discuss several issues including access to, and use of, Santa Clara Youth Soccer Park (YSP) due to anticipated impacts on major Stadium event dates. After review and discussion of access and scheduling issues, the Committee recommended that Council revise the existing Facility Use guidelines at Santa Clara Youth Soccer Park to allow reduced notice for advance reservation of YSP, Friday use for practices and league games, and additional flexibility to address issues as needed. The YSP guidelines do not take into consideration the flexibility needed to address the anticipated potential impacts of events. The advance notice requirement and Friday use restriction provide adequate time for field preparation and scheduling facility attendants. However, adjacent large events at the Stadium may make access and parking difficult on weekends. Therefore, soccer schedules can be adjusted to allow for Friday game use in exchange for another no use day.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The current YSP Facility Use Guidelines have been in effect since 2005, (see Exhibit A) prior to the construction of the new Levi's Stadium. The YSP guidelines do not take into consideration the flexibility needed to address the anticipated potential impacts of events. The advance notice requirement and Friday use restriction provide adequate time for field preparation and scheduling facility attendants. However, adjacent large events at the Stadium may make access and parking difficult on weekends. Therefore, soccer schedules can be adjusted to allow for Friday game use in exchange for another no use day. The Parks & Recreation Department can explore scheduling variations to assure adequate staffing is available for assignment within two days notice. Since stadium events may be scheduled up to 30 days in advance and all impacts are not known at this time, additional flexibility is needed particularly around high profile events such as tournaments.

ECONOMIC/FISCAL IMPACT:

Any economic impacts from the proposed changes are anticipated to be minimal.

RECOMMENDATION:

That the Council reduce the Youth Soccer Park advance reservation policy time from ten days to two days, allow Friday games, and grant the City Manager flexibility to adjust guidelines as needed.

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:
Exhibit A. Youth Soccer Park Facility Use Guidelines (Draft)

I:\Parks\Agendas\Youth Soccer Park Facility Use GUidelines Update 2014.doc

City of Santa Clara
Parks and Recreation Department
PHONE: 408-615-3140
FAX: 408-261-9146

Community Recreation Center
969 Kiely Boulevard
Santa Clara, CA 95051-5099
Updated 06/2014

Exhibit A

Facility Use Information
YOUTH SOCCER PARK

The City of Santa Clara Youth Soccer Park is made available by permit through the Parks & Recreation Department for field use for qualifying youth organizations. The following guidelines and rules have been established for use of the Youth Soccer Park fields and facilities.

I. WHO CAN USE THE FACILITIES?

Residents of the City of Santa Clara and qualifying resident groups may apply to use facilities based on the following priorities and requirements. City of Santa Clara facilities may not be used by commercial groups for business activities, seminars, training sessions, etc.

Priority	Requirements
1	City of Santa Clara sponsored activities and Santa Clara Unified School District use.
2	Youth Activity Groups serving the City of Santa Clara (51% City of Santa Clara residents required). Youth are described as 18 years or younger.
3	Previous year multiple use youth sports groups. Multiple use is a minimum of 8 and a maximum of 18 weeks.

II. APPLICATION REQUIREMENTS

A. All applications for reservations must be made at the Community Recreation Center (CRC), 969 Kiely Blvd., Santa Clara. No reservations will be taken by phone. Please call the Recreation Supervisor, at 408/615-3160, to make an appointment. A league representative from each **qualifying resident group** must be present to complete the permit application. A City of Santa Clara resident (for private or organizational event) or an employee of a Santa Clara based business (for non-business company events) must be present to complete the permit application.

B. Proof of Santa Clara residency is required. Organizations with 51% of membership Santa Clara residents must provide roster within seven working days of application, including the organization's name, the names and addresses of its members, and their phone numbers.

C. The CRC staff will not accept applications for reservations submitted earlier than three months in advance to the day, nor later than two full working days in advance. If the earliest application date falls on a Sunday or a holiday, the application will be accepted the following working day. There are no exceptions to these rules. (Example: if Saturday, June 7th is desired date, the earliest application date is March 7, the latest is Wednesday, June 5 at 5:00p.m.)

Youth Soccer Park Field Reservation Schedule

August – December	
Priority	**Permits Accepted Beginning**
1 & 2	July 1
3	July 27

III. GENERAL INFORMATION

A. **Facility Location**
Santa Clara Youth Soccer Park
5020 Stars & Stripes Dr.

B. **Facility Schedule**

1. *Due to proximity to Levi Stadium, access and parking may be affected by large events and volume of traffic.*
2. *Applicants should check Stadium event schedule prior to requesting dates, and may need to work with Parks and Recreation staff to reserve alternate fields.*
3. *Grass fields are closed for scheduled maintenance every Monday and Thursday*
4. *Games may be booked any day of the week. Seasonally, grass may be closed due to weather and turf condition*

C. **Fees (*Rental Fees are subject to change on July 1.*)**

Sport	Type of Use	Priority 1 & 2	Priority 3	Priority 4	Priority 5
Santa Clara Youth Soccer Park	Practice Reservation (Day) Practice Reservation (Night) Game w/2 Attendants (Day) Game w/2 Attendants w/Lights (Night) Meeting Room Field Prep (per field) Tournament	$0	$71 per hour $98 per hour $129 per hour $156 per hour NA $118 day A proportional discount for Santa Clara teams	Not available	Not available

All fees and completed contracts are due a minimum of two (2) working days prior to scheduled activity. If not completed; the event will be cancelled.

IV. TERMS OF USE

A. **Field Insurance Requirements**

1. All organizations must provide a certificate of insurance at the time of application for a use permit.
2. Certificate must be in the amount of one million dollars (General liability).
3. Certificate must name the City of Santa Clara as additional insured.
4. Additional insured must be named in the following manner: *"City of Santa Clara, its City Council, District, its School Board, officers, agents and employees are hereby added as additional insured in respect to liability arising out of any use of City facilities."*
5. Expired or lapsed insurance will result in cancellation of a permit.

B. **Santa Clara Youth Soccer Park Rules & Regulations**

1. Youth are described as 18 years or younger; however, local colleges (Mission, Santa Clara University) will qualify as youth organizations.
2. Only soccer activities scheduled at Youth Soccer Park.
3. Grass fields are for game use only.
4. Turf field for games and limited practice scheduled at City of Santa Clara Parks & Recreation Department discretion.
5. Weekend use restricted to games only.
6. Concessions or merchandise cannot be sold without prior written permission. Santa Clara County Health Permit required.

7. Molded cleats or turf/indoor shoes only. No metal or screw-on cleats permitted.
8. Ice chests, food, and beverages are not permitted on fields.
9. Gum, sunflower seeds, and peanuts are strictly prohibited. Use of facility will be cancelled, including future use.
10. Alcohol is strictly prohibited. Violation will result in immediate suspension of use permit.
11. Use of tobacco products is strictly prohibited. Violation will result in immediate suspension of use permit.
12. Booking party is responsible for clean-up of facilities and restrooms. Failure to comply will result in forfeiture of security deposit and cancellation of any remaining events.
13. Animals are prohibited in or around the Youth Soccer Park.
14. Vehicles are not allowed inside the facility. Overnight parking is prohibited.
15. Tape, tacks, staples or signs are not allowed in or around the facilities.
16. All fees and contracts are due two (2) working days prior to scheduled activities. If not completed, event will be cancelled.
17. The City of Santa Clara reserves the right to change or cancel contract as needed.
18. Water is the only beverage permitted on the field of play. It is the responsibility of each coach to enforce this rule.
19. No players should jump over fences to retrieve balls.
20. All goals should have proper weights on back of goals unless goal is properly secured (international goals) to field.
21. Parents, family members or friends shall not play on fields while teams are practicing.
22. Youth Soccer Park may not be used for Try-Outs.
23. All teams are responsible for providing a Field Marshal while utilizing Youth Soccer Park.
24. Teams utilizing Youth Soccer Park are responsible for all trash (water bottles, tape, equipment, etc. for both their team and their guests).
25. All teams utilizing Youth Soccer Park will adhere to these rules and comply with all requests from City of Santa Clara Parks & Recreation Department employees managing the facility.
26. Coaches are responsible for enforcing all rules and regulations while utilizing Youth Soccer Park.
27. Any team violating any of these rules and regulations may result in a temporary or permanent suspension from utilizing the Youth Soccer Park facility.

Meeting Date: 6/10/14

AGENDA REPORT

City of Santa Clara, California

Agenda Item # 15C

Date: June 2, 2014

To: City Manager for Council Action

From: Director of Parks & Recreation

Subject: Adopt the Council Ad Hoc Additional Soccer Fields Committee Recommendation to Refer the Montague Park and Jenny Strand Solar R&D Sites for a Community Outreach & Site Planning Process for the Potential Development of Soccer Fields and Mitigation of Impacts

EXECUTIVE SUMMARY:

On September 24, 2013, Council adopted strategic goals including to "Enhance Community Sports and Recreational Assets" with a particular focus on addressing the immediate demand and impacts on existing soccer facilities and the future need for additional community recreation athletic facilities. On November 12, 2013, Council approved proceeding with a Youth Sports Complex Needs Assessment and Feasibility Study. The Parks & Recreation Department contracted Verde Design, Inc. to conduct the needs assessment and feasibility study. The results of the analysis indicated that the City needs about 30 acres of new athletic facilities to serve the growth and demand at both the competitive and recreational levels, including: four soccer fields, a multi-use field (baseball, softball, cricket, lacrosse), 10 tennis courts, a gymnasium and space for new/popular sports. On March 18, 2014 the Parks & Recreation Commission recommended that Council place a high priority on developing three additional City soccer fields because of the impending difficult access to the Santa Clara Youth Soccer Park adjacent to the new Levi's Stadium and to further develop the athletic amenities proposed with the Youth Sports Complex Concept Plan. On March 25, 2014 Council established a Capital Improvement Project, allocated a budget of $2 million dollars for additional youth soccer field and athletic facility planning design and engineering costs, and appointed an Ad Hoc Committee (Council members Mahan, Kolstad, Gillmor) to work with the community, stakeholders and youth soccer groups.

The Ad Hoc Committee met on May 12 and May 19, 2014 to discuss four primary issues: (1) access to and use of Santa Clara Youth Soccer Park (YSP); (2) use of existing "soccer ready" alternative facilities not currently scheduled for community youth soccer practices and games for use on major Stadium event dates; (3) potential City park sites for incorporation of additional soccer/athletic facilities that could be designed and built within the coming year and mitigate impacts to the existing uses and neighborhood through a community outreach process; and, (4) potential future development of a Youth Sports Complex. Staff presented information on various topics, including: the potential for "soccer ready" sites to be secured by permit; the potential sites and criteria for further inclusion or exclusion from consideration; community survey feedback received by the Parks & Recreation Department; and, the Stadium parking and management plan for user group access to YSP by the Santa Clara Police Department. Local youth soccer organizations, school district, Westwood Oaks neighborhood, and Ulistac Natural Area supporters and other interested members of the public attended the meetings.

After review and discussion, the Ad Hoc Committee forwarded recommendations for full Council consideration to: (a) reduce notice for advance reservation of YSP from 10 days to two days; (b) allow Friday use for practices and league games; (c) refer Montague Park and Jenny Strand Park sites to a community outreach and site planning process for the potential development of additional soccer field(s) and the mitigation of impacts on the neighborhoods and existing park uses. No action was taken to recommend other park sites for further consideration at this time.

The Parks & Recreation Department will continue its follow up on the Ad Hoc Committee's immediate priorities: to work with youth soccer groups to secure "soccer ready" sites such as Kings Academy Field in Sunnyvale, and Santa Clara's Central Park, or others yet to be identified; to support scheduling games on impacted dates to "away sites"; to work with SCPD to arrange access to YSP as needed, or to change soccer games to Fridays at YSP; and, to promote dialogue with Santa Clara Unified School District regarding potential access to high school fields. The Committee was clear in its deliberations that the long term goal of developing a new, premier Youth Sports Complex was needed, but not an immediate or short term priority. The Department is reviewing responses to a May 7, 2014 request for proposals (RFP) and anticipates award of a contract at an upcoming Council meeting in anticipation of the community outreach, site planning, design and engineering processes needed regardless of which particular site(s) may be selected.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

The Ad Hoc Committee referred two sites to Council: the Montague Park site, and the Jenny Strand Solar R&D site. Each site has unique opportunities and constraints and will require creative solutions to satisfy the needs and concerns of stakeholders, neighborhoods and user groups. There is an opportunity to reconfigure and enhance each site by updating existing facilities that maybe inadequate, in poor condition, or not in an optimal configuration, as well as to add compatible athletic uses. Below is a brief description of the separate site advantages and disadvantages. A preliminary conceptual design for discussion purposes is attached (see Exhibit A & Exhibit B). The actual design and amenities for each site will be developed in the community input meetings, subject to Council review and approval.

Montague Park Site.

Montague Park is a 5.5 acre parcel owned by the City of Santa Clara and bounded by De La Cruz Blvd. on the East and Mac Gregor Lane on the West. The current park program includes: a large natural grass turf area used for field sports, two playgrounds, two tennis courts, a 1970 vintage recreation building, separate bathroom/maintenance building, perimeter path on the north side, and no off street parking. It is adjacent to Montague School and North Valley Baptist Church. Single family homes are located to the east and west. This park site was included in the 2013 Soccer Facility Feasibility Study by Verde Design.

The current concept plan proposes to add two 70 yard x 110 yard synthetic turf soccer fields, retain the existing tennis courts, replace the playgrounds, community room and restroom with a 9,000 square foot community building to house both existing programs and enhanced youth and community services such as

SCPAL, seniors and concessions. The existing natural grass baseball field and pool facilities on school property are not included in the concept proposal, but could be added at a later date.

- **Advantages**—Montague Park is owned and maintained by the City of Santa Clara and meets the minimum size requirements necessary for two soccer fields. Its utility for a combination of community recreation, school use and capacity for organized sports can be improved with updated facilities and playgrounds in an optimized configuration. The community building is in need of replacement. The addition of properly graded soccer fields would improve drainage and the utility of the turf area. The field is a preferred north-south orientation. The concept plan includes sufficient off-street parking (over 150 spaces) accessible from arterials; De La Cruz has capacity and preferable street configuration. There are minimal environmental concerns; modern lighting technology and sound mitigation measures can limit off site impacts. Additional City property and underutilized utility easements exist across De La Cruz Blvd. The City & SCUSD have a joint use agreement for parks, playgrounds and athletic fields since 1985 that would be enhanced by an upgrade of the City park site. The two-field option reduces second site design & engineering costs. A 2014 independent community survey indicated that Montague Park was ranked second in a list of five sites, and City residents "favor" Montague Park for soccer fields at a rate about 2.5 times higher than "oppose." Communication with an adjacent property owner (North Valley Baptist Church) indicates support for park enhancements and involvement in a community design process that would address neighborhood impacts as well as traffic, parking, safety, and increased collaboration with the adjacent public school.

- **Disadvantages**—There are single family homes adjacent to the West side of Montague Park, and three across De La Cruz Blvd. Alternate site designs may be constrained by existing PG&E transmission line ROW on the North side of the parcel. The topography will require grading on the south. Older, non-native trees will need to be replaced. Field lighting will increase site utility in winter months, but may be objectionable to the residential neighborhood, and require environmental assessment and mitigation measures if desired. The project timeline cannot be expedited due to site complexity. A proper neighborhood engagement and community design process will need the additional time to create the best overall site outcomes. There has been some limited opposition to improvements of the park site from individuals representing public school teachers and district based on their understanding of the scope and purpose of the project.

Jenny Strand Solar R&D Park.

The Jenny Strand Park and Solar R& D site are a combined 9.69 acres site, with a solar array located on roughly the undeveloped southern half. The existing park is a quiet neighborhood park developed in 1987 with a children's play area, unisex restroom, a basketball court, one tennis court and a picnic-barbeque area. Current access is from one residential street. This park was included in the August 2013 Soccer Facility Feasibility Study.

The current concept plan proposes a single 70 yard by 110 yard synthetic turf field as far from the existing residential homes on the North end of the park as possible, potentially sited on the Solar R&D parcel. The additional buffer will mitigate sound and light intrusion in to the neighborhood. A reduced impact

alternative could propose a minimal enhancement of the existing grass turf area to allow for increased organized athletic use of the grass, as it is currently designed as open grass meadow. While it is used for soccer practices, it is unsuitable for game use. The lower impact proposal includes restroom upgrade and additional parking.

- **Advantages**—The park is owned and maintained by the City of Santa Clara and the R& D Solar Park is operated and controlled by Silicon Valley Power (SVP), the City's electric utility. The sites, both combined and separately, have adequate space to accommodate an athletic field, and are relatively flat, providing multiple site design options and potential field configurations. The park's utility for community recreation and capacity for organized sports can be improved with updated support facilities and playgrounds in an optimized configuration without loss of current uses such as the playground, BBQ areas, basketball court and tennis court. The concept plan provides sufficient additional off-street parking. There are minimal environmental concerns; modern lighting technology and sound mitigation measures can limit off-site impacts. The reduced alternative proposes the minimal enhancement of the existing grass turf area to allow for increased organized athletic use, or the installation of a grass field on the SVP Solar site with adjacent parking.

- **Disadvantages**—The long-term success of the single additional enhanced (lit synthetic) field proposal is contingent upon new vehicular access through adjacent properties to provide an alternative entry/exit point to address neighborhood traffic and safety concerns and to segregate the community athletic uses from the typical, low-intensity neighborhood park uses. This requires negotiation of an easement or other form of permanent access rights from adjacent corporate property owners, which may be difficult to obtain. Silicon Valley Power currently uses the Solar R& D site for photo-voltaic power generation and would need to relocate the panels, thus increasing the overall site construction costs and reducing the cost-effectiveness of the site for soccer or SVP use. Alternatively, the Solar site has continued, long-term economic potential for other uses that may be precluded or reduced by placement of permanent community soccer field(s). A 2014 independent community survey indicated that Jenny Strand Park was ranked lowest in a list of five sites considered; City residents "oppose" Jenny Strand for soccer fields at the same rate as "support." If the site were recommended for a community outreach and planning process, there would likely be difficulty in addressing perceptions about the proposed size, benefits and impact of the field and park improvements on the neighborhood. The City has received numerous emails and communication from neighborhood residents stating their lack of participation in early site evaluation and concerns with the potential: impacts of increased traffic, noise, light spill, parking; decreased safety; displacement of current uses; restrictions on typical neighborhood park uses; cumulative negative neighborhood effects from surrounding business expansion; and, changes in the quiet character of the neighborhood.

The alternative recommendation is that the Jenny Strand Park & Solar R&D site be referred to the City Manager for further cost-benefit analysis. While the proposed use of the site for increased athletic use is feasible, it may not be the highest and best economic use. Since SVP controls the property and must justify various uses to the rate payer and others, this alternative should be studied. In addition, early indications show that adjacent corporate property owners have a high investment in site security. While feasible and

potentially mutually beneficial, business necessity (product & security interests) may preclude permitting easement across the adjacent property(ies). Use should be predicated on securing an easement agreement.

Community Outreach and Planning Process

Proper site planning and design requires understanding many factors such as current uses, agreements, adjacent uses, area traffic, parking, noise, lighting, geotechnical, and environmental (CEQA) considerations among others. The recommendation includes conducting a full site planning process inclusive of community stakeholder and neighborhood outreach, input, planning, design and engineering to assure that the incorporation of youth soccer fields and community facilities into existing sites will properly address neighborhood concerns, mitigate impacts and provide an improved park design and features that enhance current uses and will anticipate and meet future needs. Such a process includes communication with adjacent property owners. The community outreach, engagement and design processes are anticipated to take 2-3 months.

Following the community input/engagement process, preliminary construction documents, plans and specifications will be developed, reviewed by the Public Works Department and the Parks & Recreation Commission for recommendation to Council in Fall 2014. Bid documents will be available by late September for award of construction by November 2014. While field construction is anticipated to take about six months, depending upon the actual building program scope, construction may take about one year. Staff will work with contractors to expedite the schedule throughout the process.

ECONOMIC/FISCAL IMPACT:

Final project construction costs will depend upon the actual size and scope of the project(s) and amenities approved by Council. These will be requested for appropriation at a later date. The probable construction costs at Montague Park for two (2) lit synthetic soccer fields, playground, parking and related park facility improvements are estimated at $5,800,000. Replacement of the community recreation building is estimated at $1,900,000 for a total estimated site budget of $7,700,000. The initial estimate of probable construction costs at the Jenny Strand Park site for one (1) lit synthetic soccer field, additional parking, restroom upgrade and related site improvements is estimated at $2,500,000 (photo voltaic relocation not included). A reduced impact alternative limited to upgrade the existing natural grass meadow to athletic field standards, with limited parking and restroom improvements is estimated at under $500,000. Staff are reviewing the responses to the request for proposals from qualified firms for community outreach, planning, design and engineering at one or more sites and award of contract will be scheduled for an upcoming Council meeting if one or more sites are selected.

///

RECOMMENDATION:

That the Council:

(a) Refer Montague Park to the City Manager to Conduct a Community Outreach & Site Planning Process for the Potential Development of Soccer Fields, Related Park Facilities and Mitigation of Impacts); and/or,

(b) Refer Jenny Strand Park Solar R & D Site to the City Manager to Conduct a Community Outreach & Site Planning Process for the Potential Development of a Soccer Field, Related Park Facilities and Mitigation of Impacts; and/or

(c) Direct staff to develop other alternatives.

James Teixeira
Director of Parks & Recreation

APPROVED:

Julio J. Fuentes
City Manager

Documents Related to this Report:

Exhibit A Montague Park Site Conceptual Design
Exhibit B. Jenny Strand Park Site Conceptual Design
Exhibit C. Minutes of Council Ad Hoc Additional Soccer Fields Committee Meeting May 12, 2014
Exhibit D. Draft Minutes of Council Ad Hoc Additional Soccer Fields Committee Meeting May 19, 2014

I:\Parks\Agendas\Additional Soccer Fields Site Selection-Montague Park 14.doc

Exhibit A

Montague Park Site
Conceptual Design for Discussion Purposes Only

Exhibit B

Jenny Strand Park Solar R& D Site
Conceptual Design for Discussion Purposes Only

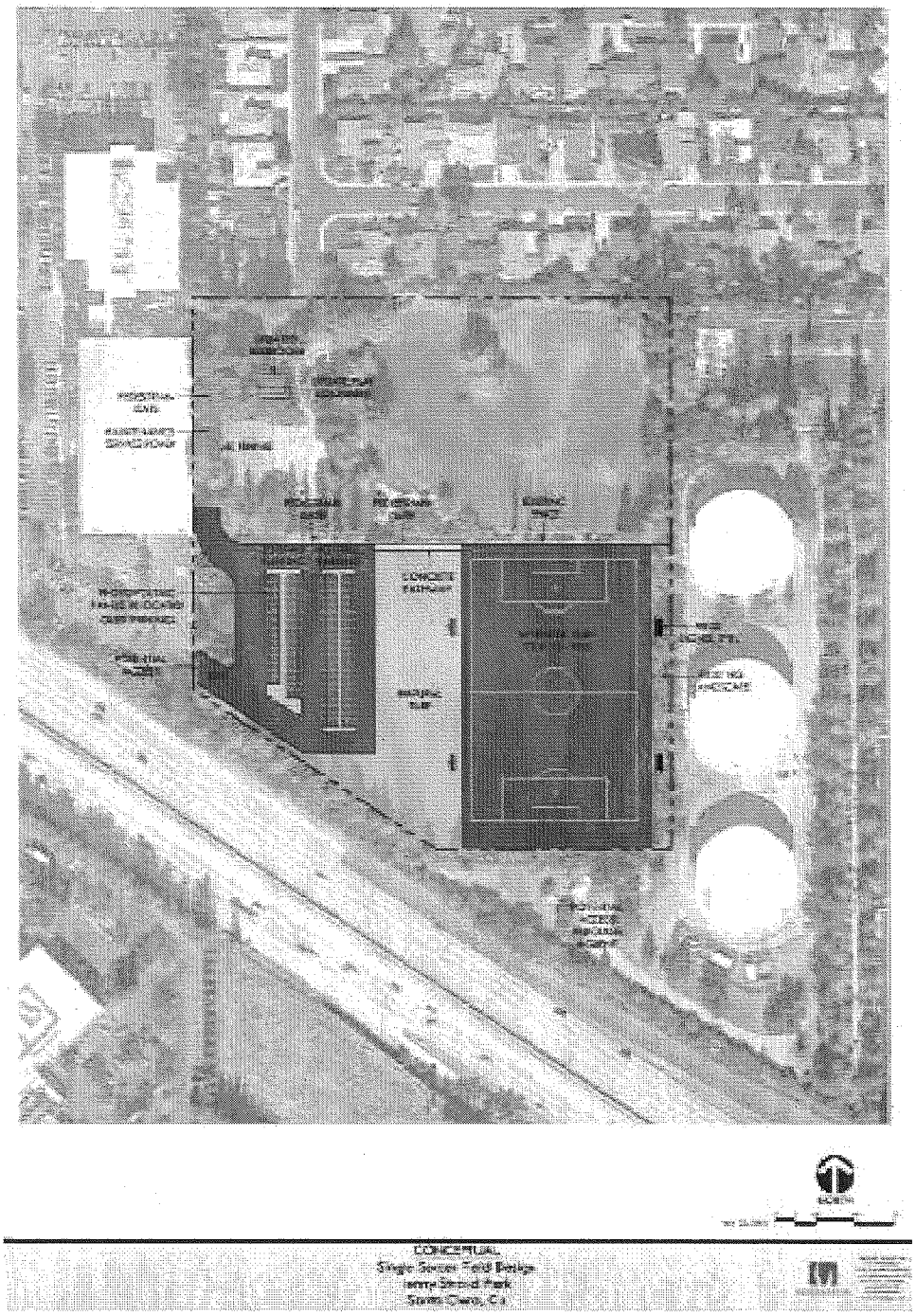


Exhibit C.

AD HOC COMMITTEE
Additional Soccer Field Planning

MINUTES

Monday, May 12, 2014 from 4:00-5:00 p.m.
Council Chambers
1500 Warburton Avenue
Santa Clara, CA

I. Call to Order/Roll Call

The meeting was called to order at 4:00 p.m. Committee Present: Council Members Gillmor, Kolstad, and Mahan. Staff Present: City Manager Fuentes, Assistant City Manager Kurotori, Director of Parks & Recreation Teixeira, Deputy Parks & Recreation Director Seale, Recreation Manager Lord, and Interim Sports Supervisor Beaulieu.

II. Introduction/Purpose of Committee

Council member Kolstad provided an overview of Council Meeting action from March 25, 2014 (Item 12.D.) that approved the City Manager to work with the soccer community for use of other fields and to identify ways to expedite the planning and building of fields; approved the establishment of an Ad-hoc Council Committee (Mahan, Gillmor and Kolstad) to work with relevant stakeholders, and established a new Fiscal Year 2013-14 Capital Improvement Budget Project (CIP) entitled, Youth Soccer Fields & Athletic Facilities and authorized funds for the planning, design and engineering for site or sites to be selected.

III. Selection of Ad Hoc Committee Chair

Council Member Kolstad was selected as Chair.

IV. Staff Presentation

Director of Parks & Recreation reviewed current soccer/athletic field use and availability for immediate/short term permitted use; status of the Request for Proposals for Planning, Design and Engineering of additional soccer fields; and, an overview of sites previously reviewed or considered for this purpose.

V. Council Discussion

Council discussed needs in four areas. First, an immediate need is to understand the plan for traffic, access to and egress from Youth Soccer Park on scheduled event days at Levi Stadium. Second, a short term need is to identify options on alternative fields/space(s) for accommodating permitted soccer use for practices and games that would be displaced from Youth Soccer Park on scheduled event dates from opening day through next year. Third, Santa

Clara park sites are to be identified for placement of additional soccer fields and support facilities identifying potential for soccer fields in the area. Long-term needs include establishing additional soccer fields and athletic facilities to meet the needs of a growing population.

VI. Public Comment

Members of the public provided the following comments: Three fields in one location has long-term advantages for tournaments, game day referees, coaches that may coach multiple teams, and families with children playing on different team; Need lighted fields, such as, current use of Central Park for SCPAL youth soccer; Interest in a vibrant soccer program and protection of Ulistac; Establish lighted soccer fields in three separate locations; in addition to a long-term plan for a Youth Sports Park serving additional sports, such as, baseball; Take Ulistac "off the table;" Concerns regarding 1999 Santa Clara County Open Space Agreement pertaining to Ulistac Natural Area; School district has available fields for community use; Mission College Sports Complex could be considered for fields; suggestion that Youth Soccer Park access route could use existing bike path with one-way traffic controls through the residential area; desire to see the Parks & Recreation Department coordinate communication with SCUSD to access fields; Fields considered as part of the Related Development on the Golf Course; Confusion regarding the Youth Sports Complex feasibility study with current efforts focusing on just soccer fields; winds are a factor at Ulistac; the conceptual design with off-street parking and two soccer fields at Montague Park and one field at Jenny Strand Park with additional parking and/or access is okay; conceptual design for two fields and additional parking at Montague Park should be considered.

VII. Discuss Next Meeting Date

The next meeting date was set for Monday, May 19 from 4 to 5 PM in the Council Chambers. Agenda items for consideration include: (a) Follow-up with Santa Clara Unified School District on potential use of fields on school property; (b) Scheduling Options for Youth Soccer Park on event days at Levi Stadium; (c) Recommendation for Council consideration of additional soccer fields at Montague and Jenny Strand Parks; (d) Traffic and transportation plans in the vicinity of Youth Soccer Park.

VIII. Adjourn (5:15 p.m.)

Submitted By: Patricia Lord, Recreation Manager

Reviewed By: James Teixeira, Director of Parks & Recreation

Approved By: Julio Fuentes

AD HOC COMMITTEE
Additional Soccer Field Planning

Exhibit D.

DRAFT MINUTES

Monday, May 19, 2014, 4:00—5:00 p.m.
Council Chambers
1500 Warburton Avenue
Santa Clara, CA

I. Call to Order/Roll Call

The meeting was called to order at 4:02 p.m. Committee Present: Council Members Gillmor, Kolstad, and Mahan. Staff Present: Assistant City Manager Kurotori, Assistant City Manager Tucker, Senior Management Analyst Galletta, City Attorney Nosky, Public Communications Officer Beerman, Police Sergeant Fitzgerald, Police Captain Cooke, Director of Parks & Recreation Teixeira, Deputy Parks & Recreation Director Seale, Recreation Manager Lord, and Interim Sports Supervisor Beaulieu.

II. Approval of Minutes

On a motion by Council Member Gillmor and second by Council Member Mahan the Committee approved the summary minutes of the May 12, 2014 Ad Hoc Committee Meeting.

III. Staff Presentation(s)/Report(s)/Follow-up

Staff provided follow-up reports from the May 12, 2014 Ad Hoc Committee meeting pertaining to immediate, short-term, and long-term planning for major event day impacts at the Youth Soccer Park. A. Sergeant Fitzgerald from the Santa Clara Police Department presented a Traffic Management and Operations Plan pertaining to access to and egress from the Youth Soccer Park on scheduled event days at Levi Stadium. B. Director of Parks & Recreation Teixeira reviewed the current Levi's Stadium Event Schedule and Department communication efforts, including placement of information on the City website with updates on the Youth Soccer Park and links to the Stadium's own events page. C. In an update regarding the suggested potential use of Santa Clara Unified School District high school sports fields, Director Teixeira reported contact with district officials to schedule a meeting to discuss the field use issue further. A District representative shared reasons accommodation of the request may be difficult. D. Regarding Santa Clara County Open Space Authority grant agreements pertaining to Ulistac Natural Area, the City Attorney's office would review the matter; however, the issues raised were beyond the immediate focus of the Committee.

IV. Council Discussion/Action

A. Council Committee discussed: scheduling options for Youth Soccer Park on event days. The Committee moved the following recommendation for consideration at the June 10, 2014 Council Meeting: propose a Facility use Policy Change to reduce the Youth Soccer Park advance reservation timeframe from ten days to two days and to allow Friday games.

B. Council Committee discussed consideration of two Santa Clara park sites for placement of additional soccer fields: Montague Park and Jenny Strand. The Council Committee discussed the need to identify additional sites, increase community outreach, mitigate issues in the site planning, engineering and design process, and the need to enhance existing parks. The Committee moved the following recommendation for consideration at the June 10, 2014 Council Meeting: selection of Montague Park site for a for the potential development of two soccer fields with lights, park building, off street parking, and to mitigate impacts by working with neighborhood, and stakeholders.

C. Council Committee further discussed Jenny Strand Park and the adjacent Silicon Valley Power Solar R&D area. The Committee clarified the area under consideration as the area behind Jenny Strand Park and moved the following recommendation for consideration at the June 10, 2014 Council Meeting: selection of Jenny Strand Solar R&D site for the potential development of one soccer field with lights, restroom building, parking, and to mitigate neighborhood impacts and securing access through adjacent businesses.

D. Director Teixeira stated staff was continuing its review of design and engineering firms and would return with a contract for Council consideration in the near future.

E. Director Teixeira reported that staff had identified an "alternate soccer ready" field for reserved soccer game use on major event days; Kings Academy in Sunnyvale was available for $125 per hour.. Staff would work with soccer groups to schedule use for their needs.

V. Public Comment

Members of the public shared comments and questions: SCUSD has fields that can be used; the 49ers should fund costs for additional soccer fields; the Montague neighborhood needs multicultural outreach meetings & times to accommodate working families; fields if developed for soccer groups should be open for community use; what are the actual plans for Jenny Strand Park; can Jenny Strand SVP site accommodate both solar panels and a soccer field; will soccer field be lit; soccer fields will generate significant traffic, noise and parking impacts in the Westwood Oaks neighborhood; better City communication and advance notification for public meetings is needed; Jenny Strand Park should remain a neighborhood park not a destination for soccer; high density housing is impacting Santa Clara parks increasing use of existing facilities; not opposed to youth soccer just the timing; need alternative access to Jenny Strand Park to avoid traffic through the Westwood Oaks neighborhood; use Youth Soccer Park on other than stadium event days – user groups need to compromise on scheduling; Apple Computer campus construction is causing additional traffic on Pruneridge Blvd.; installation of synthetic turf on SCUSD fields could accommodate over 600 uses per year more than the natural grass; 49er should be charged "fair market value" for use of Youth Soccer Park.

VI. Next Meeting Date(s): The Committee did not set a next meeting date.

VII. Adjourned (5:15 p.m.)

Respectfully Submitted By: Patricia Lord, Recreation Manager

Reviewed By: James Teixeira, Director of Parks & Recreation

6/10/14

15C-1

AGENDA REPORT

City of Santa Clara, California

Santa Clara All-America City 2001

Date: June 4, 2014

To: City Council for Information

From: Acting Executive Assistant to the Mayor and City Council

Subject: Correspondence Received Regarding the Proposed Soccer Park location

We have collected communications received in the Mayor & Council office regarding the proposed Soccer Park location from Wednesday, May 21st through Wednesday, June 4th, 2014. Additionally, we have collected communications received in the Parks & Recreation office from Sunday, May 18th through Sunday, June 4th, 2014.

These messages (and future received messages on this subject) will be placed in a binder on the Council Office's reading table for your review.

During this timeframe, we have collected:

20 on Jenny Strand Park
5 on Jenny Strand Park from the Parks & Recreation Offices

Jashma Kadam
Acting Executive Assistant to the Mayor and Council

Attachments: Communications received

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 9:31 AM
To: 'Judy Zaratan'
Subject: RE: Jenny Strand Park plans

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: Judy Zaratan [mailto:zartn@comcast.net]
Sent: Wednesday, June 04, 2014 9:11 AM
To: Mayor and Council
Subject: Jenny Strand Park plans

Dear Mayor and council members,

I'm writing to appeal to you to please not convert Jenny Strand Park to soccer field.

I have live in Santa Clara for over 17 years now.

Is it too much to ask for improvement in quality of life here? Instead, it seems like our quality of life has slowly decreased. The traffic on our streets has increase a hundred fold, with developments catering to big businesses and dense housing developers it seems, instead of improving the streets, the parks for neighborhood enjoyment, air quality, safety, etc.....

Our neighborhood is small, surrounded by 3 cities who seems to just not care how much the changes from Apple, Kaiser, developers of high density housing and businesses around us. . Our kids can't even walk to school because of the traffic dangers.

And now, we hear, it could get much worse. The Jenny Strand park is in a location that is only access through Pruneridge/Lawrence e and our small neighborhood streets, I could just imagine how unsafe it would be for us in this small neighborhood to have all those extra traffic flow here. The noise problem is also getting worse, the freeway, the helicopters to Kaiser, Lawrence. Apple traffic , I could not imagine having noise from games regularly.

I hope we can rely on you to care for your residents, and protect us (even if we are small in numbers) from poor quality of life. Please don't say ,we choose to live here and so we should just put up with anything. . We did choose to live here, and hope we chose to elect people who makes decision base on improving quality of life for their residents not just for a few privilege ones like the 49ers fans and businesses. We call this home, and we can't afford to move. Please don't convert Jenny Strand park!

Thank you,
Sincerely,

Judy Zaratan

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 8:40 AM
To: 'Tom Blazek'
Subject: RE: Soccer field in Jenny Strand Park

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

From: Tom Blazek [mailto:tom_blazek@hotmail.com]
Sent: Wednesday, June 04, 2014 7:02 AM
To: Mayor and Council
Subject: Soccer field in Jenny Strand Park

Dear Mr. Mayor, esteemed Members of the City Council ---

Forasmuch I appreciate the efforts that the government of the City of Santa Clara exerts I cannot help me thinking that the **project of creating a soccer field or a soccer playground adjacent to the Jenny Strand Park is ill-conceived and not very well planned**.

Here are some reasons that make me think so:

- **Accessibility and parking considerations**. Just imagine just 2 teams practicing in a sparring match. That means no less than 22 players, in other words 22 cars to arrive, park nearby for about 2 or more hours – not accounting for couches, referees, substitute players, parents, viewers, and guests etc. At present there is not even a dozen parking spaces available next to the Jenny Strand Park. Please do come and see on weekends and in late afternoon hours workdays: the nearby streets are already crammed by parked cars of the park's visitors... Imagining a soccer tournament taking place there should make skins on our backs crawl...
- Should **the access route be drawn from the side of I-280** and Stevens Creek Blvd. on-ramp, no parking space can be clearly used there, not the mention the congestion of the freeway access. (One should also consider the **traffic congestion stemming from the Apple complex now being built** in the rectangle delineated by Tantau Ave., Wolfe Rd., Homestead Rd., and I-280. Yes, this project is under jurisdiction of the City of Cupertino, but it is clear in my mind that it will affect the neighboring parts of Santa Clara and Sunnyvale, notwithstanding.)

- Being a fan of **renewable energy** myself and appreciating the effort Santa Clara took building the solar cell farm in the Jenny Strand Park "annex" about two years ago, **I am wondering: what shall happen to that project?** Should the photo-voltaic project be scrapped and the taxpayers eat the loss? Should it be left in place and the kids left in the proximity of the sign "DANGER, HIGH VOLTAGE"? Having nothing against youth soccer I would still argue that extending the solar farm is the better choice...
- I wish the soccer-playing kids had nothing but just fun all the time. Regrettably, injuries do happen whether in practice or the heat of the game, not to mention some even graver emergency. **How is the emergency or ambulance vehicle access to be resolved?** Yes, a Medevac helicopter is always the last-resort option, but is that necessary?

Finally, I dare thinking that there is **quite a bit of difference between a casual sporting of game activity already taking place in the park, a community party or like activities** on one hand **and regular semi-pro" activity like the youth soccer** is on the other hand. While Jenny Strand Park is perfectly fine and suitable for the former, it is not suitable for the latter. In my opinion, a more suitable place should be picked. And I submit that if the youth soccer is to take the park over in disfavor of the other and already existing activities, there is quite a crowd of people of Santa Clara to become unhappy in effect.

Again, thank you all very much for the sustained effort you make to run the City well. I trust that the Planning Committee etc. bodies of the City government will reconsider the proposal.

Best regards,

Tom Blazek
3898 Hancock Dr.
Santa Clara, CA 95051

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 8:37 AM
To: 'donkaye@earthlink.net'
Subject: RE: Conversion of Jenny Strand Pk to a Soccer Facility

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: donkaye@earthlink.net [mailto:donkaye@earthlink.net]
Sent: Wednesday, June 04, 2014 12:01 AM
To: Mayor and Council
Subject: Conversion of Jenny Strand Pk to a Soccer Facility

The following has sent a message:
Name: Donald Kaye
Email: donkaye@earthlink.net
Comments: As a property owner in Westwood Oaks, I urge you to NOT consider converting this beautiful park into a soccer facility. Many years ago you assured us that this land would remain a park. This land has been through so many iterations during my 39 years as an owner. This is a quiet neighborhood and any such conversion would dramatically impact us. The parking issue alone would be intolerable along with the increased noise level. We already are being negatively impacted with the addition of the Apple Campus where over 13,000 people will be trying to get to work with very poor access. I urge you to find another more appropriate location and leave this park alone.

Thank you. I and most of my neighbors will be at the meeting to see how you handle this very important to us decision.

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 8:36 AM
To: 'sichun.xu@gamail.com'
Subject: RE: Concern on converting Jenny Strand Park

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: sichun.xu@gamail.com [mailto:sichun.xu@gamail.com]
Sent: Tuesday, June 03, 2014 10:23 PM
To: Mayor and Council
Subject: Concern on converting Jenny Strand Park

The following has sent a message:
Name: sichun xu
Email: sichun.xu@gamail.com
Comments: Dear Mayor and Council,

I am a Westwood Oak community resident.
Converting Jenny Strand park to a soccer field will cause significant traffic, noise and light pollution in our neighborhood throughout the year. Heavy traffic may also raise safety issues on kids living in this community. I strongly urge mayor and council to reject the proposal.

Thanks,

Sichun Xu

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 8:36 AM
To: 'xusch@yahoo.com'
Subject: RE: Concern on converting Jenny Strand Park

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: xusch@yahoo.com [mailto:xusch@yahoo.com]
Sent: Tuesday, June 03, 2014 10:22 PM
To: Mayor and Council
Subject: Concern on converting Jenny Strand Park

The following has sent a message:
Name: xuemei lang
Email: xusch@yahoo.com
Comments: Dear Mayor and Council,

I am a Westwood Oak community resident.
Converting Jenny Strand park to a soccer field will cause significant traffic, noise and light pollution in our neighborhood throughout the year. Heavy traffic may also raise safety issues on kids living in this community. I strongly urge mayor and council to reject the proposal.

Thanks,

Xuemei Lang

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 8:35 AM
To: 'Home'
Subject: RE: Big No to soccer field in Jenny Strand Park

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

From: Home [mailto:antonicka@sbcglobal.net]
Sent: Tuesday, June 03, 2014 9:21 PM
To: Mayor and Council
Subject: Big No to soccer field in Jenny Strand Park

Dear Mayor and City Council Members,

My name is Greg Gotlib and my family and I have been living in Westwood Oaks neighborhood for almost 12 years. All this time we truly enjoy and appreciate Jenny Strand Park and use it on daily basis.

I'm completely oppose the idea of building a Soccer Facility in our neighborhood park. Over the year this park has become a place where the community has come together on a daily basis, where neighbors celebrate theirs kids birthdays, and where people can play tennis and basketball and use the green field to play all type of sports in small and big groups.

I'm an architect myself and work with the city of Santa Clara planning and building department on numerous occasions. As an architect I can clearly see how this development can alter the fabric of our lives, and unfortunately not in a good way, by bringing significant traffic and noise to name a few. None of the people living in Westwood Oaks neighborhood, not a single one supports this idea. All of us will stand up to protect our neighborhood being destroyed by outrages ideas.

I strongly ask that you remove this site from any further consideration.

Sincerely,

Greg Gotlib

3883 Sullivan drive, Santa Clara

Sent from my iPad

Kimberly Green

From: Mayor and Council
Sent: Wednesday, June 04, 2014 8:30 AM
To: 'delson@bayarea.net'
Subject: RE: Jenny Strand Park

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014, City Council meeting.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: delson@bayarea.net [mailto:delson@bayarea.net]
Sent: Tuesday, June 03, 2014 7:42 PM
To: Mayor and Council
Subject: Jenny Strand Park

The following has sent a message:
Name: David Elson
Email: delson@bayarea.net
Comments: Mr. Mayor, Members of the Council, and Commissioners:

Regarding the consideration of Jenny Strand Park, in Westwood Oaks community, and the proposed soccer facility there, I have the following to say:

It horrifies and saddens me that Santa Clara would even consider threatening this fine community (in this case *my* fine community of 25 years) with such a thing.

It severely impacts the well being of the citizens who made Santa Clara their home for years and decades, and sends a message to all citizens as to how much their support over the years is (or is not) appreciated.

While there are many reasons why I feel this way, I realize you are busy, and that this is not the proper forum.

I will be supporting this cause, with others from my community, at the appropriate venues.

Thank you.

David Elson

3676 De Soto Ave.
Santa Clara, CA 95051

Kimberly Green

From: Mayor and Council
Sent: Tuesday, June 03, 2014 3:37 PM
To: 'slnienhaus@yahoo.com'
Subject: RE: Jenny Strand Park

Thank you for contacting the City of Santa Clara. Your message has been received and will be part of the public record for Tuesday, June 10, 2014 City Council meeting.

Kimberly Green
Executive Assistant
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

Ack

-----Original Message-----
From: slnienhaus@yahoo.com [mailto:slnienhaus@yahoo.com]
Sent: Tuesday, June 03, 2014 3:13 PM
To: Mayor and Council
Subject: Jenny Strand Park

The following has sent a message:
Name: Sharon Nienhaus
Email: slnienhaus@yahoo.com
Comments: I was astonished to hear that you are considering a soccer field at Jenny Strand Park. It is the gem of our neighborhood: wonderful place to walk and enjoy the outdoors . We've taken our grandchildren, walked our dog, and had picnics there. The kids appreciate the playground, basketball and tennis court. It's good for pickup games.
We in Westwood Oaks are feeling squeezed in. Pruneridge has been cut to one lane and created more traffic problems. Apple is going to close our much-used street, Pruneridge. And now you want to destroy our neighborhood park.
Sharon Nienhaus

Kimberly Green

From: Mayor and Council
Sent: Tuesday, June 03, 2014 8:34 AM
To: 'jgrishaw@fastmail.us'
Subject: RE: Jenny Strand Park / Soccer Field

Mr. Grishaw:
Thank you for your email regarding Jenny Strand Park. A copy of your email will be provided to the Mayor and City Council Members for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: jgrishaw@fastmail.us [mailto:jgrishaw@fastmail.us]
Sent: Monday, June 02, 2014 10:19 PM
To: Mayor and Council
Subject: Jenny Strand Park / Soccer Field

The following has sent a message:
Name: James Grishaw
Email: jgrishaw@fastmail.us
Comments: Dear Mayor and Council,

I am a resident of Westwood Oaks neighborhood where Jenny Strand Park is located. I am horrified at the idea of turning Jenny Strand Park into a soccer field. I made a lot of sacrifices and paid a lot of money to become a member of this neighborhood, because I like the peace and tranquility. I do not want the soccer field and its accompanying traffic and crowds. I cannot find even one neighbor that would welcome the soccer field. Please do not allow the development of Jenny Strand park into a soccer field.

Thank you,
James Grishaw
436 Giannini Dr
Westwood Oaks Neighborhood.

Kimberly Green

From: Mayor and Council
Sent: Monday, June 02, 2014 8:43 AM
To: 'sammarie123@gmail.com'
Subject: RE: do not take away the park!

Sam Sabol:
Thank you for your email to the Mayor regarding Jenny Strand Park. A copy will be provided to the entire City Council for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: sammarie123@gmail.com [mailto:sammarie123@gmail.com]
Sent: Sunday, June 01, 2014 7:24 PM
To: Mayor and Council
Subject: do not take away the park!

The following has sent a message:
Name: Sam Sabol
Email: sammarie123@gmail.com
Comments: Dear mayor,

please don't take away Jenny Strand Park to make soccer fields. Lots of kids, teens, and adults go to the park to have picnics, run around, and play sports and games that are NOT soccer. If there were soccer fields instead of the park we have today, we wouldn't be able to do any of these. Also, many dog owners take their dogs there to play and get excursize! If we couldn't go there to give our dogs excursize, then dog owners would have to go about a mile away to the dog park. that is because the other park close by is not dog friendly at all. I know all of this because i like to take my friends or my dog there to have fun, and if Jenny Strand Park is gone a lot of people will have much more trouble with simple things that Jenny Strand Park makes possible.

from,
Sam
5th Grader, Eisenhower Elementary

Kimberly Green

From: Mayor and Council
Sent: Monday, June 02, 2014 8:36 AM
To: 'kramchandra@yahoo.com'
Subject: RE: Proposed Soccer Field

Mr. Khaparde:
Thank you for your email. A copy of your email will be provided to the entire City Council for review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: kramchandra@yahoo.com [mailto:kramchandra@yahoo.com]
Sent: Sunday, June 01, 2014 12:26 PM
To: Mayor and Council
Subject: Proposed Soccer Field

The following has sent a message:
Name: Ram Khaparde
Email: kramchandra@yahoo.com
Comments: We heard that there is a proposed plan to build soccer field near Jenny Strand Park. The only access to the Park will be though West Wood Oaks community. West Wood Oaks is a peaceful, quiet and safe community where I do not have to worry about my kids biking outside or playing in the Park. We already are seeing traffic troubles due to Apple Campus 2. We do not want any additional traffic and disturbance though West Wood Oaks community.WE STRONGLY OPPOSE THIS PROPOSAL.
Regards,
~Ram Khaparde.

Kimberly Green

From: Mayor and Council
Sent: Monday, June 02, 2014 8:33 AM
To: 'Val'
Subject: RE: No Soccer Field Jenny Strand Park

Val Mandrusov:
Thank you for your email which was received in the Mayor and Council Offices. A copy will be provided to the entire City Council for review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

From: Val [mailto:valman10@gmail.com]
Sent: Saturday, May 31, 2014 8:05 PM
To: Mayor and Council
Cc: Clerk
Subject: No Soccer Field Jenny Strand Park

Dear Mayor Mathews and City Council Members,

My name is Val Mandrusov and I am a long time resident of a Westwood Oaks neighborhood.
My family which includes myself and my wife greatly appreciate Jenny Strand Park and use it on daily basis for taking walks as well as access to the tennis court.

I am greatly distressed by the thought that we may lose this neighborhood park to supplement the existing fields at the Santa Clara Youth Soccer Park.
A soccer field in Jenny Strand Park will cause significant traffic, noise and light pollution in our neighborhood throughout the year.
It may also deny current uses, such as basketball, tennis, frisbee, picnics and parties, and free play on the playground

I write to ask that you direct the Department of Parks and Recreation to remove Jenny Strand Park from consideration for the relocation of the soccer field.
I am looking forward to hearing from you soon regarding your thoughts and ways to prevent this from occurring.

Sincerely,

Val and Elena Mandrusov
321 Lowell Drive, Santa Clara, CA 95051
408-247-7262

Kimberly Green

From: Mayor and Council
Sent: Friday, May 30, 2014 4:40 PM
To: 'Janie'
Cc: Clerk; antonicka@sbcglobal.net
Subject: RE: No Soccer Field Jenny Strand Park

Thank you for your email received in the Mayor and Council Offices. A copy will be provided to the entire City Council.

Thank you for contacting the City of Santa Clara.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

From: Janie [mailto:emandrusov@gmail.com]
Sent: Friday, May 30, 2014 3:47 PM
To: Mayor and Council
Cc: Clerk; antonicka@sbcglobal.net
Subject: No Soccer Field Jenny Strand Park
Importance: High

Dear Mayor Mathews and City Council Members,

My name is Janie (Evgenia) Mandrusov and I am a long time resident of a Westwood Oaks neighborhood. My family which includes myself, my husband and two boys greatly appreciate Jenny Strand Park and use it on daily basis for taking walks as well as access to the tennis court.

I am greatly distressed by the thought that we may lose this neighborhood park to supplement the existing fields at the Santa Clara Youth Soccer Park. A soccer field in Jenny Strand Park will cause significant traffic, noise and light pollution in our neighborhood throughout the year. It may also deny current uses, such as basketball, tennis, frisbee, picnics and parties, and free play on the playground

I write to ask that you direct the Department of Parks and Recreation to remove Jenny Strand Park from consideration for the relocation of the soccer field.

I am looking forward to hearing from you soon regarding your thoughts and ways to prevent this from occurring.

Sincerely,

Ianie Mandrusov

3883 Sullivan Drive, Santa Clara, CA 95051

408-410-4411

Kimberly Green

From: Mayor and Council
Sent: Friday, May 30, 2014 8:25 AM
To: 'foamey04@yahoo.com'
Subject: RE: Jenny Strand Park

Mr. Stout:
Thank you for your email. A copy will be provided to the Mayor and Council Members for review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: foamey04@yahoo.com [mailto:foamey04@yahoo.com]
Sent: Thursday, May 29, 2014 8:30 PM
To: Mayor and Council
Subject: Jenny Strand Park

The following has sent a message:
Name: Michael Stout
Email: foamey04@yahoo.com
Comments: Please do not attempt to use Jenny Strand or the space behind it for a soccer field. There is no access other than through the neighborhood and a road through the playground.
Jenny Strand and Ulistac are worth more than the 49er stadium and the lies of the franchise. At least they are not costing the citizens of Santa clara hundreds of millions of dollars.

Kimberly Green

From: Mayor and Council
Sent: Monday, June 02, 2014 8:29 AM
To: 'logan5@comcast.net'
Subject: RE: Jenny Strand Park

Thank you for your comments. A copy of your email will be provided to the entire City Council for review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: logan5@comcast.net [mailto:logan5@comcast.net]
Sent: Saturday, May 31, 2014 12:05 PM
To: Mayor and Council
Subject: Jenny Strand Park

The following has sent a message:
Name: Michael Logan
Email: logan5@comcast.net
Comments: Mr. Mayor and Council members,

I wanted to express my concern over the proposal to convert Jenny Strand park into a soccer facility in the Westwood Oaks neighborhood.

Our neighborhood is facing grave issues with the introduction of the new Apple campus and having one of our 2 small parks opened up to even more traffic and outside people would be quite disappointing.

Westwood Oaks is a wonderful community and we are fortunate to be in Santa Clara, so please do not take away one of our quiet parks for the sake of adding a near useless soccer field.

Parks can be enjoyed by everyone.
Soccer fields are only for sports.

thank you,

Michael Logan

Kimberly Green

From: Mayor and Council
Sent: Tuesday, May 27, 2014 9:28 AM
To: 'Lynne.c.jennings@gmail.com'
Subject: RE: NO SOCCER PARK at Jenny Strand Park

Ms. Jennings:
Thank you for your email. A copy will be provided to the Mayor and City Council for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: Lynne.c.jennings@gmail.com [mailto:Lynne.c.jennings@gmail.com]
Sent: Monday, May 26, 2014 10:43 PM
To: Mayor and Council
Subject: NO SOCCER PARK at Jenny Strand Park

The following has sent a message:
Name: Lynne Jennings
Email: Lynne.c.jennings@gmail.com
Comments: Hello,

This is a huge surprise. Why would a park that leads to extensive use be placed in our neighborhood? Apple will soon be negatively affecting the community, I am shocked that this is being considered at this time.

Are you planning a driveway from Tantau? If so, the plan for the park may be more realistic. The existing neighborhood streets can not support this additional traffic.

Sincerely,

Lynne Jennings
408-984-5357

Kimberly Green

From: Mayor and Council
Sent: Tuesday, May 27, 2014 9:37 AM
To: 'yangbozhi@gmail.com'
Subject: RE: Do not convert Jenny Strand Part to soccer facilit

Thank you for your email. A copy will be provided to the Mayor and City Council for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: yangbozhi@gmail.com [mailto:yangbozhi@gmail.com]
Sent: Monday, May 26, 2014 4:34 PM
To: Mayor and Council
Subject: Do not convert Jenny Strand Part to soccer facilit

The following has sent a message:
Name: Bozhi Yang
Email: yangbozhi@gmail.com
Comments: Dear Santa Clara Major and Council -

I live in 290 La Herran Dr, Santa Clara, CA 95051. I write to you about the proposal of converting Jenny Strand Part into Soccer facility. My family and our neighbors strongly say NO to this, because this will cause lot of traffic, noise, and light pollution to our community all year round. This will also make the community to become unsafe.

This park as is serves kids and friends to meet and play each other. We want to keep it as is. Please count our voice. We strongly object this proposal. Please help. Thank you.

Wenjun Liu
Bozhi Yang
503-778-0795

Kimberly Green

From: Mayor and Council
Sent: Tuesday, May 27, 2014 8:40 AM
To: 'daintybeth@yahoo.com'
Subject: RE: Jenny Strand Park

Thank you for your email. A copy will be provided to the Mayor and Council Members for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: daintybeth@yahoo.com [mailto:daintybeth@yahoo.com]
Sent: Saturday, May 24, 2014 2:10 PM
To: Mayor and Council
Subject: Jenny Strand Park

The following has sent a message:
Name: Dainty Gavidia
Email: daintybeth@yahoo.com
Comments: Hello,

I received a notification that the City is considering converting Jenny Strand Park in the Westwood Oaks neighborhood into a soccer facility. I would like to express my distress at this idea. This would increase traffic in the area, and light pollution. I have enjoyed picnicking and barbecues and family gatherings at this park. It is wonderful as it is. This park is perfect as a neighborhood park, and converting it into a soccer facility would be a detriment to the nearby residents.

Thank you for your consideration and your service, Dainty Gavidia
322 Lowell Drive
Santa Clara, CA

Kimberly Green

From: Mayor and Council
Sent: Tuesday, May 27, 2014 8:33 AM
To: 'varsha.rammohan@yahoo.com'
Subject: RE: Jenny Strand Park Conversion

Thank you for your comments on the Jenny Strand Park. A copy of your email will be provided to the Mayor and Council Members for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: varsha.rammohan@yahoo.com [mailto:varsha.rammohan@yahoo.com]
Sent: Friday, May 23, 2014 6:07 PM
To: Mayor and Council
Subject: Jenny Strand Park Conversion

The following has sent a message:
Name: Varsha
Email: varsha.rammohan@yahoo.com
Comments: Hi,
I am a 10-year old resident of Westwood Oaks. One of the first and foremost reasons I love Westwood Oaks is because of its parks. Jenny Strand and Westwood Oaks are the only two parks in my neighborhood that I can safely bike to. Jenny Strand has so many amenities such as a basketball court, a tennis court, and a huge field. During the summer, I always head to Jenny Strand to play. Westwood Oaks Park doesn't have a tennis court. Please do not shut down this park. It would break my heart thinking of not spending endless hours during the summer at Jenny Srtrand Park. Please, just listen to me and my neighbors.

Thank you.

Kimberly Green

From: Mayor and Council
Sent: Friday, May 23, 2014 1:45 PM
To: 'michael.a.hansen@att.net'
Subject: RE: Jenny Strand Park

Your email has been received in the Mayor and Council Offices and a copy will be provided to the Mayor and Council Members for their review.

Sincerely,

Jashma Kadam
Mayor and Council Offices
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050
408-615-2250
mayorandcouncil@santaclaraca.gov

-----Original Message-----
From: michael.a.hansen@att.net [mailto:michael.a.hansen@att.net]
Sent: Friday, May 23, 2014 12:07 PM
To: Mayor and Council
Subject: Jenny Strand Park

The following has sent a message:
Name: Michael Hansen
Email: michael.a.hansen@att.net
Comments: To whom it may concern:

Converting Jenny Strand Park into a soccer facility is a terrible idea.

Jenny Strand Park is a wonderful little park in a quiet neighborhood. It has facilities for basketball, tennis, barbeques, picnics, parties and a playground for little kids. It is a treasure. Generations of people have enjoyed Jenny Strand Park and I'm sure they will be most unhappy if it is replaced by a soccer field.

The city's proposal to convert Jenny Strand Park into a soccer facility would severely complicate parking in the neighborhood as well as drastically increase the traffic on streets that were never intended to support that volume.

Soccer fields are everywhere. Find someplace better suited to accommodate this new field.

Me and my neighbors will be watching and voting accordingly.

Regards,
Michael Hansen

Karen Brown

From: sharon@netgate.net
Sent: Wednesday, June 04, 2014 10:43 AM
To: Parks and Recreation
Subject: Jenny Strand Park proposal

The following has sent a message:
Name: Sharon Repenning
Email: sharon@netgate.net
Comments: I have lived in the Westwood Oaks development for over 20 years and I am opposed to the soccer fields under consideration at Jenny Strand Park. This will change a quiet neighborhood park into "soccer central" every weekend during the season, not to mention the disruption during the construction. We are already subject to the noise and mess of the ongoing Apple construction and the development of the property on Stevens Creek and Tantau. The soccer field project will involve great expense and nothing has been said about where this funding is coming from. There is a beautiful youth soccer facility in the city already, but through lack of foresight and the influence of an NFL team coming to town, council members have decided it can't be used as it was intended, at least on "Game Days" for the NFL and other events. Please do not consider changing Jenny Strand Park from the lovely, well-utilized neighborhood gathering place that it has become.

Karen Brown

From: kramchandra@yahoo.com
Sent: Sunday, June 01, 2014 12:26 PM
To: Parks and Recreation
Subject: Proposed Soccer Field

The following has sent a message:
Name: Ram Khaparde
Email: kramchandra@yahoo.com
Comments: We heard that there is a proposed plan to build soccer field near Jenny Strand Park. The only access to the Park will be though West Wood Oaks community. West Wood Oaks is a peaceful, quiet and safe community where I do not have to worry about my kids biking outside or playing in the Park. We already are seeing traffic troubles due to Apple Campus 2. We do not want any additional traffic and disturbance though West Wood Oaks community.WE STRONGLY OPPOSE THIS PROPOSAL.
Regards,
~Ram Khaparde.

Karen Brown

From: deanrodsr5@aol.com
Sent: Thursday, May 22, 2014 7:23 AM
To: deanrodsr5@aol.com; Parks and Recreation Commission
Subject: soccer park,jenny strand

Well after attending the meeting and gathering information I can see the city has NO DESIRE to take care of the residents that pay the taxes and elect the officials in charge. You kept saying it was for the kids,it;s about a place for our kids to play soccer,well my kids do play soccer and I have volunteered to coach those kids in our city for the last 10 yrs,you know nothing about for the kids. We had a perfectly good soccer complex until the city started courting the 49ers,then we were told a huge LIE by the city and 49ers that the soccer park would not be affected,but here we are all affected by the 49ers and our great City Council.
We are losing our soccer park so the mighty 49ers can have more parking,so our kids lose out on a beautiful complex for parking,great job to our elected officials.Now here is the kicker. You want to put the soccer complex in MY NEIGHBORHOOD,where I have lived for 42 yrs, where I played with Jenny,rode bikes with Jenny,went to school with Jenny before she passed. Now we want to wreck our neighborhood park,open our neighborhood up to countless hours of traffic noise,people walking through our neighborhood,trash,speeding cars,and lights. That is what our elected officials want to do to our neighborhood? How about we do it in your neighborhood? How about we speed down your street,turn on flood lights,throw garbage,on your street?
Does this make sense to destroy a neighborhood that has be a beautiful place to live ,all to satisfy the 49ers who promised not to affect the city? Bottom line here is you lied to the people trusted you to do best by them,and you knew you were lying to us when you did it.
Our neighborhood will fight you tooth and nail,every step of the way to ensure you do not destroy our beloved park,and our way of life. We are all outraged with your sneaky ways.
I know there will be no response from any of you,since you really do not care about those who did elect you.
CENTRAL PARK HAS LIGHTS MOVE IT THERE.
YOU CAN GET 2 FIELDS IN EASY.
JOHN MISE IN SAN JOSE ADDED A SOCCER FIELD AND
KEPT THE SOFTBALL FIELDS,TAKE A LOOK AT IT.
Dean

Karen Brown

From: deanrodsr5@aol.com
Sent: Sunday, May 18, 2014 10:19 PM
To: Parks and Recreation Commission
Subject: ARE YOU SERIOUS

I am outraged with the City and the 49ers. As a long time and current coach for SCYSL I have heard the city is proposing moving the Soccer park to Jenny Strand Park? How they can even think of moving the Soccer Park to this location is an absolute joke. The park is located in the back of a neighborhood setting(which is my neighborhood). This is a neighborhood park for the residents to enjoy,some of us grew up with Jenny and enjoy the park everyday. To open the neighborhood up to countless hours of traffic,noise,speeding cars,garbage is not fair to the residents of the peaceful neighborhood. How about making the mighty 49ers ,who have no interest in the kids they are screwing over,find a better non neighborhood location. The city is doing too much to help the 49ers . To think of moving the soccer park to a neighborhood,how about moving it to a neighborhood where our City Council members live,let them deal with all the crap that will come with it. NO SOCCER PARK IN OUR NEIGHBORHOOD,THANKS ANYWAY CITY COUNCIL MEMBERS.

Karen Brown

m: car1399@sbcglobal.net
Sent: Sunday, May 18, 2014 9:43 PM
To: Parks and Recreation Commission
Subject: Additional Soccer Field Planning

The following has sent a message:
Name: Claire Saxton
Email: car1399@sbcglobal.net
Comments:

We are writing to oppose the use of Jenny Strand Park as a soccer field. We are raising our family on Howard Drive, and we visit Jenny Strand park frequently with our two young boys. This park was one of the reasons we chose to move to Santa Clara and more specifically, the Westwood Oaks neighborhood. This park is an ideal park for families with young children because it is extremely safe -- the park is almost entirely fenced in so there is little chance that children will wander off or encounter traffic. While this park is quiet on weekdays during the day, it is a busy neighborhood hub on weekday evenings and weekends. When we were at the park this weekend, there was a large birthday party, a basketball game, a group of families gathered with kids playing on the playground, people playing tennis, and people were walking their dogs. It is used on the weekends for ultimate Frisbee, and many groups meet there to play basketball. We would hate to see this park, which is used by so many different members of the community, limited to the use of people playing soccer.

The Westwood Oaks neighborhood clearly cannot support the use of this park as a soccer field. The access to the park is very limited, as there are only two ways into the neighborhood. The traffic on Pruneridge Avenue, the main route to Westwood Oaks, has become very slow. This road experiences backups since the road was "dieted" from 4 lanes to 2. In addition, Pruneridge Avenue will soon be closed at Tantau due to the new Apple campus, so coming in from the west will be more difficult. Parking will also be a problem. There are only 5 parking spaces at Jenny Strand. Solar panels were recently put into the empty lot to the south of the park, so it would be a waste to take those down and put parking in that area. There are many houses on Hancock Drive that share a fence with the park, so it will not be reasonable to have a large field with lights and noise at the park. We would like you to consider what it would be like for families to try and put a child down for a nap or to bed with the noise of a soccer game and referee's whistle just behind their backyard.

We urge you to consider other options for the additional soccer fields that do not so negatively impact an idyllic residential neighborhood. Other options, such as the Adult Education Center on Benton, could better support a soccer field and have less impact on a neighborhood.

Sincerely,

Claire and Patrick Saxton

Karen Brown

From: E McDaniel <mcdan333@gmail.com>
Sent: Sunday, May 18, 2014 4:41 PM
To: Parks and Recreation Commission
Subject: Jenny Strand Park soccer field proposal

Greetings commission members,

I see from the meeting calendar that the topic of a soccer field at Jenny Strand Park is scheduled for discussion on Monday, May 19 and Tuesday, May 20. I have an interest in this topic, and expect to be at both meetings. I have a few questions regarding the proposal that I was hoping you could answer prior to the meetings.

1. What is the size of the proposed field at Jenny Strand Park? Is it similar in size to the fields at the existing Youth Soccer Park?
2. Which of the existing facilities (basketball court, tennis court, picnic area and playground) would be preserved?
3. Would the public have access to the field when it is not scheduled for soccer?
4. What are the proposed operating hours?
5. Where would the parking and additional access routes (other than Howard Dr.) be located?
6. Would any of the development utilize the land south of the existing park (closer to I-280 and the solar panels)?

Thank you.

Regards,

Eric McDaniel