



City Council Agenda

City of Campbell, 70 North First Street, Campbell, California

CITY COUNCIL EXECUTIVE SESSION

Tuesday, August 16, 2016 – 7:00 p.m.

Ralph Doetsch Conference Room - 70 N. First Street

- A. Personnel
- B. Litigation – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to paragraph (2) of subsection (d) of California Government Code Section 54956.9: One case.
- C. Real Property
- D. Labor Negotiations

REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, August 16, 2016 – 7:30 p.m.

Council Chamber – 70 N. First Street

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Pledge: Westmont High School Key Club

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Recognize the Friends of the Heritage Theatre for their \$25,000 donation**
Recommended Action: Accept the presentation.
2. **Recognize the Museum Foundation and Kaiser Permanente for their support of the Summer Concert Series**
Recommended Action: Accept the presentation.

COMMUNICATIONS AND PETITIONS

ORAL REQUESTS

NOTE: This portion of the meeting is reserved for persons wishing to address the City Council on any matter not on the agenda. Persons wishing to address the Council are requested, but not required to complete a Speaker's Card. Speakers are limited to two (2) minutes. The law

generally prohibits the Council from discussion or taking action on such items. However, the Council may instruct staff accordingly regarding Oral Requests.

COUNCIL ANNOUNCEMENTS

CONSENT CALENDAR

NOTE: All matters listed under consent calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of City Council, City staff, or a member of the public. Any person wishing to speak on any item on the consent calendar should ask to have the item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

3. **Minutes of Regular Meeting of August 2, 2016**
Recommended Action: Approve the regular meeting minutes.
4. **Approving Bills and Claims**
Recommended Action: Approve the bills and claims in the amount of \$2,016,185.45.
5. **Carnival Permit and Waiver of Fees for St. Lucy Parish School (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution approving the issuance of a Carnival Permit for the St. Lucy Parish School on October 7-9, 2016 subject to the restrictions and conditions as described in said resolution; and waive 50% of the permit fee.
6. **Approval of Tract Map No. 10376 Including Acceptance of Public Service Easement Shown on Said Map – 180 Redding Road (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution approving the Tract Map for Tract No. 10376 and accept the public service easement as shown on the map for the property located at 180 Redding Road.
7. **Approval of Restated Silicon Valley Regional Interoperability Authority Joint Powers Agreement to Accommodate Santa Clara Valley Transportation Authority as an Additional Member (Resolution/Roll Call Vote)**
Recommended Action: Authorize the City Manager to sign the approval of the restated Joint Powers Agreement.
8. **Approval of Specifications and Call for Bids and Authorization to Purchase One Unmarked Police Vehicle (Resolution/Roll Call Vote)**
Recommended Action: Adopt a resolution approving the specifications and call for bids for the purchase of one new 2016 unmarked police vehicle; and authorize the Public Works Director to award the contract for the replacement unite to the lowest responsible bidder.
9. **Accept a \$25,000 donation from Friends of the Heritage Theatre**

Recommended Action: Accept a donation of \$25,000 from the Friends of the Heritage Theatre for the purchase of a Moving Lights system.

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. **Public Hearing to consider the application of Brice Colton for a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive. Staff is recommending that a Negative Declaration be adopted for this project. (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution incorporating findings, approving a Modification (PLN2016-73) to previously-approved Planned Development permit to allow the exterior remodel of an existing building listed on the City's Historic Resources Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive. Staff is recommending that a Negative Declaration be adopted for this project.

11. **Public Hearing to consider the application of Brian Skarbek for an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard. Staff is recommending that this item be deemed Categorically Exempt under CEQA.**

Recommended Action: Adopt a resolution incorporating findings, approving an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an Outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, subject to the conditions of approval.

NEW BUSINESS

12. **Designation of Voting Delegate and Alternate for 2016 League of California Cities Annual Cities Conference**

Recommended Action: Designate a Voting Delegate and Alternate(s) for the League of California Cities Annual Conference General Business Meeting to be held on October 7, 2016.

COUNCIL COMMITTEE REPORTS

13. **Approve the Appointments to the Civic Improvement Commission, Rental Fact Finding Committee, and Parks and Recreation Commission**

Recommended Action: Approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointments to the Civic Improvement Commission, Rental Fact Finding Committee, and Parks and Recreation Commission.

14. **City Councilmember Reports/Updates on Committee Assignments**

Recommended Action: Report on committee assignments and general comments.

ADJOURN

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



*City
Council
Report*

Item:
Category:
Meeting Date:

1.
Special Presentations
August 16, 2016

TITLE: Presentation by Recreation Services Manager to thank the Friends of the Heritage Theatre for their donation of \$25,000

DISCUSSION

The Friends of the Heritage Theatre donated \$25,000 toward the purchase of a Moving Lights system for the Heritage Theatre. This enhancement will benefit the Heritage Theatre's Season of Shows and rental programs. The Moving Lights system will give productions a "wow" factor by expanding the Theatre's current lighting capability. The Heritage Theatre will be the only theatre of its size in Santa Clara County with moving lights.

The Friends of the Heritage Theatre worked diligently to fundraise for the Moving Lights system through writing grant proposals, running two crowdfunding campaigns, outreaching to season subscribers, and running the concessions at Heritage Theatre shows.

The City of Campbell wishes to acknowledge and thank the Friends of the Heritage Theatre for their generous donation.

Prepared by: *Natasha Bissell*
Natasha Bissell, Recreation Services Manager

Reviewed by: *Regina Maurantonio*
Regina Maurantonio, Recreation & Community Services Director

Approved by: *Mark Linder*
Mark Linder, City Manager



*City
Council
Report*

Item:
Category:
Meeting Date:

2.
Special Presentations
August 16, 2016

TITLE: Presentation by Recreation Supervisor Merriman to thank Kaiser Permanente, the Campbell Historical Museum and Ainsley House Foundation and the Key Club from Westmont High School for their support of the 2016 Summer Concert Series

DISCUSSION

The City of Campbell hosted eight Summer Concerts between June 23 and August 11, 2016. These events draw thousands of residents to the Orchard City Green to listen to music, dance, visit with neighbors and create memories. The City of Campbell wishes to acknowledge and thank the following groups for their support of the Summer Concert Series:

- Kaiser Permanente provided \$5,000 of sponsorship money toward the 2016 Summer Concert Series and the Parks Make Life Better pre-concert activities. The goal of the pre-concert activities was to demonstrate the many ways that recreational programs improve lives by providing healthy activities, safety awareness and life-long learning. Activities presented as part of the Parks Make Life Better initiative included a Lego demonstration, a Music Together Sing-a-long, summer camp games, fitness, line dancing, and water safety. All activities were well received by the concert participants and promoted access to health and wellness activities in the City of Campbell. Kaiser Permanente's sponsorship demonstrates a strong commitment to the Campbell community by supporting the importance of recreation programs as a means to improve health and wellness.
- Campbell Historical Museum and Ainsley House Foundation volunteers worked with vendors to provide delicious hot food, beverages, and snacks for the concert attendees. Proceeds from the food and beverage sales are used to support the Campbell Historical Museum and Ainsley House educational programs and facility improvements.
- Students from the Key Club from Westmont High School assisted with the set up and break-down of the food booths, sold snacks and provided face painting for children attending the concert.

Prepared by:



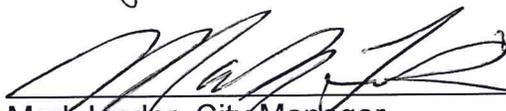
Lauren Merriman, Recreation Supervisor

Reviewed by:



Regina Maurantonio, Recreation & Community Services Director

Approved by:



Mark Linder, City Manager

CITY COUNCIL MINUTES

City of Campbell, 70 North First Street, Campbell, California



REGULAR MEETING OF THE CAMPBELL CITY COUNCIL

Tuesday, August 2, 2016 – 7:30 p.m.
Council Chamber – 70 N. First Street

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

This meeting was recorded and can be viewed in its entirety at www.cityofcampbell.com/agendacenter.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

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

Roll Call:

Present: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

Absent: Councilmembers: None

SPECIAL PRESENTATIONS AND PROCLAMATIONS

1. **Campbell Based Crisis Stabilization Unit Outcomes**

Recommended Action: Accept the presentation.

Laura Champion, Executive Director at Uplift Family Services, formerly known as EMQ Families First, provided Council with an overview sheet and gave a presentation to update Council on services the unit has provided.

Council listened to the presentation and provided general comments.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions.

ORAL REQUESTS

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There were no oral requests.

COUNCIL ANNOUNCEMENTS

The Silicon Valley Clean Energy Authority Board unanimously approved recommendations to guide negotiations with power suppliers over the next five years for 100% carbon free electricity at a lower cost than Silicon Valley residents and businesses pay now. Notices from the Authority will be mailed to Campbell residents in early 2017 with more information.

Upcoming Below Market Rate Housing Orientation Workshops: The City's new BMR Administrator, HouseKeys, will hold orientations every other week to explain the process for purchasing a BMR home from initial application, lottery selection, financing and document signing to moving in. The meetings are scheduled for the Council Chambers on the following dates from 6:30 p.m. to 8:30 p.m. Those dates are: Thursday, August 4; Wednesday, August 17; and Wednesday, August 31.

You are cordially invited to the dedication and celebration of the official opening of the East Campbell Avenue Portals Project on Friday, August 5 at 11:00 a.m. The meeting will commence on East Campbell Avenue at Highway 17 overcrossing on the Pruneyard side.

Be a part of the solution to pollution. Join Senator Jim Beall's 2016 Creek Cleanup event, at Campbell Park on Saturday, August 13 from 8:45 a.m. to 11:00 a.m. This event is free and everyone is welcome. For more information please visit: <http://sd15.senate.ca.gov>.

Please join us for the "End of Summer Movie Night under the Stars" at John D. Morgan Park on Friday, August 19. The featured movie "Rio" will begin at 8:00 p.m. Bring your lawn chair, blanket and jacket. Parking is available in City lots.

Join us Thursday nights for the 24th Annual Summer Concert Series presented by Kaiser Permanente from 6:30 p.m. to 8:00 p.m. at the Orchard City Green located between City Hall and the Campbell Library. This week's concert features Sage. For more information about these and other events and information, visit the City's website at www.cityofcampbell.com.

Valley Transportation Authority (VTA) is seeking input on a new paratransit contract and there will be public meetings. On June 24, 2016 the VTA board took action to end VTA's contract with Outreach and Escort Inc. Early on in this 12 month transitional period VTA will be issuing a request for proposals for paratransit services and will seek feedback from paratransit customers regarding their priorities for services. Nothing will change in the interim. There will be a community meeting at the Campbell Community Center on Tuesday, August 9, 2016 from 9:00 a.m. to 11:30 a.m. at One West Campbell Avenue. Space is limited so please R.S.V.P. by going to www.eventbright.com or e-mailing customerservice@vta.org

CONSENT CALENDAR

NOTE: All matters listed under consent calendar are considered by the City Council to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a request is made by a member of City Council, City staff, or a member of the public. Any person wishing to speak on any item on the consent calendar should ask to have the item removed from the consent calendar prior to the time the Council votes to approve. If removed, the item will be discussed in the order in which it appears.

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

Vice Mayor Gibbons asked to pull items six and seven.

Councilmember Cristina asked to pull item eight.

The Consent calendar was considered as follows:

2. **Minutes of Study Session of July 19, 2016**

Recommended Action: Approve the study session minutes.

This action approves the minutes of the study session of July 19, 2016.

3. **Minutes of Regular Meeting of July 19, 2016**

Recommended Action: Approve the regular meeting minutes.

This action approves the minutes of the regular meeting of July 19, 2016.

4. **Approving Bills and Claims**

Recommended Action: Approve the bills and claims in the amount of \$1,276,843.82.

This action approves the payment of bills and claims in the amount of \$1,276,843.82 as follows: bills and claims checks dated July 11, 2016 in the amount of \$407,427.40; bills and claims checks dated July 7, 2016 in the amount of \$17,255.35; bills and claims checks dated July 15, 2016; bills and claims checks dated July 18, 2016 in the amount of \$315,234.57; and payroll checks dated July 14, 2016 in the amount of \$313,846.25.

5. **Monthly Investment Report – June, 2016**

Recommended Action: Note and file the monthly investment report for June 2016.

This action is to note and file the monthly investment report for June, 2016.

9. **Authorize City Manager to Execute an Agreement with EPCIT for Temporary Information Technology Professional Services (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the City Manager to execute an agreement with EPCIT to provide temporary professional services for the Information Technology Division.

Resolution 12029 authorizes the City Manager to execute an agreement with EPCIT to provide temporary professional services for the Information Technology Division.

M/S: Gibbons/Kotowski - that the City Council approve the Consent Calendar with the exception of items six, seven and eight. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

ITEMS CONSIDERED SEPARATE FROM THE CONSENT CALENDAR

6. **Second Reading of Ordinance 2206 Approving a City-Initiated Text (PLN2016-180) to Amend Campbell Municipal Code Chapters 21.20 and 21.24 Regarding Density Bonus Regulations (Second Reading Ordinance/Roll Call Vote)**

Recommended Action: Approved second reading and adopt Ordinance 2206 approving a city-initiated text amendment to Campbell Municipal Code Section 21.20 and 21.24 regarding Density Bonus Regulations.

Vice Mayor Gibbons commented on the potential change in legislation that will constrain cities in the state from reviewing housing projects that provide affordable housing and eliminate the CEQA review process.

M/S: Gibbons/Resnikoff – that the City Council approve the second reading and adopt Ordinance 2206 approving a city-initiated text amendment to Campbell Municipal Code Section 21.20 and 21.24 regarding Density Bonus Regulations. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

7. **Authorize Issuance of Request for Proposal to Replace City Gas Pumps and Authorize the purchase of New Management Software (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution authorizing the Public Works Director to issue a request for proposals and enter into an agreement for the purchase and installation of gas pumps located at the City Service Yard and at the Police Department fleet parking area; and authorize the Public Works Director to execute a purchase agreement for the “FUELMASTER” fuel

management software by “piggybacking” on the National Joint Power Alliance No. 051613-sys.

Vice Mayor Gibbons commented on the need to identify long range replacement programs and include them in the Capital Improvement Project Budget.

M/S: Gibbons/Kotowski – that the City Council adopt resolution 12027 authorizing the Public Works Director to issue a request for proposals and enter into an agreement for the purchase and installation of gas pumps located at the City Service Yard and at the Police Department fleet parking area; and authorizing the Public Works Director to execute a purchase agreement for the “FUELMASTER” fuel management software by “piggybacking” on the National Joint Power Alliance No. 051613-sys. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

8. **A Resolution to Implement Stage 2 Potable Water Restrictions to Correspond with the Reductions of the Water Conservation Goal from 30% to 20% (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution to implement Stage 2 drought restrictions based on the Santa Clara Valley Water District and San Jose Water Company reduction of the water conservation goal from 30% to 20% of 2013 usage.

Councilmember Cristina stated that he would like the water conservation goal to remain at 30% to allow for future growth and would not support a reduction to 20%.

After discussion, **M/S: Gibbons/Resnikoff – that the City Council adopt resolution 12028 to implement Stage 2 drought restrictions based on the Santa Clara Valley Water District and San Jose Water Company reduction of the water conservation goal from 30% to 20% of 2013 usage. Motion was adopted by the following roll call vote:**

AYES: Councilmembers: Kotowski, Resnikoff, Gibbons, Baker

NOES: Councilmembers: Cristina

PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES

10. **Placing the Cost of Abating Hazardous Vegetation on the Property Tax Assessment Roll (Resolution/Roll Call Vote)**

Recommended Action: Adopt a resolution placing the cost of abating hazardous vegetation on the property tax assessment roll.

This is the time and place for a public hearing to consider placing the cost of abating hazardous vegetation on the property tax assessment roll.

Community Development Director Kermoyan presented staff report dated August 2, 2016.

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

There being no one wishing to speak, Mayor Baker closed the public hearing.

M/S: Resnikoff/Gibbons – that the City Council adopt resolution 12030 placing the cost of abating hazardous vegetation on the property tax assessment roll including the desk item. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons, Baker

NOES: Councilmembers: None

NEW BUSINESS

11. **Authorization to Enter into Negotiations for Acquisition to Purchase and to Appoint a Negotiator**

Recommended Action: Authorize the City Manager to enter into negotiations for acquisition to purchase property and to appoint a negotiator.

Public Works Director Capurso presented staff report dated August 2, 2016.

Mayor Baker asked if there was anyone in the audience wishing to speak on this item.

Laura Moore, Campbell resident, spoke about the building and commented on a successful project in Los Gatos where the City was given a building and it was moved and repurposed.

There being no one else wishing to speak, Mayor Baker closed the public comment.

After discussion, **M/S: Gibbons/Kotowski – that the City Council authorize the City Manager to enter into negotiations for acquisition to purchase property and to appoint a negotiator. Motion was adopted unanimously.**

12. **Water Tower Lighting Request**

Recommended Action: Review and provide direction related to Water Tower Lighting Requests from the Campbell Police Officers Association and the Teal Foundation.

City Manager Linder presented staff report dated August 2, 2016.

Police Officers Association President, Sergeant Livingston, commented on the request and stated that the community has shown an outpouring of support and the Police Officers Association would like the lighting of the water tower on the soonest date possible to show the shared support with the community.

Police Chief Carmichael stated his administration's support of the Police Officers Association's request.

Ralph De Simone, representative from the Teal Foundation, spoke about the organization and bringing awareness to ovarian cancer.

Council discussed the individual request and commented on adding May 15th "Peace Officer Memorial Day" to the permanent list of dates.

M/S: Cristina/Resnikoff – that the City Council approve the request of the Teal Foundation to light the water tower teal on Friday, September 23, 2016 to promote the "Teal Run" and ovarian cancer awareness. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons

NOES: Councilmembers: Baker

M/S: Cristina/Kotowski – that the City Council add blue lighting on May 15th "Peace Officer Memorial Day" to the Campbell Water Tower Lighting policy list of annual dates. Motion was adopted unanimously.

M/S: Cristina/Resnikoff – that the City Council approve a lighting request from Campbell Police Officers Association to light the water tower blue on the soonest date possible to display a shared support of the residents and Campbell Police. Motion was adopted by the following roll call vote:

AYES: Councilmembers: Kotowski, Resnikoff, Cristina, Gibbons

NOES: Councilmembers: Baker

COUNCIL COMMITTEE REPORTS

13. **City Councilmember Reports/Updates on Committee Assignments**
Recommended Action: Report on committee assignments and general comments.

--Councilmember Resnikoff attended the Campbell Chamber of Commerce lunch; chaired the Silicon Valley Animal Control Authority meeting; participated on the Advisory Commission Appointment Interview Subcommittee for the Parks and Recreation Commission and the Rental Fact Finding Committee; attended

four neighborhood events for National Night Out; and spoke about the upcoming portals project dedication event on August 5th.

--Councilmember Cristina attended four neighborhood events for National Night Out.

--Vice Mayor Gibbons attended five neighborhood events for National Night Out; attended the Campbell Historic Museum & Ainsley House Foundation meeting and spoke about the recruitment for board members; participated in the City Attorney Performance/Compensation Subcommittee, and attended the Silicon Valley Clean Energy Executive Board meeting.

--Councilmember Kotowski attended a retreat of the Friends of the Heritage Theatre.

--Mayor Baker attended one neighborhood event for National Night Out; attended Silicon Valley Leadership Group Regional Economic Forum; West Valley Mayors and Managers meeting; Metropolitan Transportation Commission meeting; and attended a closed session of Valley Transportation Authority.

Vice Mayor Gibbons commented on agenizing a policy for press releases to look at broadening the distribution, foreign language outreach, and to develop guidelines for issuing releases.

Vice Mayor Gibbons commented on including significant actions taken by a committee or board on which Council serves, in the minutes.

After discussion, no further action was taken.

ADJOURN

Mayor Baker adjourned to the Executive Session meeting at 9:21 p.m.

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

CITY COUNCIL EXECUTIVE SESSION

**Tuesday, August 2, 2016 – Immediately Following Council Meeting
Ralph Doetsch Conference Room - 70 N. First Street**

- A. **Personnel - PUBLIC EMPLOYEE PERFORMANCE EVALUATION (California Government Code § 54957)
Title: City Attorney**
- B. **Litigation**
- C. **Real Property**
- D. **Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS (California Government Code § 54957.6) Agency Designated Representatives: Mayor Jason Baker and Vice-Mayor Elizabeth Gibbons
Unrepresented Employee: City Attorney**

Council met in Executive session to discuss item A and D. Executive session adjourned at 9:55 p.m.



City Council Report

Item: 4.
Category: Consent Calendar
Meeting Date: August 16, 2016

TITLE: Approving Payment of Bills and Claims

RECOMMENDATION

Approve the attached lists of bills and claims for payment in the amount of \$2,016,185.45.

DISCUSSION

Attached are the lists of bills and claims that have been audited and approved by staff for payments made as noted below:

<u>Type</u>	<u>Check Date</u>	<u>Amount</u>
Bills & Claims	July 22, 2016	\$746,040.75
Bills & Claims	July 25, 2016	\$482,773.02
Payroll	July 28, 2016	\$321,879.91
Bills & Claims	July 29, 2016	\$144,771.98
Bills & Claims	August 01, 2016	\$320,719.79
	Total	\$2,016,185.45

FISCAL IMPACT

Adequate funding was available to cover all expenses as listed.

Prepared by:

Carolina Vargas, Accounting Clerk II

Reviewed by:

Sharif Etman, Finance Manager

Reviewed by:

Jesse Takahashi, Finance Director

Approved by:

Mark Linder, City Manager

Attachments:

Attachment 1 – Bills & Claims Lists



City Council Report

Item: 5.
Category: Consent Calendar
Meeting Date: August 16, 2016

**TITLE: Carnival Permit and Waiver of Fees for St. Lucy Parish School
(Resolution/Roll Call Vote)**

RECOMMENDATION

1. The City Council adopts a resolution approving the issuance of a Carnival Permit for the St. Lucy Parish School Carnival on October 7-9, 2016, subject to the restrictions and conditions as described in the attached resolution.
2. Waive 50% of the permit fee.

BACKGROUND

The following applicant has requested a Carnival Permit:

St. Lucy Parish School Parent Teacher Group
2350 Winchester Boulevard and 76 E. Kennedy Avenue
Campbell, CA 95008
John Conti, Event Coordinator
(408) 968-0548

St. Lucy's has held this event for the past 26 years.

DISCUSSION

The event is an annual fund raising project to raise money for St. Lucy Parish School. Activities include a carnival, games of skill, food, silent auction, raffle and entertainment. The applicant is requesting to include live entertainment on Friday evening from 6:30 pm to 10:30 pm., Saturday from 12:45 pm to 6:00 pm and from 8:00 pm to 10:30 pm, and on Sunday from 12:00 pm to 5:30 pm. Each band will be located on a 20' x 20' stage adjacent to the pavilion area. The festival committee and musicians will insure that the sound level is modulated so as not to disturb neighbors in the community. Past events have had minimal impact on normal City operations and provided a valuable source of income for the school.

The applicant has requested that staff fees and permit fees be reduced. Staff recommends a 50% waiver of fees which would be consistent with last year. St. Lucy Parish School has agreed to pay full costs for Police security.

Conditions and restrictions are the same as the previous twelve years that reflect the addition of guidelines for identification of volunteers and Security, as well as regulations involving imbibing by volunteers. Applicant agrees to adhere to these conditions.

Title: Carnival Permit and Waiver of Fees for St. Lucy Parish School Page 2 of 2
August 16, 2016

The event will be held from Friday, October 7th to Sunday, October 9th, 2016, during the following hours:

Friday, October 7th, from 4:00 pm to 11:00 pm
Saturday, October 8th, from 10:00 am to 11:00 pm
Sunday, October 9th, from 12:00 pm to 6:00 pm

The Campbell Municipal Code requires City Council approval of a Carnival Permit and sets a fee of \$324.00 for the first day and \$102.00 for each subsequent day. Last year the City Council waived 50% of the fee. This is consistent with how other fundraisers are treated in the Fee Waiver Policy.

FISCAL IMPACT

The City will experience a \$264.00 loss of revenue if a 50% fee waiver is granted.

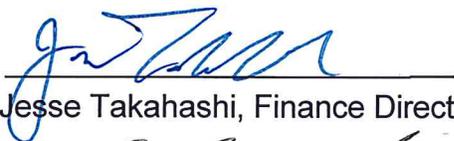
As referenced in the attached resolution, the applicant has agreed to pay the City for uniformed Police presence at the event.

ALTERNATIVES

- 1. Waive all fees
- 2. Waive no fees
- 3. Provide other direction

Prepared by: 
Cindy Campbell, CSO

Reviewed by: 
David Carmichael, Chief of Police

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments

Resolution for Carnival Permit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CAMPBELL
AUTHORIZING THE ISSUANCE OF A CARNIVAL PERMIT TO THE ST. LUCY
PARISH SCHOOL PARENT TEACHER GROUP FOR THE CARNIVAL
COMMONLY KNOWN AS THE ST. LUCY FUN FESTIVAL LOCATED AT
76 KENNEDY AVENUE, OCTOBER 7TH TO OCTOBER 9TH, 2016.

WHEREAS, After notification and hearing and presentation by the Police Department, after due consideration of all the evidence presented the City Council did find as follows:

1. The dates and hours of operation for the carnival shall be as follows:

Friday October 7 th	4:00 pm – 11:00 pm
Saturday October 8 th	10:00 am – 11:00 pm
Sunday October 9 th	12:00 pm – 6:00 pm

2. Attractions: The carnival will include ten amusement rides, games concessions and a food booth which shall be under contract with Sam Johnston's Midway of Fun, of Sacramento, California, who has provided this carnival since 1993. Liability insurance shall be provided by the carnival operator. Tickets sold prior to the opening day of the carnival will be handled by parish/school volunteers. Once the carnival has opened at 4:00 pm on Friday, October 7th, employees of the Midway of Fun will handle ticket sales.
3. Alcohol Sales: Beer and wine will be sold from booths to adults showing acceptable proof of age. Any purchaser who appears to be 25 years of age or younger shall be required to furnish proper identification to prove that they are 21 years. Sales of beer and wine will only occur with the issuance of a Sales License from the California Department of Alcoholic Beverage Control. Any alcoholic beverage purchased at the carnival will be consumed or disposed of prior to the patron leaving the carnival.
4. Food and Game Booths: Parish/school volunteers will operate approximately 25 game booths and 12 food booths. All booths will only operate after receiving approval by Santa Clara County Central Fire District. Food booths will only operate after receiving approval by the Santa Clara County Environmental Health Department.
5. Auctions: Items will be displayed for silent auction bidding throughout the duration of the festival. A live auction will also be conducted on Saturday evening in the pavilion area between the school and kitchen.
6. Raffle: A raffle with a grand prize of \$5,000.00 will be held. The winning ticket will be drawn at 5:00 pm on Sunday, October 9, 2016.
7. Live Entertainment: Each band will perform on a 20'X 20' stage adjacent to the pavilion area. The festival committee will be responsible for monitoring the volume of the performances to ensure that the noise does not become a nuisance to the surrounding community.

8. Promotions:

(a) Two banners up to 20 square feet may be placed on private property on the building face as approved by the City of Campbell Community Development Department.

(b) Bulk rate mailings to residents of the City of Campbell

(c) Posters will be distributed to local merchants and placed on utility poles belonging to PG&E as approved by them and the City of Campbell Community Development Department.

(d) Signs posted at St. Lucy Parish School and on Church Property

(e) Banners and posters shall be removed no later than 72 hours after the close of the event.

9. Parking: Parking will be available behind and adjacent to St. Lucy's Church and St. Lucy's School. Normal paths to and from the entrances and exits will be available and festival volunteers will monitor these paths to ensure that emergency and fire vehicles will have constant access to the premises.

10. Security:

(a) Security will be provided by the Campbell Police Department. All Campbell Police Officers working security will be in full uniform.

(b) All festival volunteers or workers who are assigned to various activities will wear distinctive identification, such as a T-shirt or vest, that identifies both on the front and back that these individuals are festival volunteers or workers.

(c) All outside agency Police personnel who are working as security during the festival will be required to wear distinctive security clothing at all times while they are working, i.e., a jacket or vest that indicates "St. Lucy's Fun Festival Security" on the front and back of the garment. A list of those outside agency Police personnel must be provided to the Office of the Chief of Police no later than two weeks prior to the first day of the festival.

(d) School parents employed as a peace officer may stay overnight on the property on Friday night and Saturday night to provide safeguarding of the festival location and property. Information identifying these individuals and the attire of these individuals shall meet the requirements stated in section (c) above.

(e) Festival organizers will furnish to the Campbell Police Department, the names and identifying information of all festival personnel who will have access to large sums of cash.

(f) No festival volunteer or worker will be allowed to consume alcoholic beverages during the event. They may consume alcoholic beverages once they are completed with their assignment for the day. For further clarification, no festival volunteer or worker who is working a split shift will be allowed to consume alcohol during their off period. They must be completely finished for the day before they may consume alcohol.

WHEREAS, the City Council approves the application of St Lucy's Parish School Parent Teacher Group for a Carnival permit and to allow the waiving of 50% of permit fees for the Fun Festival.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell does hereby grant a Carnival permit to St. Lucy's Parish School Parent Teacher Group.

PASSED AND ADOPTED THE 16th day of August, 2016, by the following roll call vote:

AYES: Council members:

NOES: Council members:

Absent: Council members:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk



City Council Report

Item No.: 6.
Category: Consent Calendar
Meeting Date: August 16, 2016

TITLE: Approval of Tract Map No. 10376 including Acceptance of Public Service Easements Shown on Said Map – 180 Redding Road (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council adopt the attached resolution approving the Tract Map for Tract No. 10376 and accept the public service easements as shown on the map for the property located at 180 Redding Road.

DISCUSSION

On June 7, 2016, the City Council adopted Resolution No. 11992 conditionally approving a Tentative Subdivision Map (PLN2015-306) to allow the creation of five single family lots and one common lot on the property located at 180 Redding Road.

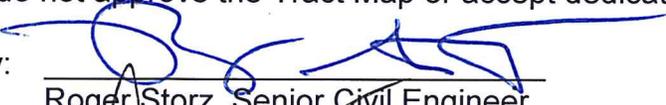
The Tract Map includes the public service easements necessary to accommodate the approved use of the property. Staff has reviewed the map and found it in compliance with the approved Tentative Map, the Subdivision Map Act, and Title 20 of the Campbell Municipal Code. The attached resolution has been prepared for Council's consideration for approval of the Tract Map and acceptance of the public service easements offered for dedication.

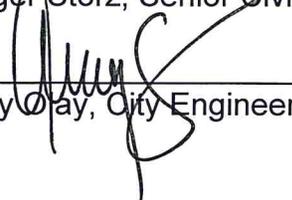
FISCAL IMPACT

There is no fiscal impact associated with this action.

ALTERNATIVES

Determine that the Tract Map is not consistent with the Tentative Map or applicable codes, and do not approve the Tract Map or accept dedications.

Prepared by: 
Roger Storz, Senior Civil Engineer

Reviewed by: 
Amy Gray, City Engineer

**Approval of Tract Map No. 10376 and Acceptance of Public
Service Easements Shown on Said Map – 180 Redding Road
August 16, 2016**

Reviewed by: Todd Capurso
Todd Capurso, Public Works Director

Approved by: Mark Linder
Mark Linder, City Manager

Attachments: Attachment 1: Resolution
Attachment 2: Tract Map

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
APPROVING THE TRACT MAP FOR TRACT NO. 10376 AND
ACCEPTING THE PUBLIC SERVICE EASEMENTS OFFERED FOR
DEDICATION FOR PROPERTY LOCATED AT 180 REDDING ROAD**

WHEREAS, on June 7, 2016, the City Council adopted Resolution No. 11992 approving a Tentative Map for the property located at 180 Redding Road; and

WHEREAS, public service easements are necessary to accommodate the approved use of the property and have been offered for dedication on the Tract Map; and

WHEREAS, the Tract Map has been prepared, reviewed by staff, and found to be in compliance with the Tentative Map, Subdivision Map Act and Title 20 of the Campbell Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Campbell that Tract Map 10376 is hereby approved and the Public Service Easements offered for dedication as shown on said map are hereby accepted in conformity with the terms for which they are offered.

PASSED AND ADOPTED this 16th day of August, 2016 by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE, OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID REAL PROPERTY, AND THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING POLES, WIRES, CONDUITS, GAS, WATER, HEAT MAINS AND ALL APPURTENANCES TO THE ABOVE, UNDER, UPON, OR OVER THAT CERTAIN STRIP OF LAND LYING BETWEEN THE FRONT AND/OR SIDE LINES OF LOTS AND THE DASHED LINES AND/OR THOSE CERTAIN AREAS LYING BETWEEN DASHED LINES EACH DESIGNATED AS "PSE" (PUBLIC SERVICE EASEMENT). THE ABOVE MENTIONED PUBLIC SERVICE EASEMENTS TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

WE ALSO HEREBY RESERVE FOR THE OWNERS OF LOTS 1 THROUGH 5, THEIR LICENSEES, VISITORS, AND TENANTS RECIPROCAL RIGHTS OF INGRESS AND EGRESS UPON AND OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "PVE" (PRIVATE INGRESS AND EGRESS EASEMENT), COMMON DRIVEWAY CONTAINED WITHIN THIS TRACT IS NOT OFFERED NOR ACCEPTED FOR DEDICATION FOR PUBLIC STREET PURPOSES.

WE FURTHER RESERVE A PRIVATE UTILITY EASEMENT ACROSS LOT A, DESIGNATED AND DELINEATED AS A "PUE" (PRIVATE UTILITY EASEMENT), FOR THE BENEFIT OF THE OWNERS OF LOTS 1 THROUGH 5, THEIR LICENSEES, VISITORS, TENANTS AND SERVICE VEHICLES AND PERSONS, FIRMS AND CORPORATIONS PERFORMING SERVICE FUNCTIONS FOR SAID LOTS. SAID EASEMENT TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT LAWFUL FENCES, PUBLIC UTILITY FACILITIES, STORM DRAIN FACILITIES, SANITARY SEWER FACILITIES, LAWFUL UNSUPPORTED ROOF OVERHANGS, IRRIGATION SYSTEMS AND APPURTENANCES THERETO.

THERE IS ALSO SHOWN ON THE HEREON MAP, EASEMENTS FOR STORM DRAINAGE PURPOSES AND SANITARY SEWER PURPOSES DESIGNATED AND DELINEATED AS "PSE" (PRIVATE STORM DRAINAGE EASEMENT) AND "PSS" (PRIVATE SANITARY SEWER EASEMENT) FOR THE INSTALLATION AND MAINTENANCE OF PRIVATE STORM AND PRIVATE SANITARY SEWER FACILITIES. THESE EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS. THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF PRIVATE STORM DRAINAGE AND PRIVATE SANITARY SEWER FACILITIES SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS BENEFITED, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS, AND RESTRICTIONS. SAID EASEMENTS ARE NOT OFFERED, NOR ARE THEY ACCEPTED, FOR DEDICATION TO THE CITY OF CAMPBELL.

LOT A (COMMON LOT), BEING A PRIVATE STREET, IS A COMMON AREA TO BE GRANTED TO THE HOMEOWNERS' ASSOCIATION.

AS OWNER: ACCESS DEVELOPMENT GROUP, INC.,
A CALIFORNIA CORPORATION

BY: MIKE PAYDAR, ITS PRESIDENT

AS TRUSTEE: WESTERN ALLIANCE BANK,
AN ARIZONA CORPORATION

BY:

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ACCESS DEVELOPMENT GROUP, INC., A CALIFORNIA CORPORATION ON 10/26/2015. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE 10/28/2018, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

DATE



SAROISS PARVIRI
L.S. 8261

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

ON _____, 2016, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____

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/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(ES), 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

NOTARY'S SIGNATURE: _____ DATE _____

PRINTED NOTARY'S NAME: _____

NOTARY'S PRINCIPAL PLACE OF BUSINESS: _____

NOTARY'S COMMISSION NUMBER: _____

EXPIRATION OF NOTARY'S COMMISSION: _____

TRUSTEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

ON _____, 2016, BEFORE ME, _____

A NOTARY PUBLIC, PERSONALLY APPEARED _____

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/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(ES), 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

NOTARY'S SIGNATURE: _____ DATE _____

PRINTED NOTARY'S NAME: _____

NOTARY'S PRINCIPAL PLACE OF BUSINESS: _____

NOTARY'S COMMISSION NUMBER: _____

EXPIRATION OF NOTARY'S COMMISSION: _____

NOTE: SOILS AND GEOLOGICAL REPORT

A SOILS REPORT ON THIS PROPERTY HAS BEEN PREPARED BY AMERICAN SOIL TESTING, INC., DATED AUGUST 2015, FILE NO. 15-3922-S, A COPY OF WHICH HAS BEEN FILED WITH THE CITY OF CAMPBELL.

TRACT NO. 10376

CONSISTING OF TWO (2) SHEETS
BEING A SUBDIVISION OF A PORTION OF LOT 9, TRACT NO. 23 "SHELLY SUBDIVISION", FILED IN BOOK "1" OF MAPS AT PAGES 54 AND 55, SANTA CLARA COUNTY RECORDS, AND LYING ENTIRELY WITHIN THE CITY OF CAMPBELL.

COUNTY OF SANTA CLARA STATE OF CALIFORNIA

AUGUST 2016

SMP ENGINEERS
1534 CAROB LANE
LOS ALTOS, CA 94024

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS TRACT MAP; THAT THE MAP IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATION THEREOF; AND THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

ANY CLAY
CITY ENGINEER
RCE 61922
EXP. 09/30/17



CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON SUBDIVISION MAP AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

CYRUS KIANPOUR
L.S. 7515
EXP. 12/31/17



CITY CLERK'S STATEMENT

I HEREBY STATE THAT THIS MAP, DESIGNATED AS TRACT MAP NO. 10376, CONSISTING OF TWO (2) SHEETS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CAMPBELL AT MEETING OF SAID COUNCIL HELD ON THE _____ DAY OF _____, 2016 AND THAT SAID COUNCIL ACCEPTED, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ALL EASEMENTS OFFERED FOR DEDICATION, AS SHOWN ON SAID MAP WITHIN SAID SUBDIVISION, IN CONFORMANCE WITH THE TERMS OF THE OFFER OF DEDICATION.

DATE: _____
HENRY WOOD
CITY CLERK OF THE CITY OF CAMPBELL

COUNTY RECORDER'S STATEMENT

FILE NO. _____ FEE: \$ _____ PAID. ACCEPTED FOR RECORD AND FILED
THIS _____ DAY OF _____, 2016, AT _____, N.
IN BOOK _____ OF MAPS AT PAGE(S) _____, SANTA CLARA COUNTY RECORDS,
AT THE REQUEST OF STEWART TITLE.

REGINA ALCONDEBRAS, COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

BY: _____
DEPUTY

TRACT NO. 10376

CONSISTING OF TWO (2) SHEETS
 BEING A SUBDIVISION OF A PORTION OF LOT 9, TRACT NO. 23 "SHELLY SUBDIVISION",
 FILED IN BOOK "Y" OF MAPS, AT PAGES 54 AND 55, SANTA CLARA COUNTY RECORDS,
 AND LYING ENTIRELY WITHIN THE CITY OF CAMPBELL.

COUNTY OF SANTA CLARA STATE OF CALIFORNIA
 AUGUST 2016

SMP ENGINEERS
 1534 CARDB LANE
 LOS ALTOS, CA 94024

LEGEND AND ABBREVIATIONS

- STREET CENTER LINE
- DISTINCTIVE BORDER LINE
- BUILDING LINE
- PUE EASEMENT LINE
- THE LINE
- EXISTING LOT LINE
- ⊙ FOUND MONUMENT, AS DESCRIBED
- ⊙ SET 2" BRASS DISK, PUNCHED PLUS 0.01, IN MONUMENT BOX
- FOUND IRON PIPE, AS DESCRIBED
- I.P. IRON PIPE
- O.U. ORIGIN UNKNOWN
- PUE PUBLIC UTILITY EASEMENT
- PRUE PRIVATE UTILITY EASEMENT
- PIEE PRIVATE INGRESS AND EGRESS EASEMENT
- PSDE PRIVATE STORM DRAINAGE EASEMENT
- PSSE PRIVATE SANITARY SEWER EASEMENT
- NTS NOT TO SCALE
- (C) CALCULATED
- SNF SEARCHED FOR NOT FOUND
- (R) RADIAL BEARING
- () RECORD DATA

LOT AREA TABLE

LOT	AREA (SQ.FT.)	AREA (ACRES)
LOT 1	1,196	0.027
LOT 2	1,205	0.028
LOT 3	1,170	0.027
LOT 4	1,290	0.030
LOT 5	1,899	0.043
LOT A	8,711	0.200
BOUNDARY	15,471	0.355

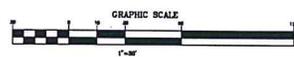
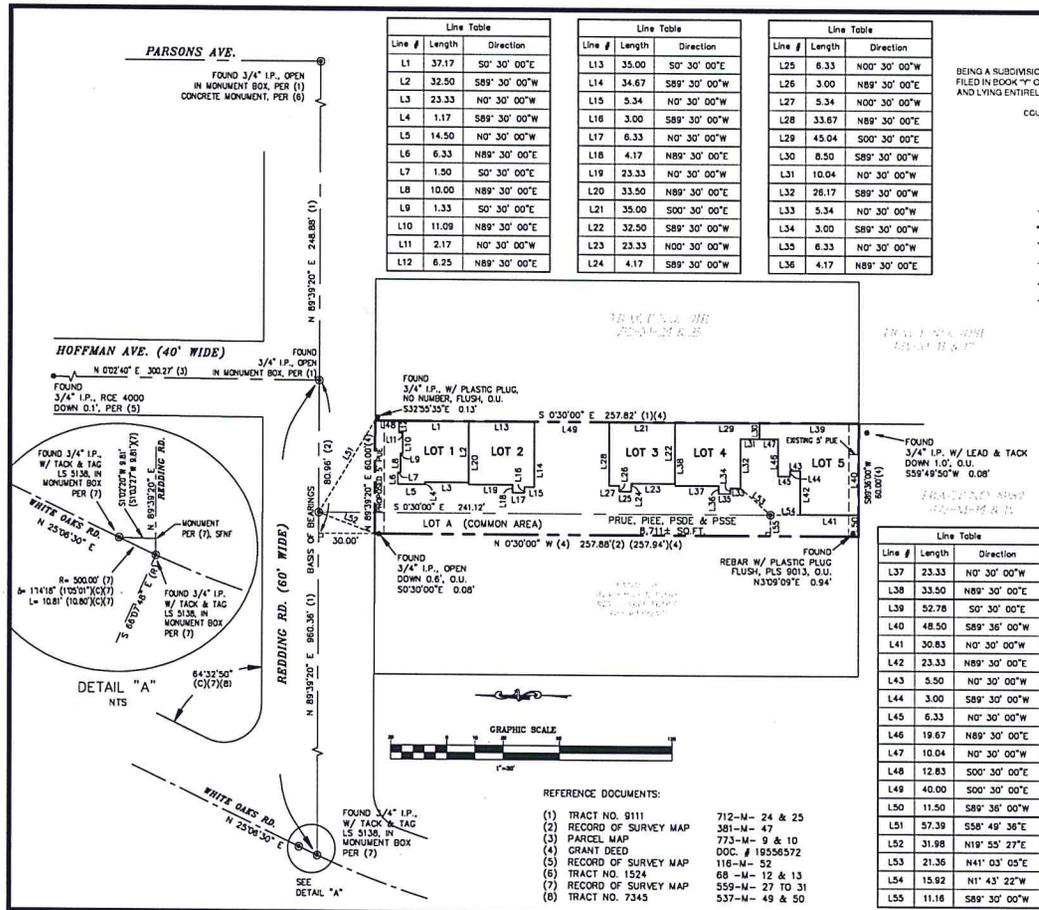
NOTES:

- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- THE AREA OF LAND WITHIN THE DISTINCTIVE BORDER LINE IS 15,471 SQFT (0.355 ACRES), MORE OR LESS.
- THE DISTINCTIVE BORDER LINE DENOTES THE BOUNDARY OF THE SUBDIVISION.
- LOT A IS A COMMON AREA TO BE GRANTED TO THE HOMEOWNERS' ASSOCIATION.

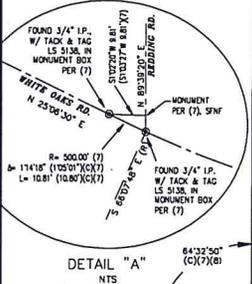
BASIS OF BEARINGS:

THE BEARING N 82°30'20" E OF CENTERLINE OF REDDING RD. AS SHOWN ON CERTAIN TRACT NO. 8111, RECORDED IN BOOK 712 OF MAPS, AT PAGES 24 & 25, SANTA CLARA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS MAP.

Line Table			Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction
L1	37.17	50° 30' 00"E	L13	35.00	50° 30' 00"E	L25	6.33	N00° 30' 00"W
L2	32.50	S89° 30' 00"W	L14	34.67	S89° 30' 00"W	L26	3.00	N89° 30' 00"E
L3	23.33	N0° 30' 00"W	L15	5.34	N0° 30' 00"W	L27	5.34	N00° 30' 00"W
L4	1.17	S89° 30' 00"W	L16	3.00	S89° 30' 00"W	L28	33.67	N89° 30' 00"E
L5	14.50	N0° 30' 00"W	L17	6.33	N0° 30' 00"W	L29	45.04	S00° 30' 00"E
L6	6.33	N89° 30' 00"E	L18	4.17	N89° 30' 00"E	L30	8.50	S89° 30' 00"W
L7	1.50	S0° 30' 00"E	L19	23.33	N0° 30' 00"W	L31	10.04	N0° 30' 00"W
L8	10.00	N89° 30' 00"E	L20	33.50	N89° 30' 00"E	L32	26.17	S89° 30' 00"W
L9	1.33	S0° 30' 00"E	L21	35.00	S00° 30' 00"E	L33	5.34	N0° 30' 00"W
L10	11.09	N89° 30' 00"E	L22	32.50	S89° 30' 00"W	L34	3.00	S89° 30' 00"W
L11	2.17	N0° 30' 00"W	L23	23.33	N00° 30' 00"W	L35	6.33	N0° 30' 00"W
L12	6.25	N89° 30' 00"E	L24	4.17	S89° 30' 00"W	L36	4.17	N89° 30' 00"E



- REFERENCE DOCUMENTS:
- | | |
|--------------------------|-----------------|
| (1) TRACT NO. 8111 | 712-M- 24 & 25 |
| (2) RECORD OF SURVEY MAP | 381-M- 47 |
| (3) PARCEL MAP | 773-M- 9 & 10 |
| (4) GRANT DEED | DOC. # 19256572 |
| (5) RECORD OF SURVEY MAP | 116-M- 52 |
| (6) TRACT NO. 1524 | 68 -M- 12 & 13 |
| (7) RECORD OF SURVEY MAP | 559-M- 27 TO 31 |
| (8) TRACT NO. 7345 | 537-M- 49 & 50 |





City Council Report

Item: 7.
Category: Consent Calendar
Meeting Date: August 16, 2016

TITLE: Authorize Approval of Restated Silicon Valley Regional Interoperability Authority Joint Powers Agreement to Accommodate Santa Clara Valley Transportation Authority as an Additional Member (Resolution/Roll Call Vote)

RECOMMENDATION:

That the City Council authorizes the City Manager to sign the approval of the restated Joint Powers Agreement.

BACKGROUND

The Silicon Valley Regional Interoperability Authority (SVRIA) represents the interest of public safety agencies in Santa Clara County through its 15 municipal members to facilitate operable and interoperable communications for all JPA Members and participants. What this means for local jurisdictions, such as Campbell is that our police officers and public works staff would be better able to communicate across jurisdictional lines and share real time data during both times of crisis and normal day to day operations. This is a critical enhancement to public safety in the region.

Funding has been secured for complete construction and implementation of a 3 cell, multi-site, P25 Phase 2 TDMA 700 MHz Trunked radio simulcast communications system under SVRIA.

The original Joint Powers Agreement (JPA) was signed by all members of the Silicon Valley Regional Interoperability Agreement (SVRIA) in November 2009.

DISCUSSION

SVRIA reviewed and recommend changes to the JPA in order to include the Santa Clara Valley Transportation Authority (VTA) as a voting member of the Board of Directors. In the summer of 2015, VTA entered into a Memorandum of Understanding (MOU) with the SVRIA to become a participant in the Silicon Valley Regional Communication System (SVRCS). As part of their request, VTA agreed to share the costs of SVRCS. In addition, VTA required that they receive two seats on the Board of Directors of SVRIA. VTA brings approximately 2000 new users into the SVRCS and will make proportionate capital payments to the SVRCS. By adding this additional Member, all other Members' payments will be reduced. The JPA requires that any changes to the JPA be approved unanimously in order for them to take effect.

FISCAL IMPACT

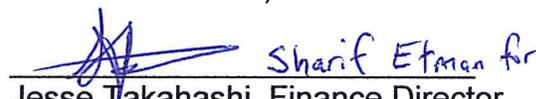
Currently we are in the 2nd year of a 3 year payment schedule of \$176,095 per year. If these JPA changes are approved by all current Members of the SVRIA and VTA completes requirements, then the current Members' costs will be reduced because fixed costs will be spread over more Members.

ALTERNATIVES

1. Do not authorize approval of the Restated Agreement.

Prepared by: 
Rita Thibodeau, Support Services Manager

Reviewed by: 
David Carmichael, Chief of Police

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachments:

Attachment 1 - Resolution

Attachment 2 - Redline copy of the Joint Powers Agreement Restatement showing proposed changes.

Attachment 3 - Clean copy showing the final revised Joint Powers Agreement Restatement.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
AUTHORIZING THE CITY MANAGER TO SIGN THE APPROVAL OF THE RESTATED JOINT
POWERS AGREEMENT**

WHEREAS, the Silicon Valley Regional Interoperability Authority (SVRIA) represents the interest of public safety agencies in Santa Clara County through its 16 municipal members to facilitate operable and interoperable communications for all JPA Members and participants; and

WHEREAS, the original Joint Powers Agreement (JPA) was signed by all members of the SVRIA in November 2009; and

WHEREAS, SVRIA recommended changes to the JPA to include the Santa Clara Valley Transportation Authority (VTA) as a voting member of the Board of Directors; and

WHEREAS, with approval by all current Members of the SVRIA to include VTA as a member, current Members costs will be reduced.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell does hereby authorize the City Manager to sign the approval of the restated Joint Powers Agreement.

PASSED AND ADOPTED this 16th day of August 2016 by the following roll call vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk

**JOINT POWERS AGREEMENT FOR THE
SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY**

~~NOVEMBER 18, 2009~~

Restatement _____, 2016

THIS JOINT POWERS AGREEMENT FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (the "**Agreement**") is originally entered into as of this _____ day of November _____ 2009, ("**Effective Date**") by and among the public agencies executing this Agreement (collectively, "**Members**" and individually, "**Member**") and restated as of this _____ day of _____ 2016 ("**Restatement Date**").

RECITALS

- A. **WHEREAS**, in 2001, the Cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, Santa Clara, San Jose, Saratoga, and Sunnyvale; the Towns of Los Gatos and Los Altos Hills; the South Santa Clara County Fire District; the County of Santa Clara; San Jose State University; and the Santa Clara Valley Water District (collectively, the "**Network Participants**") entered into an agreement to exercise their joint contracting and purchasing powers pursuant to Government Code Section 6502 (the "**Joint Funding Agreement**"), so as to jointly hire consultants for the conceptual design and implementation strategy for an interoperable communications network, to jointly purchase a radio and data communications system or network to provide interoperability for the Network Participants, to integrate this system or network with other nearby regional public safety communications systems, to participate in regional interoperability projects, to jointly fund activities and projects related to interoperability; and to jointly apply for grants and funding to facilitate the accomplishment of these goals;
- B. **WHEREAS**, the campaign to accomplish the above goals came to be known as the Silicon Valley Regional Interoperability Project ("**SVRIP**");
- C. **WHEREAS**, the SVRIP has been very successful but many new projects and opportunities have arisen and the joint exercise of powers under the Joint Funding Agreement is no longer sufficient to address the expanded opportunities and objectives of the SVRIP;
- D. **WHEREAS**, the undersigned desire to create an independent joint powers authority to implement and operate the SVRIP and other projects, and to formally articulate the goals and purposes of the Authority;
- E. **WHEREAS**, a SVRIP Executive Director, employed by the City of San Jose consistent with the Joint Funding Agreement, has been appointed by the SVRIP steering committee to assist in the formation and operation of the Authority;
- F. **WHEREAS**, pursuant to the Joint Exercise of Powers Act, Title 1, Division 7, Chapter 5, of the California Government Code, Government Code Section 6500 *et seq.*, two or more public agencies may by agreement jointly exercise any power common to the contracting agencies; and
- G. **WHEREAS**, the Members have determined that the public interest will be served by the joint exercise of their common powers through this Agreement and the creation of a joint powers authority for the purposes described herein; and.
- H. Whereas, the Santa Clara Valley Transportation Authority has requested to become a Member of the Joint Powers Authority and the Board of Directors

desires to include their membership in an amendment of the Joint Powers Agreement.

NOW THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Members agree as follows:

ARTICLE 1 – DEFINITIONS

1. Certain terms used in this Agreement shall be defined as follows:
 - 1.1. **"Agency"** or **"Public Agency"** shall have the meaning provided in Government Code Section 6500.
 - 1.2. **"Agreement"** shall mean this Agreement that establishes the Silicon Valley Regional Interoperability Authority.
 - 1.3. **"Annual Operating Costs"** shall mean the day to day expenses of the Authority (other than systems maintenance expenses) which shall include without limitation, personnel (except systems maintenance personnel), overhead, legal and accounting services, and similar costs for the fiscal year; as such term may be further defined in the policies of the Authority
 - 1.4. **"Annual Systems Maintenance Costs"** shall mean consulting and maintenance services for existing hardware and software; systems maintenance personnel costs; system site/facility maintenance; parts, software/firmware, labor and equipment for regular maintenance; and noncapital replacements for the fiscal year; as such term may be further defined in the policies of the Authority.
 - 1.5. **"Authority"** shall mean the Silicon Valley Regional Interoperability Authority.
 - 1.6. **"Board"** shall mean the Board of Directors which is the governing body of the Silicon Valley Regional Interoperability Authority.
 - 1.7. **"Central County Agencies"** shall include the City of Santa Clara, the City of Sunnyvale, and the City of Milpitas.
 - 1.8. **"Overhead"** shall mean the Authority's ongoing necessary administrative costs (such as system site/facility rent, office rent, utilities, office supplies, and insurance) which are not separately budgeted as part of a specific project, program, or service.
 - 1.9. **"Members"** shall mean the public agencies which are signatories to this Agreement prior to the Effective Date. Unless otherwise indicated, actions or approvals of a Member are deemed to be those of the legislative body of the Member, plus the addition of the Santa Clara Valley Transportation Authority ("VTA") as of the Restatement Date.
 - 1.10. **"Multiple Agency Directorship"** shall mean any seat on the Board of Directors which represents more than one Member.

~~1.11.~~ **"Northwest County Agencies"** shall include the City of Mountain View, the City of Palo Alto, the City of Los Altos and the Town of Los Altos Hills.

~~4.14.~~~~1.12.~~ **Restatement Date shall mean the date that this Agreement is formally unanimously agreed to by all of the Member Agencies.**

~~4.12.~~~~1.13.~~ **"Smaller Member"** shall mean any Member whose population is less than 15,000.

~~4.13.~~~~1.14.~~ **"South County Agencies"** shall include the City of Gilroy and the City of Morgan Hill.

~~4.14.~~~~1.15.~~ **"Southwest County Agencies"** shall include the City of Cupertino, the City of Campbell, the City of Saratoga, the Town of Los Gatos and the City of Monte Sereno.

~~4.15.~~~~1.16.~~ **"Working Committee"** shall mean the committee described in Article 6 of this Agreement.

ARTICLE 2 – CREATION AND PURPOSES

2. The Silicon Valley Regional Interoperability Authority is created as described in this Article.

2.1. Creation of Authority and Jurisdiction. Pursuant to the Joint Exercise of Powers Act, the Members hereby create the Silicon Valley Regional Interoperability Authority, a public entity separate and distinct from each of the Members, to exercise the powers common to the Members and as otherwise granted by the Joint Exercise of Powers Act. The jurisdiction of the Authority shall be all territory within the geographic boundaries of the Members; however the Authority may undertake any action outside such geographic boundaries as is necessary or incidental to the accomplishment of its purposes.

2.2. Purpose of Authority. The purpose of the Authority is to enhance and improve communications, data sharing and other technological systems, tools and processes for protection of the public and public safety and to facilitate related local and regional cooperative efforts.

2.3. Purpose of Agreement. The purpose of this Agreement is to create the Authority; to facilitate the implementation of the Authority's projects, systems and services; to provide for the Authority's acquisition of real, personal and intangible property, to provide for the Authority's administration, planning, design, financing, regulation, permitting, environmental evaluation, public outreach, construction, operation, and maintenance of the Authority's projects, systems and services; and to provide for any necessary or convenient related support services.

ARTICLE 3 – POWERS

3. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, subject to the limitations in this Article.
 - 3.1. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, including, but not limited to, the following powers:
 - 3.1.1. To obtain and secure funding from any and all available public and private sources including local, state, and federal government, including but not limited to, bond issuances, lease purchase agreements, grants, public and private contributions, public and private loans, and other funds;
 - 3.1.2. To manage and operate any projects, systems, and services transferred or assigned to the Authority and fulfill any existing obligations incurred under the Joint Funding Agreement that are transferred or assigned to the Authority;
 - 3.1.3. To plan, design, finance, acquire, construct, operate, regulate, and maintain systems, equipment, facilities, buildings, structures, software, databases, and improvements;
 - 3.1.4. To lease real, personal and intangible property;
 - 3.1.5. To acquire, hold, or dispose of real, personal or intangible property by negotiation, dedication or eminent domain;
 - 3.1.6. To own, lease, sublease, acquire, operate, maintain and dispose of materials, supplies, and equipment of all types including, but not limited to intangible property such as radio frequencies;
 - 3.1.7. To conduct studies, tests, evaluations, investigations, and similar activities;
 - 3.1.8. To develop and/or adopt standards and specifications;
 - 3.1.9. To obtain permits, rights, licenses and approvals, including FCC licenses;
 - 3.1.10. To enter into agreements;
 - 3.1.11. To contract for services from Members, including but not limited to in-kind services;
 - 3.1.12. To employ consultants, contractors, and staff and to adopt personnel rules and regulations;
 - 3.1.13. To adopt bylaws, rules and regulations;
 - 3.1.14. To delegate certain powers;
 - 3.1.15. To acquire and maintain insurance of all types;
 - 3.1.16. To accept, hold, invest, manage, and expend monies pursuant to the Joint Exercise of Powers Act;

- 3.1.17. To work with elected officials and local, regional, state and federal agencies, including joint powers agencies and consortia, to pursue funding, enter agreements, and otherwise act to carry out the purposes of the Authority;
 - 3.1.18. To incur debts, liabilities or obligations, provided that no debt, liability, or obligation shall constitute a debt, liability or obligation of the Members, either jointly or severally;
 - 3.1.19. To charge for services, programs, and/or system use by means of subscriber fees or similar charges;
 - 3.1.20. Subject to applicable legal authority, to cause assessments, fees or charges to be levied in accordance with applicable State and Federal law;
 - 3.1.21. To issue bonds and sell or lease any type of real or personal property for purposes of debt financing;
 - 3.1.22. To sue and be sued;
 - 3.1.23. To conduct public outreach and education;
 - 3.1.24. To participate in pilot and demonstration projects;
 - 3.1.25. To reimburse Authority officers, employees and officials for expenses incurred as permitted by law; and
 - 3.1.26. To exercise all powers incidental to the foregoing.
 - 3.1.27. In addition to those powers common to each of the members and the powers conferred by the Joint Exercise of Powers Act, the Authority shall have those powers that may be conferred upon it by subsequently enacted legislation.
- 3.2. Limitation on Eminent Domain Power. The Authority's power of eminent domain shall be exercised to acquire real property only in the manner prescribed by the California Code of Civil Procedure, including the requirements of Sections 1245.230 and 1245.240 of the Code of Civil Procedure (as such statutes and requirements may be amended) which provide that prior to the exercise of such power the Board adopt, by a 2/3 vote of the entire Board, a resolution finding that (1) the public interest and necessity require the proposed project; (2) the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and (3) the property described in the resolution is necessary for the proposed project. Further, the Authority shall not exercise such power in the jurisdiction of a municipal or county Member in absence of a resolution approved by a majority of the Member's governing body evidencing the Member's consent to the Authority's exercise of eminent domain.
- 3.3. No Authority Taxing Power. The Authority shall not exercise any power it possesses to impose taxes on the public, although it may receive the proceeds of taxes imposed by other entities.

- 3.4. Restriction on Exercise of Powers. Pursuant to Section 6509 of the Joint Exercise of Powers Act, the Authority has designated a general law city as the Member for determination of the restrictions upon the Authority in exercising the common powers under this Agreement and the City of Cupertino shall serve as such Member. In the event that the City of Cupertino ceases to be a Member, the Board may designate by resolution another general law city Member as the Member for determination of the restrictions upon the Authority in exercising the common powers.
- 3.5. Unless expressly provided to the contrary herein, the Authority does not intend, by virtue of Section 3.4~~3~~ or this Agreement, to subject itself to the internal policies or ordinances of any Member (e.g., Member purchasing or sunshine ordinances).

ARTICLE 4 – MEMBERSHIP

4. The Members of the Authority are the public agencies who enter into this Agreement prior to the Effective Date plus the addition of VTA as of the Restatement Date. In the event a city or town listed as represented by a Multiple Agency Directorship does not enter into this Agreement prior to the Effective Date, the city or town will not be a Member and the listed entities in the applicable Multiple Agency Directorship will be deemed amended to reflect this fact without further action. Admission of a new Member shall not require amendment to this Agreement, however, after the Effective Date new Members may be admitted only pursuant to the procedures described in Sections 4.1 and 4.2. Members may withdraw pursuant to the procedures described in Sections 4.3.
 - 4.1. A Public Agency may be considered for membership in the Authority after the Effective Date, by presenting an adopted resolution of the Public Agency's governing body to the Board which includes a request to become a Member of the Authority.
 - 4.2. The Authority shall accept new Members upon a majority affirmative vote of the entire Board, payment of any Board determined fees and charges, including a pro-rata share of organization, planning, project, and other costs and charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership. At the time of admission, the Board shall adopt a resolution assigning the new Member to be represented by one of the existing Multiple Agency Directorships and amend the listed entities in the applicable Multiple Agency Directorship shall be amended to reflect this fact. Each proposed Member shall also enter into a membership agreement, upon the date of execution of which it shall be bound to the terms of this Agreement as a Member.
 - 4.3. Withdrawal. Any Member may withdraw from this Agreement upon at least 6 (six) months written notice to the Authority and the Members. Any Director who is an elected official of the withdrawing Member and any Working Committee member who is an official, officer or employee of the withdrawing Member shall be deemed to have resigned as of the date of receipt of the written notice.

- 4.3.1. A withdrawing Member shall have no interest or claim in the assets of the Authority absent an Authority approved written agreement which contains express provisions to the contrary.
- 4.3.2. Any withdrawing Member shall be obligated to pay an equitable share, consistent with the cost sharing principles herein, of all debts, liabilities and obligations of the Authority incurred prior to the effective date of the withdrawal; as such share is determined by the Board, as a condition precedent to such withdrawal.
- 4.3.3. Provided, however, that the withdrawing Member's obligations under Section 4.3.2 shall not extend to debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to specific project, service, or program agreements ("**limited scope agreements**") that expressly omit the withdrawing Member. The specific pro-rata share of the withdrawing Member of the debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to a limited scope agreement shall be determined by the terms of those agreements and the withdrawing Member shall comply with all withdrawal terms of such agreement.
- 4.3.4. A withdrawing or withdrawn Member's payment obligation with respect to its share of debts, liabilities and obligations shall survive withdrawal of the Member and survive termination of this Agreement.
- 4.3.5. If a Member who is represented by a Multiple Agency Directorship withdraws, the listed entities in the applicable Multiple Agency Directorship may be amended to reflect this fact by a resolution of the Board.

ARTICLE 5 – BOARD OF DIRECTORS; ORGANIZATION

5. The Authority shall be governed by a Board of Directors (the "**Board**") consisting of ~~eleven~~ nine (9) ~~11~~ Directors. The term of a Director's appointment shall be three (3) years although Directors may be appointed for a shorter term consistent with the Board's bylaws. Directors may be appointed to multiple successive terms. An alternate shall be appointed for each Director. Alternates shall serve as Directors in the absence of their respective Directors and shall exercise all rights and privileges thereof. Notwithstanding the above, each Director and each alternate for such Director shall serve at the pleasure of the Member(s) they represent and may be removed by such Member(s) at any time without any right to notice thereof.
 - 5.1. Directors and alternates shall be appointed by the represented Member(s) as follows and, at the time of such appointment and for the duration of such appointment, each shall be an elected official of a Member:
 - 5.1.1. Two Directors shall represent the County of Santa Clara.
 - 5.1.2. Two Directors shall represent the City of San Jose.

- 5.1.3. One Director shall represent the Central County Agencies.
- 5.1.4. One Director shall represent the Northwest County Agencies.
- 5.1.5. One Director shall represent the South County Agencies.
- 5.1.6. One Director shall represent the Southwest County Agencies.
- 5.1.7. One Director shall be appointed by the City Selection Committee (as formed pursuant to Government Code Section 50270 *et seq.*) for Santa Clara County. The Director shall be an elected official of a Member who does not have an elected official on the Board at the time of appointment. The Director appointed in this manner may be removed by the Member that he or she serves.

5.1.8 Two Directors shall be appointed by the Santa Clara Valley Transportation Authority ("VTA") Board of Directors. One Director shall be the VTA's General Manager or his or her designated Executive Level Staff Member. The other VTA Director shall be an elected member of the VTA Board of Directors or an elected VTA Policy Advisory Committee Member. The elected Director shall not be from a City or Town with a current member on the Board of Directors of the Authority. Future Directors appointed to any seat may not be from the cities or town already represented by the VTA Directors.

Each directorship described in Sections 5.1.3 through 5.1.6 shall be a Multiple Agency Directorship and an action by a majority of the represented Members shall appoint and remove such Directors. If the Director (or his or her Alternate) shall fail to attend 70% of the meetings of the Board during the fiscal year, the Directorship shall be deemed vacant and the Authority shall send notice of the vacancy to the represented Member(s). If a Director shall cease to be an elected official of a Member, his or her seat shall be deemed vacant. If a Director shall cease to be an employee of VTA, his or her seat shall be deemed vacant. If the City Selection Committee or the represented Members of a Multiple Agency Directorship fail to select a Director within ninety (90) days of a vacancy, the Board may appoint an interim Director from the elected officials of the represented Members (or of those Members who do not have an elected official on the Board in the case of the City Selection Committee's directorship) to serve until the appointment of the new Director is completed.

5.2. Each member of the Board shall have one vote. A majority of the members of the entire Board shall constitute a quorum for the transaction of business. Except where a supermajority is required by statute, this Agreement or a

resolution of the Board, actions of the Board shall require the affirmative vote of a majority of the entire Board (i.e., ~~six~~^{five} (56) affirmative votes).

- 5.3. The Board shall elect annually a Chair from among its membership to preside at meetings and shall appoint a Secretary who may, but need not, be a Director. The Board may, from time to time, elect such other officers as the Board shall deem necessary or convenient to conduct the affairs of the Authority.
- 5.4. Meetings. The Board shall hold at least two regular meetings each year. The Board shall by resolution establish the date, hour and location at which its regular meetings shall be held. All meetings of the Board shall be held in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.* The Secretary shall cause minutes of all open meetings of the Board to be kept and shall cause a copy of the minutes to be forwarded to each Director and the Members within thirty (30) days.
- 5.5. Bylaws. The Board, at its initial meeting, shall adopt by resolution rules of procedure (“**bylaws**”), not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings. Such rules of procedure shall be in accordance with the Ralph M. Brown Act. ~~Recommendations for amendments to the bylaws will be developed by Working Committee and forwarded to Board for consideration.~~ Amendments to the Bylaws shall be reviewed by the Working Committee and comments from the Working Committee, if any, shall be presented to the Board at the time of Board consideration of the amendments.
- 5.6. Political Reform Act Compliance. Directors of the Board, members of the Working Committee and designated officials and employees shall comply with the Political Reform Act of 1974, Government Code Section 81000 *et seq.*
- 5.7. Executive Director. The Executive Director shall report to and take direction from the Board and shall have such authority as is specified by resolution of the Board. Where authorized by the Working Committee, the Executive Director may sign agreements, applications and other documents on behalf of the Authority. The Executive Director shall be designated as a Government Code Section 6505.1 officer who has charge of, handles, and has access to, the Authority's property and shall file with the Authority an official bond in the amount set by the Board. The premiums for such bond may be paid or reimbursed by the Authority.
 - 5.7.1. The SVRIP Executive Director shall serve as the Authority's Executive Director during the term of the existing employment agreement between the City of San Jose and the SVRIP Executive Director or until an Executive Director is selected pursuant to Section 6.7.
- 5.8. General Counsel. The Authority shall have a General Counsel. The General Counsel shall report to and take direction from the Board. The Board may designate one of the Authority's or a Member's employees as General Counsel or contract for such legal services with an independent contractor.

- 5.9. Policies. The Board may, upon the recommendation of the Working Committee, adopt policies regarding personnel, conflicts of interest and other matters that are necessary or convenient for the efficient operation of the Authority.
- 5.10. In addition to such duties as may be necessary or desirable for the implementation of this Agreement, the Board shall have the duty to do the following within the times specified or, if no time is specified, within a reasonable time:
- 5.10.1. The Board shall hold an initial Board meeting within sixty (60) days of the Effective Date, and adopt an initial budget, work plan, initial policies, and bylaws with or without a Working Committee recommendation;
- 5.10.2. The Board shall adopt a work plan for each fiscal year;
- 5.10.3. The Board shall select a General Counsel;
- 5.10.4. The Board shall direct the Working Committee to evaluate the need for such insurance protection as is necessary to protect the interests of the Authority and its Members, and acquire and maintain if necessary, liability, errors and omissions, property and/or other insurance.

ARTICLE 6 – WORKING COMMITTEE

6. Pursuant to Government Code Section 6508, the Authority delegates certain powers related to program development, policy formulation and program implementation to the Working Committee described herein. Specifically, the Working Committee shall have the composition, powers and duties described in this Article and the implied powers necessary therefor.
- 6.1. The Working Committee shall ensure that a budget and work plan are timely prepared and by March 31 of each year, shall review and recommend the budget and work plan to the Board for approval. Copies of the recommended budget and work plan shall be promptly sent to the Members and the Directors. The budget shall indicate the anticipated sources of revenues and the anticipated uses of such revenues. The work plan shall outline the activities and priorities of the Authority for the following year.
- 6.2. The Working Committee may apply for and accept all grants and sub-grants that are consistent with the approved work plan, provided that either (a) the amount of matching funds required, if any, does not exceed that threshold provided in the approved work plan and budget, or (b) a Member or other entity volunteers to provide the matching funds without a guarantee of reimbursement.
- 6.3. The Working Committee may take action to implement or modify any projects, programs or services, provided the projects, programs or services are consistent with the budget and the parameters and thresholds in the work plan. Any projects, programs and services that are not consistent with the work plan and

budget shall be reviewed by the Working Committee and recommended to the Board for approval.

- 6.4. The Working Committee shall let for bid, if required, and award all contracts consistent with the approved work plan, provided that the amount of funds required, if any, does not exceed that threshold provided in the approved work plan and budget. The Working Committee may approve any contract amendment, provided that the additional costs to the Authority for such amendment do not exceed the threshold provided in the Authority's contracting policy and sufficient funds are available in the approved budget.
- 6.5. The Working Committee shall approve all agreements with Members and other public agencies and all other contracts that are consistent with applicable law and the approved work plan.
- 6.6. The Working Committee shall recommend a conflict of interest policy and personnel rules, when necessary, and any amendments of those policies to the Board for approval.
- 6.7. The Working Committee shall adopt policies regarding purchasing and consultants. In addition, the Working Committee may adopt policies on other issues that are necessary or convenient for the efficient operation of the Authority.
- 6.8. The Working Committee shall recommend an Executive Director, subject to the Board's approval and approval of the contract between the Authority and Executive Director.
- 6.9. The Working Committee shall have thirteen ~~eleven~~-(14~~3~~) Committee Members, unless such number is increased by a resolution adopted by an affirmative vote of 2/3 of the entire Board. Each Committee Member shall serve at the pleasure of the appointing entity identified in Section 6.9.1 and may be removed at any time by that appointing entity without notice. Each Committee Member must be an official, officer, or employee of a Member, but no single Member may have more than three (3) Working Committee Members serving at one time. A Committee Member may also be removed by the Member who he or she serves upon notice to the Authority. If a Committee Member shall fail to attend 70% of the meetings of the Working Committee during the fiscal year, his or her seat shall be deemed vacant and the Authority shall send notice of the vacancy to the appointing entity. If a Committee Member shall cease to be an official, officer, or employee of a Member, his or her seat shall be deemed vacant. If an appointing entity shall fail to appoint a Committee Member within ninety (90) days of a vacancy, the Working Committee may, by majority vote, appoint an interim Committee Member from the officials, officers, or employees of the Members to serve until the appointment of the new Committee Member is completed.
 - 6.9.1. Working Committee Members shall be appointed by the following entities (or successor entities approved pursuant to a resolution of the Working Committee) as follows:

- 6.9.1.1. Two City Managers appointed by the Santa Clara County/City Managers Association.
 - 6.9.1.2. One fire chief appointed by the Santa Clara County Fire Chiefs Association.
 - 6.9.1.3. One police chief appointed by the Santa Clara County Police Chiefs Association.
 - 6.9.1.4. The Santa Clara County Executive or his or her designee.
 - 6.9.1.5. Two members appointed by the San Jose City Manager.
 - 6.9.1.6. The Director of Communications for Santa Clara County or his or her designee.
 - 6.9.1.7. One communications manager appointed by the Public Safety Communications Managers Association (of Santa Clara County).
 - 6.9.1.8. Two at-large members appointed by the Working Committee.
 - 6.9.1.9. Two Committee Members appointed by VTA's General Manager.
- 6.9.2. Meetings of the Working Committee shall be conducted in compliance with the Ralph M. Brown Act. The Working Committee may adopt by resolution rules of procedure, not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings.
- 6.9.3. A majority of the Committee Members shall constitute a quorum for the transaction of business and actions of the Working Committee shall require the affirmative vote of a majority of the entire Working Committee (i.e., as of the Effective Restatement Date, sixseven (67) Committee Members).

ARTICLE 7 – FISCAL MATTERS AND FUNDING

7. The Authority shall comply with the fiscal and recordkeeping requirements of the Joint Exercise of Powers Act and shall take such other actions as necessary or desirable to address the fiscal, funding and budgeting needs of the Authority.
- 7.1. Treasurer and Auditor. The Treasurer and Auditor/Controller of Santa Clara County, respectively, are designated the Treasurer and Auditor of the Authority with the powers, duties, and responsibilities specified in the Joint Exercise of Powers Act, including, without limitation, Sections 6505 and 6505.5 thereof; provided however, the Board may revoke this designation by adopting a resolution appointing one or more of the Authority's or a Member's officers or employees to either or both of the positions of Treasurer or Auditor as provided in Sections 6505.6 of the Joint Exercise of Powers Act.

- 7.2. Accounts and Reports. The Board shall establish and maintain such funds and accounts as may be required by generally accepted public accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times to the Members and their respective representatives. The accounts shall be prepared and maintained by the Treasurer and/or Auditor of the Authority. The Auditor shall, within one hundred twenty (120) days after the close of each fiscal year, cause an independent audit of all financial activities for such fiscal year to be prepared in accordance with Government Code Section 6505. The Authority shall promptly deliver copies of the audit report to each Director and the Members.
- 7.3. Budget. The Board shall adopt an initial budget consistent with Section 5.10 and adopt subsequent budgets no later than April 30th of each year thereafter. Adoption of the budget shall require an affirmative vote of 2/3 of the entire Board.
- 7.4. Fiscal Year. The fiscal year of the Authority shall be the period from July 1st of each year to and including the following June 30th.
- 7.5. Debts, Liabilities and Obligations. The debts, liabilities, and obligations of the Authority shall not constitute debts, liabilities, or obligations of the Members, either jointly or severally.
- 7.6. Initial Contribution for Annual Operating Costs. Within thirty (30) days of the Effective Date, each Member except the City of Los Altos Hills and the City of Monte Sereno shall make an initial operating costs contribution of \$13,157 to the Authority. The City of Los Altos Hills and the City of Monte Sereno shall each make an initial operating costs contribution of \$8,000. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial operating costs contribution. Within thirty (30) days of the Restatement Date, the VTA shall make a contribution towards operating costs of \$13,157 to the Authority.
- 7.7. Initial Contribution for Annual Maintenance Costs. Within thirty (30) days of the Effective Date, each Member shall make an initial systems maintenance contribution of the amount required pursuant to the City Manager's Association approved maintenance assessment formula.
- 7.7.1. The City Managers' Association approved maintenance assessment formula provides the following population allocation percentages: Campbell - 2.21%, Cupertino - 3.02% , Gilroy - 2.60%, Los Altos - 1.60%, Los Altos Hills - 0.48%, Los Gatos - 1.67%, Milpitas – 3.76%; Monte Sereno - 0.20% , Morgan Hill - 2.02%, Mountain View – 4.16%, Palo Alto – 3.50% , San Jose – 53.47%, Santa Clara – 6.12%, Saratoga - 1.76%, and Sunnyvale – 7.66%; and unincorporated Santa Clara County - 5.78%.
- 7.7.2. The following contributions are due based on the above percentages: Campbell - \$3,315, Cupertino - \$4,530, Gilroy - \$3,900, Los

Altos - \$2,400, Los Altos Hills - \$720, Los Gatos - \$2,505, Milpitas – \$5,640, Monte Sereno - \$300, Morgan Hill - \$3,030, Mountain View – \$6,240, Palo Alto – \$5,250 , San Jose – \$80,205, Santa Clara – \$9,180, Saratoga - \$2,640, and Sunnyvale – \$11,490, and unincorporated Santa Clara County - \$8,670.

7.7.3. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial maintenance contribution.

7.8. Annual Operating Costs. Each year, the Working Committee shall propose projected Annual Operating Costs, which projected costs shall be adopted by the Board prior to or during approval of the budget.

7.8.1. Population Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on their respective population (the "Population Share"). Each Member shall pay a portion of the Population Share which shall be determined based on that Member's population. The Population Share, each Member's share of the Population Share shall be determined pursuant to the funding policy adopted by the Board at its initial meeting, as may be amended. The funding policy shall specify the accepted method for calculating each Member's population (e.g., census data). Notwithstanding the foregoing, on or after the Restatement Date, the Working Committee shall commission or obtain a cost allocation study which considers usage, overhead, and other reasonable cost factors and with that data shall propose, subject to the adoption of the Board, an allocation methodology for the VTA that is not based on population.

~~7.8.1.~~

7.8.2. Membership Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on the principle that Members share these costs equally, except that the Smaller Members shall pay 60% of a Full Share (the "Membership Share"). Each Member except the Smaller Members shall pay an equal full share of the adopted Annual Operating Costs (Full Share) the Smaller Members shall pay 60% of a Full Share. The total of all shares shall be 100% of the Membership Share. A Full Share shall be calculated according to the formula implementing the above principle contained in the funding policy adopted by the Board at its initial meeting, as may be amended.

7.9. Annual Systems Maintenance Costs. Each year, the Working Committee shall propose projected Annual Systems Maintenance Costs, which projected costs shall be approved by the Board prior to or during approval of the budget.

7.9.1. Each Member shall pay a share of the adopted Annual Systems Maintenance Costs based on the principle that Members shall share systems maintenance costs based on system and service usage and that

until sufficient data is available regarding Member usage, Member population data is an acceptable proxy for usage.

7.9.2. Each Member's share of the adopted Annual Systems Maintenance Costs shall be calculated according to the formula implementing the principles in Section 7.9.1 contained in the funding policy adopted by the Board at its initial meeting, as may be amended.

7.10. Other Projects, Programs and Services. In the event that a project, program, service, or reserve fund is approved which has costs that are not Annual Operating Costs or the Annual Systems Maintenance Costs, the Working Committee shall either (a) develop a proposed cost allocation formula for the non-overhead costs based on the principle that costs shall be assessed to Members based on usage but, if usage data or projected usage data is not available, until sufficient data is available, Member population and entity type data are acceptable proxies for usage or (b) conduct or obtain a cost allocation study which considers usage, overhead, and other reasonable cost factors. The Board shall approve any such proposed cost allocation.

7.11. Limited Scope Agreements. Where a project or program is intentionally designed to be limited in scope such that it only provides benefits to particular Members, the Authority may enter into specific project or program agreements that provide for cost sharing by the particular affected Members; provided however, both the Board and Working Committee must approve such agreements.

7.12. Contributions on Behalf of Members. Special Districts or other parties may tender to the Authority those contributions due from a Member on that Member's behalf.

ARTICLE 8 –GENERAL PROVISIONS

8. The following general provisions apply to this Agreement.

8.1. Term and Termination. This Agreement shall be effective as of the Effective Date. It shall remain in effect until the purposes of the Authority are fully accomplished, or until terminated by the vote of a majority of the governing bodies of the Members; provided, however, that this Agreement may not be terminated, until (a) all bonds or other instruments of indebtedness issued by the Authority and the interest thereon, if any, have been paid in full or provision has been made for payment in full and (b) all outstanding obligations and liabilities of the Authority have been paid in full or provision has been made for payment in full, except as set forth in Section 8.2.

8.2. Disposition of Property upon Termination. In the event of termination of the Authority pursuant to Section 8.1 herein and where there will be a successor public entity which will carry on the functions of the Authority and assume its assets and liabilities, the assets of the Authority shall be transferred to the successor public

entity. If upon termination pursuant to Section 8.1, there is no successor public entity which will carry on the functions of the Authority and assume its assets, the assets shall be returned to the Members as follows: (a) all real property and any improvements thereon shall be conveyed to the Member which owned the property prior to the formation of the Authority, and (b) all other assets shall be divided among the Members in proportion to their respective contributions during the term of this Agreement. If upon termination pursuant to Section 8.1, there is a successor public entity which will carry on some of the functions of the Authority and assume some of the assets, the Authority's Board shall allocate the assets between the successor public entity and the Members.

8.3. Indemnification. To the fullest extent allowed by law, the Authority shall defend, indemnify, and save harmless the Members and their governing bodies, officers, agents, and employees from all claims, losses, damages, costs, injury, and liability of every kind, nature, and description directly or indirectly arising from the performance of any of the activities of the Authority or the activities undertaken pursuant to this Agreement.

8.4. Liability of Board, Officers and Employees. The Directors, Working Committee Members, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers, and in the performance of their duties pursuant to this Agreement. They shall not be liable to the Members for any mistake of judgment or other action made, taken, or omitted by them in good faith, nor for any action made, taken, or omitted by any agent, employee, or independent contractor selected with reasonable care, nor for loss incurred through the investment of the Authority's funds, or failure to invest the same.

8.5. To the extent authorized by California law, no Director, Working Committee Member, officer, or employee of the Authority shall be responsible for any action made, taken, or omitted, by any other Director, Working Committee Member, officer, or employee. No Director, Working Committee Member, officer, or employee of the Authority shall be required to give a bond or other security to guarantee the faithful performance of his or her duties pursuant to this Agreement, except as required herein pursuant to Government Code Section 6505.1. The funds of the Authority shall be used to defend, indemnify, and hold harmless the Authority and each Director, Working Committee Member, officer, or employee of the Authority for actions taken in good faith and within the scope of his or her authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide coverage for the foregoing indemnity.

8.6. Successors: Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members. No Member may assign any rights or obligations hereunder without the unanimous consent of the governing bodies of the other Members; provided, further, that no such assignment may be made if it would materially and adversely affect (a) the rating of bonds issued by the Authority, or (b) bondholders holding such bonds.

8.7. Amendments. This Agreement may be amended only upon approval of all the governing bodies of the Members. So long as any bonds of the Authority are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of such bonds and the documentation relating thereto, this Agreement shall not be amended, modified or otherwise revised, changed or rescinded, if, in the judgment of the Board, such action would (a) materially and adversely affect (1) the rating of bonds issued by the Authority, or (2) bondholders holding such bonds, or (b) limit or reduce the obligations of the Members to make, in the aggregate, the payments which are for the benefit of the owners of such bonds.

8.8. No Third Party Beneficiaries. This Agreement is intended solely for the benefit of the Authority and its Members. No third party shall be deemed a beneficiary of this Agreement or have any rights hereunder against the Authority or its Members.

8.9. Dispute Resolution. In the event that any party to this Agreement should at any time claim that another party (or parties) has breached or is breaching this Agreement, the complaining party shall file with the governing body of claimed breaching party, and with the Authority, a written claim of said breach, describing the alleged breach and otherwise giving full information respecting the same. The Board shall thereupon, at a reasonable time and place, specified by it, give each of these parties to the dispute an opportunity to be heard on the matter, and shall, upon conclusion of said hearing, give the Members a full report of its findings and recommendations. Said report, findings and recommendations shall be deemed advisory only, shall not in any way bind any of the parties to the dispute, and shall not be deemed to establish any facts, either presumptively or finally. Upon receipt of said report and recommendations, if any party to the dispute should be dissatisfied with or disagree with the same, that party shall provide written notice to the other parties within ten (10) business days, and the parties to the dispute or their representatives shall meet at a reasonable time and place to be determined by them, for the purpose of resolving their differences. No action for breach of this Agreement, and no action for any legal relief because of any such breach or alleged breach of this Agreement shall be filed or commenced by any party unless and until such party has first given to the other parties a reasonable time, after the parties to the dispute have met to resolve their differences, within which to cure any breach or alleged breach.

8.10. Notices. Any notices to Members required by this Agreement shall be delivered or mailed, U.S. first class, postage prepaid, addressed to the principal office of the respective Members. Notices under this Agreement shall be deemed given and received at the earlier of actual receipt, or the second business day following deposit in the United States mail, as required above. Any Member may amend its address for notice by notifying the other Members pursuant to this Section.

8.11. Severability. Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

8.12. Liberal Construction. The provisions of this Agreement shall be liberally construed as necessary or reasonably convenient to achieve the purposes of the Authority.

8.13. Headings. The headings used in this Agreement are for convenience only and have no effect on the content, construction, or interpretation of the Agreement.

8.14. Counterparts. This Agreement may be executed in any number of counterparts, and by different parties in separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

8.15. Non-Waiver. No waiver of the breach or default of any of the covenants, agreements, restrictions, or conditions of this Agreement by any Member shall be construed to be a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. No delay or omission of exercising any right, power or remedy in the event of breach or default shall be construed as a waiver thereof, or acquiescence therein, or be construed as a waiver of a variation of any of the terms of this Agreement or any applicable agreement.

8.16. Agreement Complete. The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing above. Any such agreements merge into this Agreement.

This document continues on the following page.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

City of Campbell

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Cupertino

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Gilroy

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Los Altos

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

Town of Los Altos Hills

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

Town of Los Gatos

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Milpitas

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Monte Sereno

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Morgan Hill

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Mountain View

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Palo Alto

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Approved as to form:

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Name: _____

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City of San Jose

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Approved as to form:

By: _____

Name: _____

Title: _____

City of Santa Clara

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Approved as to form:

By: _____

Name: _____

Title: _____

County of Santa Clara

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Saratoga

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

City of Sunnyvale

By: _____

Name: _____

Title: _____

Santa Clara Valley Transportation Authority

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

Approved as to form:

By: _____

Name: _____

Title: _____

**JOINT POWERS AGREEMENT FOR THE
SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY**

Restatement _____, 2016

THIS JOINT POWERS AGREEMENT FOR THE SILICON VALLEY REGIONAL INTEROPERABILITY AUTHORITY (the “**Agreement**”) originally entered into as of November 2009, (“**Effective Date**”) by and among the public agencies executing this Agreement (collectively, “**Members**” and individually, “**Member**”) and restated as of this ___ day of _____ 2016 (“**Restatement Date**”)

RECITALS

- A. **WHEREAS**, in 2001, the Cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, Santa Clara, San Jose, Saratoga, and Sunnyvale; the Towns of Los Gatos and Los Altos Hills; the South Santa Clara County Fire District; the County of Santa Clara; San Jose State University; and the Santa Clara Valley Water District (collectively, the “**Network Participants**”) entered into an agreement to exercise their joint contracting and purchasing powers pursuant to Government Code Section 6502 (the “**Joint Funding Agreement**”), so as to jointly hire consultants for the conceptual design and implementation strategy for an interoperable communications network, to jointly purchase a radio and data communications system or network to provide interoperability for the Network Participants, to integrate this system or network with other nearby regional public safety communications systems, to participate in regional interoperability projects, to jointly fund activities and projects related to interoperability; and to jointly apply for grants and funding to facilitate the accomplishment of these goals;
- B. **WHEREAS**, the campaign to accomplish the above goals came to be known as the Silicon Valley Regional Interoperability Project (“**SVRIP**”);
- C. **WHEREAS**, the SVRIP has been very successful but many new projects and opportunities have arisen and the joint exercise of powers under the Joint Funding Agreement is no longer sufficient to address the expanded opportunities and objectives of the SVRIP;
- D. **WHEREAS**, the undersigned desire to create an independent joint powers authority to implement and operate the SVRIP and other projects, and to formally articulate the goals and purposes of the Authority;
- E. **WHEREAS**, a SVRIP Executive Director, employed by the City of San Jose consistent with the Joint Funding Agreement, has been appointed by the SVRIP steering committee to assist in the formation and operation of the Authority;
- F. **WHEREAS**, pursuant to the Joint Exercise of Powers Act, Title 1, Division 7, Chapter 5, of the California Government Code, Government Code Section 6500 *et seq.*, two or more public agencies may by agreement jointly exercise any power common to the contracting agencies; and
- G. **WHEREAS**, the Members have determined that the public interest will be served by the joint exercise of their common powers through this Agreement and the creation of a joint powers authority for the purposes described herein; and.
- H. **Whereas, the Santa Clara Valley Transportation Authority has requested to become a Member of the Joint Powers Authority and the Board of Directors**

desires to include their membership in an amendment of the Joint Powers Agreement.

NOW THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Members agree as follows:

ARTICLE 1 – DEFINITIONS

1. Certain terms used in this Agreement shall be defined as follows:
 - 1.1. **"Agency"** or **"Public Agency"** shall have the meaning provided in Government Code Section 6500.
 - 1.2. **"Agreement"** shall mean this Agreement that establishes the Silicon Valley Regional Interoperability Authority.
 - 1.3. **"Annual Operating Costs"** shall mean the day to day expenses of the Authority (other than systems maintenance expenses) which shall include without limitation, personnel (except systems maintenance personnel), overhead, legal and accounting services, and similar costs for the fiscal year; as such term may be further defined in the policies of the Authority
 - 1.4. **"Annual Systems Maintenance Costs"** shall mean consulting and maintenance services for existing hardware and software; systems maintenance personnel costs; system site/facility maintenance; parts, software/firmware, labor and equipment for regular maintenance; and noncapital replacements for the fiscal year; as such term may be further defined in the policies of the Authority.
 - 1.5. **"Authority"** shall mean the Silicon Valley Regional Interoperability Authority.
 - 1.6. **"Board"** shall mean the Board of Directors which is the governing body of the Silicon Valley Regional Interoperability Authority.
 - 1.7. **"Central County Agencies"** shall include the City of Santa Clara, the City of Sunnyvale, and the City of Milpitas.
 - 1.8. **"Overhead"** shall mean the Authority's ongoing necessary administrative costs (such as system site/facility rent, office rent, utilities, office supplies, and insurance) which are not separately budgeted as part of a specific project, program, or service.
 - 1.9. **"Members"** shall mean the public agencies which are signatories to this Agreement prior to the Effective Date. Unless otherwise indicated, actions or approvals of a Member are deemed to be those of the legislative body of the Member, plus the addition of the Santa Clara Valley Transportation Authority ("VTA") as of the Restatement Date.
 - 1.10. **"Multiple Agency Directorship"** shall mean any seat on the Board of Directors which represents more than one Member.

- 1.11. **"Northwest County Agencies"** shall include the City of Mountain View, the City of Palo Alto, the City of Los Altos and the Town of Los Altos Hills.
- 1.12. **Restatement Date** shall mean the date that this Agreement is formally unanimously agreed to by all of the Member Agencies.
- 1.13. **"Smaller Member"** shall mean any Member whose population is less than 15,000.
- 1.14. **"South County Agencies"** shall include the City of Gilroy and the City of Morgan Hill.
- 1.15. **"Southwest County Agencies"** shall include the City of Cupertino, the City of Campbell, the City of Saratoga, the Town of Los Gatos and the City of Monte Sereno.
- 1.16. **"Working Committee"** shall mean the committee described in Article 6 of this Agreement.

ARTICLE 2 – CREATION AND PURPOSES

2. The Silicon Valley Regional Interoperability Authority is created as described in this Article.
 - 2.1. **Creation of Authority and Jurisdiction.** Pursuant to the Joint Exercise of Powers Act, the Members hereby create the Silicon Valley Regional Interoperability Authority, a public entity separate and distinct from each of the Members, to exercise the powers common to the Members and as otherwise granted by the Joint Exercise of Powers Act. The jurisdiction of the Authority shall be all territory within the geographic boundaries of the Members; however the Authority may undertake any action outside such geographic boundaries as is necessary or incidental to the accomplishment of its purposes.
 - 2.2. **Purpose of Authority.** The purpose of the Authority is to enhance and improve communications, data sharing and other technological systems, tools and processes for protection of the public and public safety and to facilitate related local and regional cooperative efforts.
 - 2.3. **Purpose of Agreement.** The purpose of this Agreement is to create the Authority; to facilitate the implementation of the Authority's projects, systems and services; to provide for the Authority's acquisition of real, personal and intangible property, to provide for the Authority's administration, planning, design, financing, regulation, permitting, environmental evaluation, public outreach, construction, operation, and maintenance of the Authority's projects, systems and services; and to provide for any necessary or convenient related support services.

ARTICLE 3 – POWERS

3. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, subject to the limitations in this Article.
 - 3.1. The Authority shall have all powers necessary or reasonably convenient to carry out the purposes herein, including, but not limited to, the following powers:
 - 3.1.1. To obtain and secure funding from any and all available public and private sources including local, state, and federal government, including but not limited to, bond issuances, lease purchase agreements, grants, public and private contributions, public and private loans, and other funds;
 - 3.1.2. To manage and operate any projects, systems, and services transferred or assigned to the Authority and fulfill any existing obligations incurred under the Joint Funding Agreement that are transferred or assigned to the Authority;
 - 3.1.3. To plan, design, finance, acquire, construct, operate, regulate, and maintain systems, equipment, facilities, buildings, structures, software, databases, and improvements;
 - 3.1.4. To lease real, personal and intangible property;
 - 3.1.5. To acquire, hold, or dispose of real, personal or intangible property by negotiation, dedication or eminent domain;
 - 3.1.6. To own, lease, sublease, acquire, operate, maintain and dispose of materials, supplies, and equipment of all types including, but not limited to intangible property such as radio frequencies;
 - 3.1.7. To conduct studies, tests, evaluations, investigations, and similar activities;
 - 3.1.8. To develop and/or adopt standards and specifications;
 - 3.1.9. To obtain permits, rights, licenses and approvals, including FCC licenses;
 - 3.1.10. To enter into agreements;
 - 3.1.11. To contract for services from Members, including but not limited to in-kind services;
 - 3.1.12. To employ consultants, contractors, and staff and to adopt personnel rules and regulations;
 - 3.1.13. To adopt bylaws, rules and regulations;
 - 3.1.14. To delegate certain powers;
 - 3.1.15. To acquire and maintain insurance of all types;
 - 3.1.16. To accept, hold, invest, manage, and expend monies pursuant to the Joint Exercise of Powers Act;

- 3.1.17. To work with elected officials and local, regional, state and federal agencies, including joint powers agencies and consortia, to pursue funding, enter agreements, and otherwise act to carry out the purposes of the Authority;
 - 3.1.18. To incur debts, liabilities or obligations, provided that no debt, liability, or obligation shall constitute a debt, liability or obligation of the Members, either jointly or severally;
 - 3.1.19. To charge for services, programs, and/or system use by means of subscriber fees or similar charges;
 - 3.1.20. Subject to applicable legal authority, to cause assessments, fees or charges to be levied in accordance with applicable State and Federal law;
 - 3.1.21. To issue bonds and sell or lease any type of real or personal property for purposes of debt financing;
 - 3.1.22. To sue and be sued;
 - 3.1.23. To conduct public outreach and education;
 - 3.1.24. To participate in pilot and demonstration projects;
 - 3.1.25. To reimburse Authority officers, employees and officials for expenses incurred as permitted by law; and
 - 3.1.26. To exercise all powers incidental to the foregoing.
 - 3.1.27. In addition to those powers common to each of the members and the powers conferred by the Joint Exercise of Powers Act, the Authority shall have those powers that may be conferred upon it by subsequently enacted legislation.
- 3.2. Limitation on Eminent Domain Power. The Authority's power of eminent domain shall be exercised to acquire real property only in the manner prescribed by the California Code of Civil Procedure, including the requirements of Sections 1245.230 and 1245.240 of the Code of Civil Procedure (as such statutes and requirements may be amended) which provide that prior to the exercise of such power the Board adopt, by a 2/3 vote of the entire Board, a resolution finding that (1) the public interest and necessity require the proposed project; (2) the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and (3) the property described in the resolution is necessary for the proposed project. Further, the Authority shall not exercise such power in the jurisdiction of a municipal or county Member in absence of a resolution approved by a majority of the Member's governing body evidencing the Member's consent to the Authority's exercise of eminent domain.
- 3.3. No Authority Taxing Power. The Authority shall not exercise any power it possesses to impose taxes on the public, although it may receive the proceeds of taxes imposed by other entities.

- 3.4. Restriction on Exercise of Powers. Pursuant to Section 6509 of the Joint Exercise of Powers Act, the Authority has designated a general law city as the Member for determination of the restrictions upon the Authority in exercising the common powers under this Agreement and the City of Cupertino shall serve as such Member. In the event that the City of Cupertino ceases to be a Member, the Board may designate by resolution another general law city Member as the Member for determination of the restrictions upon the Authority in exercising the common powers.
- 3.5. Unless expressly provided to the contrary herein, the Authority does not intend, by virtue of Section 3.4 or this Agreement, to subject itself to the internal policies or ordinances of any Member (e.g., Member purchasing or sunshine ordinances).

ARTICLE 4 – MEMBERSHIP

4. The Members of the Authority are the public agencies who enter into this Agreement prior to the Effective Date plus the addition of VTA as of the Restatement Date. In the event a city or town listed as represented by a Multiple Agency Directorship does not enter into this Agreement prior to the Effective Date, the city or town will not be a Member and the listed entities in the applicable Multiple Agency Directorship will be deemed amended to reflect this fact without further action. Admission of a new Member shall not require amendment to this Agreement, however, after the Effective Date new Members may be admitted only pursuant to the procedures described in Sections 4.1 and 4.2. Members may withdraw pursuant to the procedures described in Sections 4.3.
- 4.1. A Public Agency may be considered for membership in the Authority after the Effective Date, by presenting an adopted resolution of the Public Agency's governing body to the Board which includes a request to become a Member of the Authority.
- 4.2. The Authority shall accept new Members upon a majority affirmative vote of the entire Board, payment of any Board determined fees and charges, including a pro-rata share of organization, planning, project, and other costs and charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership. At the time of admission, the Board shall adopt a resolution assigning the new Member to be represented by one of the existing Multiple Agency Directorships and amend the listed entities in the applicable Multiple Agency Directorship shall be amended to reflect this fact. Each proposed Member shall also enter into a membership agreement, upon the date of execution of which it shall be bound to the terms of this Agreement as a Member.
- 4.3. Withdrawal. Any Member may withdraw from this Agreement upon at least 6 (six) months written notice to the Authority and the Members. Any Director who is an elected official of the withdrawing Member and any Working Committee member who is an official, officer or employee of the withdrawing Member shall be deemed to have resigned as of the date of receipt of the written notice.

- 4.3.1. A withdrawing Member shall have no interest or claim in the assets of the Authority absent an Authority approved written agreement which contains express provisions to the contrary.
- 4.3.2. Any withdrawing Member shall be obligated to pay an equitable share, consistent with the cost sharing principles herein, of all debts, liabilities and obligations of the Authority incurred prior to the effective date of the withdrawal; as such share is determined by the Board, as a condition precedent to such withdrawal.
- 4.3.3. Provided, however, that the withdrawing Member's obligations under Section 4.3.2 shall not extend to debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to specific project, service, or program agreements ("**limited scope agreements**") that expressly omit the withdrawing Member. The specific pro-rata share of the withdrawing Member of the debts, liabilities and obligations of the Authority that are secured or otherwise committed pursuant to a limited scope agreement shall be determined by the terms of those agreements and the withdrawing Member shall comply with all withdrawal terms of such agreement.
- 4.3.4. A withdrawing or withdrawn Member's payment obligation with respect to its share of debts, liabilities and obligations shall survive withdrawal of the Member and survive termination of this Agreement.
- 4.3.5. If a Member who is represented by a Multiple Agency Directorship withdraws, the listed entities in the applicable Multiple Agency Directorship may be amended to reflect this fact by a resolution of the Board.

ARTICLE 5 – BOARD OF DIRECTORS; ORGANIZATION

5. The Authority shall be governed by a Board of Directors (the "**Board**") consisting of eleven (11) Directors. The term of a Director's appointment shall be three (3) years although Directors may be appointed for a shorter term consistent with the Board's bylaws. Directors may be appointed to multiple successive terms. An alternate shall be appointed for each Director. Alternates shall serve as Directors in the absence of their respective Directors and shall exercise all rights and privileges thereof. Notwithstanding the above, each Director and each alternate for such Director shall serve at the pleasure of the Member(s) they represent and may be removed by such Member(s) at any time without any right to notice thereof.
 - 5.1. Directors and alternates shall be appointed by the represented Member(s) as follows and, at the time of such appointment and for the duration of such appointment, each shall be an elected official of a Member:
 - 5.1.1. Two Directors shall represent the County of Santa Clara.
 - 5.1.2. Two Directors shall represent the City of San Jose.

- 5.1.3. One Director shall represent the Central County Agencies.
- 5.1.4. One Director shall represent the Northwest County Agencies.
- 5.1.5. One Director shall represent the South County Agencies.
- 5.1.6. One Director shall represent the Southwest County Agencies.
- 5.1.7. One Director shall be appointed by the City Selection Committee (as formed pursuant to Government Code Section 50270 *et seq.*) for Santa Clara County. The Director shall be an elected official of a Member who does not have an elected official on the Board at the time of appointment. The Director appointed in this manner may be removed by the Member that he or she serves.
- 5.1.8 Two Directors shall be appointed by the Santa Clara Valley Transportation Authority ("VTA") Board of Directors. One Director shall be the VTA's General Manager or his or her designated Executive Level Staff Member. The other VTA Director shall be an elected member of the VTA Board of Directors or an elected VTA Policy Advisory Committee Member. The elected Director shall not be from a City or Town with a current member on the Board of Directors of the Authority. Future Directors appointed to any seat may not be from the cities or town already represented by the VTA Directors.

Each directorship described in Sections 5.1.3 through 5.1.6 shall be a Multiple Agency Directorship and an action by a majority of the represented Members shall appoint and remove such Directors. If the Director (or his or her Alternate) shall fail to attend 70% of the meetings of the Board during the fiscal year, the Directorship shall be deemed vacant and the Authority shall send notice of the vacancy to the represented Member(s). If a Director shall cease to be an elected official of a Member, his or her seat shall be deemed vacant. If a Director shall cease to be an employee of VTA, his or her seat shall be deemed vacant. If the City Selection Committee or the represented Members of a Multiple Agency Directorship fail to select a Director within ninety (90) days of a vacancy, the Board may appoint an interim Director from the elected officials of the represented Members (or of those Members who do not have an elected official on the Board in the case of the City Selection Committee's directorship) to serve until the appointment of the new Director is completed.

- 5.2. Each member of the Board shall have one vote. A majority of the members of the entire Board shall constitute a quorum for the transaction of business. Except where a supermajority is required by statute, this Agreement or a

resolution of the Board, actions of the Board shall require the affirmative vote of a majority of the entire Board (i.e., six (6) affirmative votes).

- 5.3. The Board shall elect annually a Chair from among its membership to preside at meetings and shall appoint a Secretary who may, but need not, be a Director. The Board may, from time to time, elect such other officers as the Board shall deem necessary or convenient to conduct the affairs of the Authority.
- 5.4. Meetings. The Board shall hold at least two regular meetings each year. The Board shall by resolution establish the date, hour and location at which its regular meetings shall be held. All meetings of the Board shall be held in accordance with the Ralph M. Brown Act, Government Code Section 54950 *et seq.* The Secretary shall cause minutes of all open meetings of the Board to be kept and shall cause a copy of the minutes to be forwarded to each Director and the Members within thirty (30) days.
- 5.5. Bylaws. The Board, at its initial meeting, shall adopt by resolution rules of procedure (“**bylaws**”), not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings. Such rules of procedure shall be in accordance with the Ralph M. Brown Act. Amendments to the Bylaws shall be reviewed by the Working Committee and comments from the Working Committee, if any, shall be presented to the Board at the time of Board consideration of the amendments.
- 5.6. Political Reform Act Compliance. Directors of the Board, members of the Working Committee and designated officials and employees shall comply with the Political Reform Act of 1974, Government Code Section 81000 *et seq.*
- 5.7. Executive Director. The Executive Director shall report to and take direction from the Board and shall have such authority as is specified by resolution of the Board. Where authorized by the Working Committee, the Executive Director may sign agreements, applications and other documents on behalf of the Authority. The Executive Director shall be designated as a Government Code Section 6505.1 officer who has charge of, handles, and has access to, the Authority's property and shall file with the Authority an official bond in the amount set by the Board. The premiums for such bond may be paid or reimbursed by the Authority.
 - 5.7.1. The SVRIP Executive Director shall serve as the Authority's Executive Director during the term of the existing employment agreement between the City of San Jose and the SVRIP Executive Director or until an Executive Director is selected pursuant to Section 6.7.
- 5.8. General Counsel. The Authority shall have a General Counsel. The General Counsel shall report to and take direction from the Board. The Board may designate one of the Authority's or a Member's employees as General Counsel or contract for such legal services with an independent contractor.
- 5.9. Policies. The Board may, upon the recommendation of the Working Committee, adopt policies regarding personnel, conflicts of interest and other matters that are necessary or convenient for the efficient operation of the Authority.

- 5.10. In addition to such duties as may be necessary or desirable for the implementation of this Agreement, the Board shall have the duty to do the following within the times specified or, if no time is specified, within a reasonable time:
 - 5.10.1. The Board shall hold an initial Board meeting within sixty (60) days of the Effective Date, and adopt an initial budget, work plan, initial policies, and bylaws with or without a Working Committee recommendation;
 - 5.10.2. The Board shall adopt a work plan for each fiscal year;
 - 5.10.3. The Board shall select a General Counsel;
 - 5.10.4. The Board shall direct the Working Committee to evaluate the need for such insurance protection as is necessary to protect the interests of the Authority and its Members, and acquire and maintain if necessary, liability, errors and omissions, property and/or other insurance.

ARTICLE 6 – WORKING COMMITTEE

6. Pursuant to Government Code Section 6508, the Authority delegates certain powers related to program development, policy formulation and program implementation to the Working Committee described herein. Specifically, the Working Committee shall have the composition, powers and duties described in this Article and the implied powers necessary therefor.
 - 6.1. The Working Committee shall ensure that a budget and work plan are timely prepared and by March 31 of each year, shall review and recommend the budget and work plan to the Board for approval. Copies of the recommended budget and work plan shall be promptly sent to the Members and the Directors. The budget shall indicate the anticipated sources of revenues and the anticipated uses of such revenues. The work plan shall outline the activities and priorities of the Authority for the following year.
 - 6.2. The Working Committee may apply for and accept all grants and sub-grants that are consistent with the approved work plan, provided that either (a) the amount of matching funds required, if any, does not exceed that threshold provided in the approved work plan and budget, or (b) a Member or other entity volunteers to provide the matching funds without a guarantee of reimbursement.
 - 6.3. The Working Committee may take action to implement or modify any projects, programs or services, provided the projects, programs or services are consistent with the budget and the parameters and thresholds in the work plan. Any projects, programs and services that are not consistent with the work plan and budget shall be reviewed by the Working Committee and recommended to the Board for approval.
 - 6.4. The Working Committee shall let for bid, if required, and award all contracts consistent with the approved work plan, provided that the amount of funds

required, if any, does not exceed that threshold provided in the approved work plan and budget. The Working Committee may approve any contract amendment, provided that the additional costs to the Authority for such amendment do not exceed the threshold provided in the Authority's contracting policy and sufficient funds are available in the approved budget.

- 6.5. The Working Committee shall approve all agreements with Members and other public agencies and all other contracts that are consistent with applicable law and the approved work plan.
- 6.6. The Working Committee shall recommend a conflict of interest policy and personnel rules, when necessary, and any amendments of those policies to the Board for approval.
- 6.7. The Working Committee shall adopt policies regarding purchasing and consultants. In addition, the Working Committee may adopt policies on other issues that are necessary or convenient for the efficient operation of the Authority.
- 6.8. The Working Committee shall recommend an Executive Director, subject to the Board's approval and approval of the contract between the Authority and Executive Director.
- 6.9. The Working Committee shall have thirteen (13) Committee Members, unless such number is increased by a resolution adopted by an affirmative vote of 2/3 of the entire Board. Each Committee Member shall serve at the pleasure of the appointing entity identified in Section 6.9.1 and may be removed at any time by that appointing entity without notice. Each Committee Member must be an official, officer, or employee of a Member, but no single Member may have more than three (3) Working Committee Members serving at one time. A Committee Member may also be removed by the Member who he or she serves upon notice to the Authority. If a Committee Member shall fail to attend 70% of the meetings of the Working Committee during the fiscal year, his or her seat shall be deemed vacant and the Authority shall send notice of the vacancy to the appointing entity. If a Committee Member shall cease to be an official, officer, or employee of a Member, his or her seat shall be deemed vacant. If an appointing entity shall fail to appoint a Committee Member within ninety (90) days of a vacancy, the Working Committee may, by majority vote, appoint an interim Committee Member from the officials, officers, or employees of the Members to serve until the appointment of the new Committee Member is completed.
 - 6.9.1. Working Committee Members shall be appointed by the following entities (or successor entities approved pursuant to a resolution of the Working Committee) as follows:
 - 6.9.1.1. Two City Managers appointed by the Santa Clara County/City Managers Association.
 - 6.9.1.2. One fire chief appointed by the Santa Clara County Fire Chiefs Association.

- 6.9.1.3. One police chief appointed by the Santa Clara County Police Chiefs Association.
- 6.9.1.4. The Santa Clara County Executive or his or her designee.
- 6.9.1.5. Two members appointed by the San Jose City Manager.
- 6.9.1.6. The Director of Communications for Santa Clara County or his or her designee.
- 6.9.1.7. One communications manager appointed by the Public Safety Communications Managers Association (of Santa Clara County).
- 6.9.1.8. Two at-large members appointed by the Working Committee.
- 6.9.1.9. Two Committee Members appointed by VTA's General Manager.
- 6.9.2. Meetings of the Working Committee shall be conducted in compliance with the Ralph M. Brown Act. The Working Committee may adopt by resolution rules of procedure, not inconsistent with the provisions of this Agreement, to govern the conduct of its meetings.
- 6.9.3. A majority of the Committee Members shall constitute a quorum for the transaction of business and actions of the Working Committee shall require the affirmative vote of a majority of the entire Working Committee (i.e., as of the Effective Restatement Date, seven (7) Committee Members).

ARTICLE 7 – FISCAL MATTERS AND FUNDING

- 7. The Authority shall comply with the fiscal and recordkeeping requirements of the Joint Exercise of Powers Act and shall take such other actions as necessary or desirable to address the fiscal, funding and budgeting needs of the Authority.
 - 7.1. Treasurer and Auditor. The Treasurer and Auditor/Controller of Santa Clara County, respectively, are designated the Treasurer and Auditor of the Authority with the powers, duties, and responsibilities specified in the Joint Exercise of Powers Act, including, without limitation, Sections 6505 and 6505.5 thereof; provided however, the Board may revoke this designation by adopting a resolution appointing one or more of the Authority's or a Member's officers or employees to either or both of the positions of Treasurer or Auditor as provided in Sections 6505.6 of the Joint Exercise of Powers Act.
 - 7.2. Accounts and Reports. The Board shall establish and maintain such funds and accounts as may be required by generally accepted public accounting practice. The books and records of the Authority shall be open to inspection at all reasonable times to the Members and their respective representatives. The accounts shall be prepared and maintained by the Treasurer and/or Auditor of the Authority. The Auditor shall, within one hundred twenty (120) days after the close of each fiscal year, cause an independent audit of all financial activities for

such fiscal year to be prepared in accordance with Government Code Section 6505. The Authority shall promptly deliver copies of the audit report to each Director and the Members.

- 7.3. Budget. The Board shall adopt an initial budget consistent with Section 5.10 and adopt subsequent budgets no later than April 30th of each year thereafter. Adoption of the budget shall require an affirmative vote of 2/3 of the entire Board.
- 7.4. Fiscal Year. The fiscal year of the Authority shall be the period from July 1st of each year to and including the following June 30th.
- 7.5. Debts, Liabilities and Obligations. The debts, liabilities, and obligations of the Authority shall not constitute debts, liabilities, or obligations of the Members, either jointly or severally.
- 7.6. Initial Contribution for Annual Operating Costs. Within thirty (30) days of the Effective Date, each Member except the City of Los Altos Hills and the City of Monte Sereno shall make an initial operating costs contribution of \$13,157 to the Authority. The City of Los Altos Hills and the City of Monte Sereno shall each make an initial operating costs contribution of \$8,000. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement for the 2009-2010 fiscal year need not make such initial operating costs contribution. Within thirty (30) days of the Restatement Date, the VTA shall make a contribution towards operating costs of \$13,157 to the Authority.
- 7.7. Initial Contribution for Annual Maintenance Costs. Within thirty (30) days of the Effective Date, each Member shall make an initial systems maintenance contribution of the amount required pursuant to the City Manager's Association approved maintenance assessment formula.
 - 7.7.1. The City Managers' Association approved maintenance assessment formula provides the following population allocation percentages: Campbell - 2.21%, Cupertino - 3.02% , Gilroy - 2.60%, Los Altos - 1.60%, Los Altos Hills - 0.48%, Los Gatos - 1.67%, Milpitas – 3.76%, Monte Sereno - 0.20% , Morgan Hill - 2.02%, Mountain View – 4.16%, Palo Alto – 3.50% , San Jose – 53.47%, Santa Clara – 6.12%, Saratoga - 1.76%, and Sunnyvale – 7.66%; and unincorporated Santa Clara County - 5.78%.
 - 7.7.2. The following contributions are due based on the above percentages: Campbell - \$3,315, Cupertino - \$4,530, Gilroy - \$3,900, Los Altos - \$2,400, Los Altos Hills - \$720, Los Gatos - \$2,505, Milpitas – \$5,640, Monte Sereno - \$300, Morgan Hill - \$3,030, Mountain View – \$6,240, Palo Alto – \$5,250 , San Jose – \$80,205, Santa Clara – \$9,180, Saratoga - \$2,640, and Sunnyvale – \$11,490, and unincorporated Santa Clara County - \$8,670.
 - 7.7.3. Notwithstanding the above, any Member who has already contributed the identified amount pursuant to the Joint Funding Agreement

for the 2009-2010 fiscal year need not make such initial maintenance contribution.

7.8. Annual Operating Costs. Each year, the Working Committee shall propose projected Annual Operating Costs, which projected costs shall be adopted by the Board prior to or during approval of the budget.

7.8.1. Population Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on their respective population (the "Population Share"). Each Member shall pay a portion of the Population Share which shall be determined based on that Member's population. The Population Share, each Member's share of the Population Share shall be determined pursuant to the funding policy adopted by the Board at its initial meeting, as may be amended. The funding policy shall specify the accepted method for calculating each Member's population (e.g., census data). Notwithstanding the foregoing, on or after the Restatement Date, the Working Committee shall commission or obtain a cost allocation study which considers usage, overhead, and other reasonable cost factors and with that data shall propose, subject to the adoption of the Board, an allocation methodology for the VTA that is not based on population.

7.8.2. Membership Share. Half of the adopted Annual Operating Costs shall be allocated to the Members based on the principle that Members share these costs equally, except that the Smaller Members shall pay 60% of a Full Share (the "Membership Share"). Each Member except the Smaller Members shall pay an equal full share of the adopted Annual Operating Costs (Full Share) the Smaller Members shall pay 60% of a Full Share. The total of all shares shall be 100% of the Membership Share. A Full Share shall be calculated according to the formula implementing the above principle contained in the funding policy adopted by the Board at its initial meeting, as may be amended.

7.9. Annual Systems Maintenance Costs. Each year, the Working Committee shall propose projected Annual Systems Maintenance Costs, which projected costs shall be approved by the Board prior to or during approval of the budget.

7.9.1. Each Member shall pay a share of the adopted Annual Systems Maintenance Costs based on the principle that Members shall share systems maintenance costs based on system and service usage and that until sufficient data is available regarding Member usage, Member population data is an acceptable proxy for usage.

7.9.2. Each Member's share of the adopted Annual Systems Maintenance Costs shall be calculated according to the formula implementing the principles in Section 7.9.1 contained in the funding policy adopted by the Board at its initial meeting, as may be amended.

7.10. Other Projects, Programs and Services. In the event that a project, program, service, or reserve fund is approved which has costs that are not

Annual Operating Costs or the Annual Systems Maintenance Costs, the Working Committee shall either (a) develop a proposed cost allocation formula for the non-overhead costs based on the principle that costs shall be assessed to Members based on usage but, if usage data or projected usage data is not available, until sufficient data is available, Member population and entity type data are acceptable proxies for usage or (b) conduct or obtain a cost allocation study which considers usage, overhead, and other reasonable cost factors. The Board shall approve any such proposed cost allocation.

7.11. Limited Scope Agreements. Where a project or program is intentionally designed to be limited in scope such that it only provides benefits to particular Members, the Authority may enter into specific project or program agreements that provide for cost sharing by the particular affected Members; provided however, both the Board and Working Committee must approve such agreements.

7.12. Contributions on Behalf of Members. Special Districts or other parties may tender to the Authority those contributions due from a Member on that Member's behalf.

ARTICLE 8 –GENERAL PROVISIONS

8. The following general provisions apply to this Agreement.

8.1. Term and Termination. This Agreement shall be effective as of the Effective Date. It shall remain in effect until the purposes of the Authority are fully accomplished, or until terminated by the vote of a majority of the governing bodies of the Members; provided, however, that this Agreement may not be terminated, until (a) all bonds or other instruments of indebtedness issued by the Authority and the interest thereon, if any, have been paid in full or provision has been made for payment in full and (b) all outstanding obligations and liabilities of the Authority have been paid in full or provision has been made for payment in full, except as set forth in Section 8.2.

8.2. Disposition of Property upon Termination. In the event of termination of the Authority pursuant to Section 8.1 herein and where there will be a successor public entity which will carry on the functions of the Authority and assume its assets and liabilities, the assets of the Authority shall be transferred to the successor public entity. If upon termination pursuant to Section 8.1, there is no successor public entity which will carry on the functions of the Authority and assume its assets, the assets shall be returned to the Members as follows: (a) all real property and any improvements thereon shall be conveyed to the Member which owned the property prior to the formation of the Authority, and (b) all other assets shall be divided among the Members in proportion to their respective contributions during the term of this Agreement. If upon termination pursuant to Section 8.1, there is a successor public entity which will carry on some of the functions of the Authority and assume some of

the assets, the Authority's Board shall allocate the assets between the successor public entity and the Members.

8.3. Indemnification. To the fullest extent allowed by law, the Authority shall defend, indemnify, and save harmless the Members and their governing bodies, officers, agents, and employees from all claims, losses, damages, costs, injury, and liability of every kind, nature, and description directly or indirectly arising from the performance of any of the activities of the Authority or the activities undertaken pursuant to this Agreement.

8.4. Liability of Board, Officers and Employees. The Directors, Working Committee Members, officers, and employees of the Authority shall use ordinary care and reasonable diligence in the exercise of their powers, and in the performance of their duties pursuant to this Agreement. They shall not be liable to the Members for any mistake of judgment or other action made, taken, or omitted by them in good faith, nor for any action made, taken, or omitted by any agent, employee, or independent contractor selected with reasonable care, nor for loss incurred through the investment of the Authority's funds, or failure to invest the same.

8.5. To the extent authorized by California law, no Director, Working Committee Member, officer, or employee of the Authority shall be responsible for any action made, taken, or omitted, by any other Director, Working Committee Member, officer, or employee. No Director, Working Committee Member, officer, or employee of the Authority shall be required to give a bond or other security to guarantee the faithful performance of his or her duties pursuant to this Agreement, except as required herein pursuant to Government Code Section 6505.1. The funds of the Authority shall be used to defend, indemnify, and hold harmless the Authority and each Director, Working Committee Member, officer, or employee of the Authority for actions taken in good faith and within the scope of his or her authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide coverage for the foregoing indemnity.

8.6. Successors: Assignment. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Members. No Member may assign any rights or obligations hereunder without the unanimous consent of the governing bodies of the other Members; provided, further, that no such assignment may be made if it would materially and adversely affect (a) the rating of bonds issued by the Authority, or (b) bondholders holding such bonds.

8.7. Amendments. This Agreement may be amended only upon approval of all the governing bodies of the Members. So long as any bonds of the Authority are outstanding and unpaid, or funds are not otherwise set aside for the payment or redemption thereof in accordance with the terms of such bonds and the documentation relating thereto, this Agreement shall not be amended, modified or otherwise revised, changed or rescinded, if, in the judgment of the Board, such action would (a) materially and adversely affect (1) the rating of bonds issued by the Authority, or (2) bondholders holding such bonds, or (b) limit or reduce the

obligations of the Members to make, in the aggregate, the payments which are for the benefit of the owners of such bonds.

8.8. No Third Party Beneficiaries. This Agreement is intended solely for the benefit of the Authority and its Members. No third party shall be deemed a beneficiary of this Agreement or have any rights hereunder against the Authority or its Members.

8.9. Dispute Resolution. In the event that any party to this Agreement should at any time claim that another party (or parties) has breached or is breaching this Agreement, the complaining party shall file with the governing body of claimed breaching party, and with the Authority, a written claim of said breach, describing the alleged breach and otherwise giving full information respecting the same. The Board shall thereupon, at a reasonable time and place, specified by it, give each of these parties to the dispute an opportunity to be heard on the matter, and shall, upon conclusion of said hearing, give the Members a full report of its findings and recommendations. Said report, findings and recommendations shall be deemed advisory only, shall not in any way bind any of the parties to the dispute, and shall not be deemed to establish any facts, either presumptively or finally. Upon receipt of said report and recommendations, if any party to the dispute should be dissatisfied with or disagree with the same, that party shall provide written notice to the other parties within ten (10) business days, and the parties to the dispute or their representatives shall meet at a reasonable time and place to be determined by them, for the purpose of resolving their differences. No action for breach of this Agreement, and no action for any legal relief because of any such breach or alleged breach of this Agreement shall be filed or commenced by any party unless and until such party has first given to the other parties a reasonable time, after the parties to the dispute have met to resolve their differences, within which to cure any breach or alleged breach.

8.10. Notices. Any notices to Members required by this Agreement shall be delivered or mailed, U.S. first class, postage prepaid, addressed to the principal office of the respective Members. Notices under this Agreement shall be deemed given and received at the earlier of actual receipt, or the second business day following deposit in the United States mail, as required above. Any Member may amend its address for notice by notifying the other Members pursuant to this Section.

8.11. Severability. Should any part, term, or provision of this Agreement be decided by the courts to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

8.12. Liberal Construction. The provisions of this Agreement shall be liberally construed as necessary or reasonably convenient to achieve the purposes of the Authority.

8.13. Headings. The headings used in this Agreement are for convenience only and have no effect on the content, construction, or interpretation of the Agreement.

8.14. Counterparts. This Agreement may be executed in any number of counterparts, and by different parties in separate counterparts, each of which, when executed and delivered, shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument.

8.15. Non-Waiver. No waiver of the breach or default of any of the covenants, agreements, restrictions, or conditions of this Agreement by any Member shall be construed to be a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. No delay or omission of exercising any right, power or remedy in the event of breach or default shall be construed as a waiver thereof, or acquiescence therein, or be construed as a waiver of a variation of any of the terms of this Agreement or any applicable agreement.

8.16. Agreement Complete. The foregoing constitutes the full and complete Agreement of the parties. There are no oral understandings or agreements not set forth in writing above. Any such agreements merge into this Agreement.

This document continues on the following page.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

City of Campbell	Approved as to form:
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Approved as to form:	Approved as to form:
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
City of Cupertino	Approved as to form:
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
City of Gilroy	Approved as to form:
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
City of Los Altos	Approved as to form:
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____

<p>Town of Los Altos Hills</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>Town of Los Gatos</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of Milpitas</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of Monte Sereno</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of Morgan Hill</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>

<p>City of Mountain View</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of Palo Alto</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of San Jose</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of Santa Clara</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>County of Santa Clara</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>

<p>City of Saratoga</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>City of Sunnyvale</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>
<p>Santa Clara Valley Transportation Authority</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>	<p>Approved as to form:</p> <p>By: _____</p> <p>Name: _____</p> <p>Title: _____</p>



City Council Report

Item: 8.
Category: Consent Calendar
Meeting Date: August 16, 2016

TITLE: Approval of Specifications and Call for Bids and Authorization to Purchase One Unmarked Police Vehicle (Resolution/Roll Call Vote)

RECOMMENDATION

That the City Council adopt the attached resolution:

1. Approving the Specifications and Call for Bids for the purchase of one new 2016 unmarked police vehicle; and
2. Authorizing the Public Works Director to award the contract for the replacement unit to the lowest responsible bidder.

BACKGROUND

All fleet vehicles, including police cars, are placed on a maintenance and replacement schedule in order to balance annual fiscal impacts, provide reliable, safe and effective vehicle operations, and provide up-to-date support of citywide operations.

Each fiscal year, Public Works Department staff plans, schedules, and budgets for the replacement of fleet vehicles and equipment that meet the City's policy for replacement. The current replacement criteria recommends that unmarked police vehicles be replaced when a vehicle reaches seven years of age or 75,000 miles.

Unit #1249 - an unmarked 2008 Ford Explorer - is eight years old and has an odometer reading of over 85,000 miles, exceeding the vehicle age and mileage replacement criteria.

On occasion, when a unit is replaced with a new vehicle, the existing unit is placed into a "surplus fleet" that remains available to a department to use in support of temporary peak staffing, special projects, or when regular service vehicles are out of service. Surplus vehicles receive only a "nominal" amount of routine preventative maintenance, and if out of the ordinary maintenance or repair costs are required, the unit is taken out of service and is sent to auction.

DISCUSSION

The Police Department has chosen the Chevrolet Tahoe 9C1 2WD as the preferred vehicle to replace the 2008 Ford Explorer, because it is best suited and equipped to meet the operational needs and service requirements.

Once unit #1249 is removed from service, it will be evaluated and compared to other vehicles in the surplus fleet for consideration on which vehicle of the surplus fleet will be sent to auction.

These units were approved as part of the current FY 16/17 operating budget. There are no additional impacts to the current budget.

FISCAL IMPACT

The estimated cost of replacing and outfitting the new unmarked police unit is \$45,000 and is funded by the Motor Pool Fund. Funds have already been appropriated in the FY 16/17 operating budget. Proceeds from the sale of a surplus fleet unit will be deposited into the Motor Pool Fund.

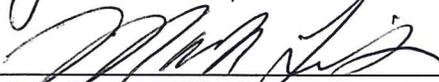
ALTERNATIVES

1. Do not approve the purchase of the new unit and keep Unit #1249 in service.
2. Request staff to consider alternative units.

Reviewed by: 
Alex Mordwinow, Public Works Superintendent

Reviewed by: 
Todd Capurso, Public Works Director

Reviewed by: 
Jesse Takahashi, Finance Director

Approved by: 
Mark Linder, City Manager

Attachment: Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
APPROVING SPECIFICATIONS AND CALL FOR BIDS AND AUTHORIZING THE
PURCHASE OF ONE UNMARKED POLICE VEHICLE**

WHEREAS, City vehicle unit #1249 has met the City's criteria for replacement; and

WHEREAS, replacement of this unit is funded by the Motor Pool Fund and appropriated in the Fiscal Year 16/17 operating budget; and

WHEREAS, in accordance with the City of Campbell's Purchasing Policy, if the equipment's estimated fair market value is greater than twenty-five thousand dollars Council authorization is required; and

WHEREAS, the Police Department has selected the Chevrolet Tahoe 9C1 2WD as the preferred vehicle for its operations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Campbell does hereby approve the specifications and call for bids for one new 2016 unmarked police vehicle and authorizes the Public Works Director to award the contract for this replacement unit to the lowest responsible bidder.

PASSED AND ADOPTED this 16th day of August 2016, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED:

Jason T. Baker, Mayor

ATTEST:

Wendy Wood, City Clerk



*City
Council
Report*

Item: 9.
Category: Consent Calendar
Meeting Date: August 16, 2016

TITLE: Accept Donation of \$25,000 from the Friends of the Heritage Theatre

RECOMMENDATION:

It is recommended that the City Council accept a donation of \$25,000 from the Friends of the Heritage Theatre for the purchase of a Moving Lights system.

BACKGROUND

On July 19, 2016 the City Council approved the purchase of a Moving Lights System for the Heritage Theatre. This enhancement to the Theatre is possible due to a generous donation of \$25,000 from the Friends of the Heritage Theatre.

DISCUSSION

The Friends of the Heritage Theatre undertook a concentrated effort to fundraise for the Moving Lights system. This effort included writing grant proposals, running two crowdfunding campaigns, outreaching to season subscribers, and running the concessions at Theatre shows. As a result, the Friends are pleased to present the City with a donation in the amount of \$25,000 toward the purchase of a Moving Lights system for the Heritage Theatre.

FISCAL IMPACT

The contribution from the Friends of the Heritage Theatre in the amount of \$25,000 will be combined with \$13,970 approved by City Council on July 19, 2016 for the purchase of the Moving Lights system.

Prepared by: Regina Maurantonio
Regina Maurantonio, Recreation & Community Services Director

Reviewed by: Jesse Takahashi
Jesse Takahashi, Finance Director

Approved by: Mark Linder
Mark Linder, City Manager



City Council Report

Item: 10.
Category: Public Hearing
Date: August 16, 2016

TITLE Public Hearing to consider the application of Brice Colton for a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive in the P-D (Planned Development) Zoning District. (Resolution/Roll Call Vote)

RECOMMENDATION

The Planning Commission recommends that the City Council take the following action:

1. **Adopt the attached Resolution**, incorporating the attached findings, approving a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive, subject to the attached Conditions of Approval

DISCUSSION

Project Site: The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way located at and along the south side of Orchard City drive, west of Railway Avenue, and east of S. First Street and is in the P-D (Planned Development) zoning district (reference **Attachment 2**, Location Map). The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building (reference **Attachment 3** – Primary Record), is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. Over the years, the site (which includes the City parking lot) has assumed several addresses (including 93 N. Central Avenue), but is recognized as 300 & 307 Orchard City Drive.

Applicant's Proposal: The applicant is seeking approval of a Modification (PLN2016-73) to allow exterior façade and site upgrades to the Water Tower Plaza. The proposal is intended to renovate the site with 'particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company' (1892-1937). The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility. A more detailed/bulleted scope of work has been included on page 2 of the applicant's design consultation memo (reference **Attachment 10** – Applicant's Consultant Memo - Page & Turnbull). The applicant is also requesting

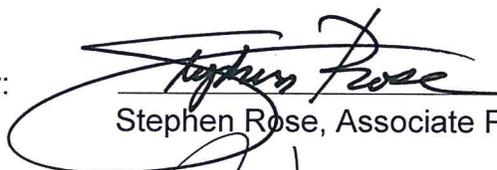
approval of a tree removal permit, to allow the removal of two olive trees located near the outdoor open space to the rear/southwest of Building A & D and one podocarpus tree located at the front/northeast of Building G (reference **Attachment 4** – Revised Project Plans; Sheet A1.0).

This proposal has neither a use related component, nor would it serve to supersede or modify any previously established operational restriction.

Historic Preservation: An analysis of the project in consideration of the City's Historic Preservation Ordinance, and Secretary of Interior Standards for the Treatment of Historic Properties had been prepared and presented to the Historic Preservation Board (HPB) at its meeting of May 25, 2016 (reference **Attachment 8** – May 25, 2016 – Historic Preservation Board Report). The HPB, as well as the City's Consulting Architect, Mark Sandoval (contracted by the City for review) were very supportive of the project, finding that the proposed alterations reinforce the existing industrial narrative of the site's past and create an exciting and refreshing new look which adds to the vitality of the historic resource. Maintenance and associated requirements intended to further reinforce and preserve the historic resource have been included as Conditions of Approval (reference **Attachment 1** – Draft City Council Resolution).

Planning Commission Meeting: At its meeting of July 26, 2016, the Planning Commission held a public hearing on the project. The Commission voted unanimously to recommend approval of the project as proposed with a revision to the first Condition of Approval to include the two page desk item provided at the Planning Commission meeting as part of the project plans (reference **Attachment 1** – Draft City Council Resolution¹ & **Attachment 4** - Revised Project Plans).

Prepared by:


Stephen Rose, Associate Planner

Reviewed by:


Paul Kermoyan, Community Development Director

Approved by:


Mark Linder, City Manager

¹ The Draft City Council Resolution also includes a corrected set of Fire Department Conditions of Approval. The Conditions reflected in the Planning Commission Resolution had erroneously included conditions intended for building permit review.

Attachments:

1. Draft City Council Resolution
2. Location Map
3. Primary Record
4. Revised Project Plans
5. July 26, 2016 – PC Staff Report
6. July 26, 2016 – PC Minutes
7. June 28, 2016 – SARC Memo
8. May 25, 2016 – Historic Preservation Board Report
9. May 25, 2016 – Historic Preservation Board Resolution
10. May 25, 2016 – Historic Preservation Board Draft Minutes (Excerpt)
11. Initial Study & Draft Negative Declaration
12. Applicant's Consultant Memo - Page & Turnbull
13. City Consulting Architect Evaluation Report -Mark Sandoval
14. Applicant Responses to Consulting Architect Feedback
15. Historic Plaque Example

RESOLUTION NO. _____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING A MODIFICATION (PLN2016-73) TO PREVIOUSLY-APPROVED PLANNED DEVELOPMENT PERMITS TO ALLOW THE EXTERIOR REMODEL OF AN EXISTING BUILDING LOCATED ON THE CITY'S HISTORIC RESOURCE INVENTORY (GEORGE HYDE CO. SUNSWEET GROWERS) AS WELL AS ASSOCIATED ON AND OFF-SITE IMPROVEMENTS AND A TREE REMOVAL PERMIT (PLN2016-154) ON PROPERTY LOCATED AT **300 & 307 ORCHARD CITY DRIVE**. FILE NO.: PLN2016-73/154)

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

The City Council finds as follows with regard to file number PLN2016-73 & 154:

Environmental Finding

1. An Initial Study has been prepared for the project which provides documentation for the factual basis for concluding that a Negative Declaration may be adopted since no substantial evidence exists, in light of the whole record, that the project may have a significant effect on the environment.

Evidentiary Findings

1. The project site is designated *Central Commercial* by the General Plan Land Use Element.
2. The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street.
3. The proposed Modification (PLN2016-73) would allow exterior façade and site upgrades to the Water Tower Plaza.
4. The proposal is intended to renovate the site with 'particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company' (1892-1937).
5. The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility.
6. The proposal includes a request (PLN2016-154) to remove two olive trees (which are in poor condition), and one podocarpus tree (which is in conflict with proposed improvements).
7. The proposed Modification serves to supersede previous Planned Development Permits which allowed for minor incremental renovations and changes to the site overtime (i.e. PD84-02, PD84-05 & M92-11). The subject permit is intended to supersede these previous entitlements with the intent of establishing a single permit

which will serve to regulate the site and architectural design of the site, and streamline the permit review and processing of future entitlements.

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

1. The action is allowed within the applicable zoning district with a Modification of the previously approved Planned Development Permit(s), and complies with all other applicable provisions of this Zoning Code and the Campbell Municipal Code;
2. The action is consistent with the General Plan;
3. The project would be consistent with the following General Plan and Downtown Development Plan goals, policies and strategies. Together, these documents speak to a desire to promote and enhance a downtown environment that provides a desirable and distinct balance of land uses:

General Plan

Policy LUT-5.1: Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values, while protecting the integrity of the city's neighborhoods.

Policy LUT-5.3: Variety of Commercial and Office Uses: Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.

Strategy LUT-5.3g: Day and Evening Activities: Encourage restaurant and specialty retail uses in the Downtown commercial area that will foster a balance of day and evening activity.

Strategy LUT-9.1c: Land Use Objectives and Redevelopment Plans: Permit only those uses that are compatible with land use objectives and redevelopment plans.

Policy LUT-11.2: Services Within Walking Distance: Encourage neighborhood services within walking distance of residential uses.

Policy LUT-19.1: Campbell Downtown Development Plan: Ensure that new development within the Downtown Area complies with the requirements of the Campbell Downtown Development Plan.

Strategy LUT-19.1a: Mix of Uses: Encourage a compatible mix of uses (i.e. professional offices, services and retail uses) with ground floor retail uses.

Downtown Development Plan

Goal LU-1: To continue the development and revitalization of the Downtown areas in a manner that positions it as a viable, self-sustaining commercial district in the competitive marketplace of Silicon Valley.

Goal LU-2: Work to develop and promote a variety of retail businesses and diversification of eating establishments that will help create a unique destination and identity for Downtown.

Policy LU-2.1: Ground Level Commercial: Develop and maintain the ground floor space along East Campbell Avenue between Third Street and the light rail tracks as a distinctive retail and restaurant experience with ground floor uses that are diverse and interesting and contribute strongly to a distinctive and unique shopping experience.

Strategy LU-6.1a: Expand the Downtown boundaries while maintaining a scale that is in keeping with the “small town” image identifiable in the community and create a comfortable experience for the pedestrian.

4. The proposed site is adequate in terms of size and shape to accommodate the fences and walls, landscaping, parking and loading facilities, yards, and other development features required in order to integrate the use with uses in the surrounding area;
5. The proposed site is adequately served by streets of sufficient capacity to carry the kind and quantity of traffic the use would be expected to generate;
6. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property;
7. The establishment, maintenance, or operation of the proposed use at the location proposed will not be detrimental to the comfort, health, morals, peace, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city;
8. The zoning designation for the project site is P-D (Planned Development). Exterior alterations to a historic property in this zoning district may occur with the approval of a Planned Development Permit;
9. The project consists of exterior façade and site upgrades to the Water Tower Plaza;
10. The proposal is intended to renovate the site with particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company (1892-1937);

11. The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility;
12. The changes proposed by the project are consistent with the Historic Preservation Ordinance, and the Secretary of Interior Standards and do not detract from the existing architectural character of the building or site;
13. The proposed exterior changes are consistent with the purpose of the Historic Preservation ordinance to enhance the visual character of the city by encouraging and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural traditions;
14. The three trees proposed for removal are not protected under the City's Tree Protection Ordinance on the basis of their size or species;
15. The retention of the podocarpus tree would restrict the economic enjoyment of the property as it would preclude the redevelopment of a significant building entry and is in direct conflict with the proposed improvements;
16. The applicant has demonstrated (by way of photographs) that the two olive trees proposed for removal should be removed as they are either diseased or in danger of falling in consideration of their state of decline and poor health;
17. The proposed replacement trees (a minimum of three 24-inch box trees) will be a sufficient replacement for the trees to be removed and will continue the diversity of tree species found in the community; and
18. No substantial evidence has been presented from which a reasonable argument could be made that shows that the project, as currently presented and subject to the required conditions of approval, will have a significant adverse impact on the environment.

THEREFORE, BE IT RESOLVED that the City Council adopts a Resolution approving a Modification (PLN2016-73) to previously approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and off-site improvements and a Tree Removal Permit (PLN2016-154) on property located at **300 & 307 Orchard City Drive**, subject to the attached Conditions of Approval (attached Exhibit "A")

PASSED AND ADOPTED this _____ day of _____, 2016, by the following roll call vote:

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

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

CONDITIONS OF APPROVAL
Modification and Tree Removal Permit
300 & 307 Orchard City Drive (PLN2016-73/154)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. Approved Project: Approval is granted for Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05, and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s). The project shall substantially conform to the Project Plans stamped as received by the Community Development Department on February 25, 2016, with the inclusion of the two page desk item provided at the July 26, 2016 Planning Commission meeting, except as may be modified by the Conditions of Approval specified herein.
2. Building Permit Submittal: The construction plans submitted for building permit review shall incorporate the following revisions/notes:
 - a. Benches: The existing benches are to be noted with their wood to be replaced or repaired. Alternatively, the benches may be replaced with simple industrial benches complementary to the site renovations. Should the existing benches be removed, efforts should be demonstrated to donate the benches to other sites in the downtown.
 - b. Trash Cans: Trash bins throughout the project site shall be replaced with trash duo (recycling/trash) or trash trio (recycling, compost, trash) bins. The design of the trash bins should be consistent with the design of the site renovations.
 - c. Historic Plaques: The existing plaque (mounted to a rock in front of the Building I/J entry) shall be incorporated into the newly proposed entrance in that area. Other historic plaques and signs throughout the site shall be noted as being moved to the lobby or front entries and surrounded with more modern framing.
 - d. Trees: The landscape plans shall note the proposed location, species and installation of three (24-inch min.) box trees. The species of the trees shall not be Eucalyptus or a 'Fruit Tree' as defined by the Campbell Municipal Code.Compliance with these requirements shall be subject to the review and approval of the Director of Community Development.
3. Environmental Recordation Fee: Within three calendar days of permit approval, a check in the amount of \$2,260.25 made payable to the 'Santa Clara County Clerk-

Recorder' shall be provided to City staff. This payment is required to record the environmental determination on the project.

4. Items Required Prior to Building Permit Issuance/Final: Prior to building permit issuance, a Master Sign Permit shall be submitted for review and consideration. Prior to building permit final, the Master Sign Permit application shall be deemed complete by the City.
5. Permit Expiration: The Modification (PLN2016-73) and Tree Removal Permit (PLN2016-154) approved herein shall be valid for two years from the date of final approval. The City Council will be the final approval authority for the purpose of this condition. Within this two year period an application for a building permit must be submitted. Failure to meet this deadline will result in the Modification and Tree Removal Permit being rendered void.
6. Previous Conditions of Approval: The previously approved Conditions of Approval provided in Planned Development Permits PD 84-02, PD8405 & M92-11 shall be void and shall permanently be superseded in their entirety by the Conditions of Approval specified herein.
7. Rehabilitation: All features dating to the complex's drying and canning eras should be rehabilitated wherever feasible. If any of these features are found to be deteriorated, careful repair is preferred treatment. If deterioration is severe enough so that the feature has failed, the replacement should match the original in design, color, texture, and materials.
8. Historic Plaque: The applicant shall submit plans for a historic plaque to be installed on either a monument or on a plaque in visible location on the property. The design, placement, and installation method of the plaque shall be to the satisfaction of the Community Development Director.
9. Brick: New brick, where added to the entry of Building J, shall be differentiated from the old/historic brick of the building (such as accentuating the reveal around the brick façade entry) to the satisfaction of the Community Development Director.
10. Contractor - Unexpected Conditions: In the event that unexpected damage or historic features (e.g. signage, murals, historic openings or brickwork) are discovered during the construction process, the contractor shall stop work on the affected portion of the project and seek written authorization of the Community Development Director prior to proceeding. To obtain authorization, the contractor shall work with the project architect/applicant to evaluate options to restore the existing material to the extent feasible. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence to the satisfaction of the Community Development Director.

11. Salvage: Where significant historic features cannot be restored in place, they shall be salvaged for use elsewhere on the site, donated to a historic agency, or used for interpretive display.

Public Works Department

12. Response Letter: Upon submittal of the Street Improvement Plans, the applicant shall provide an itemized response letter verifying that all the Public Works Conditions of Approval have been met or addressed.
13. Proof of Ownership: Prior to issuance of any grading, drainage, or building permits for the site, the applicant shall provide a current Preliminary Title Report, grant deed, or other satisfactory proof of ownership.
14. Stormwater Pollution Prevention Measures: Prior to issuance of any grading or building permits, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit requirements, Santa Clara Valley Water District requirements, and the Campbell Municipal Code regarding stormwater pollution prevention. The primary objectives are to improve the quality and reduce the quantity of stormwater runoff to the bay.

Resources to achieve these objectives include *Stormwater Best Management Practices Handbook for New Development and Redevelopment* ("CA BMP Handbook") by the California Stormwater Quality Association (CASQA), 2003; *Start at the Source: A Design Guidance Manual for Stormwater Quality Protection* ("Start at the Source") by the Bay Area Stormwater Management Agencies Association (BASMAA), 1999; and *Using Site Design Techniques to Meet Development Standards for Stormwater Quality: A Companion Document to Start at the Source* ("Using Site Design Techniques") by BASMAA, 2003.

15. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
16. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. Streets that have been reconstructed or overlaid within the previous five years will require boring and jacking for all new utility installations. First Street and Orchard City Drive have not been reconstructed or overlaid in the last 5 years. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.

17. Street Improvement Agreement / Plans / Encroachment Permit / Fees / Deposits: Prior to issuance of any grading or building permits for the site, the applicant shall execute a street improvement agreement, cause plans for public street improvements to be prepared by a registered civil engineer, pay various fees and deposits, post security and provide insurance necessary to obtain an encroachment permit for construction of the standard public street improvements, as required by the City Engineer. The plans shall include the following, unless otherwise approved by the City Engineer:
 - a. Show location of all existing utilities within the existing public right of way.
 - b. No new utility boxes, covers, etc. will be allowed in the sidewalk area.
 - c. Removal of existing driveway approach on First Street and necessary sidewalk, curb and gutter.
 - d. Removal of existing non-accessible compliant curb ramps along Orchard City Drive frontage.
 - e. Installation of City standard accessible compliant driveway approach on First Street.
 - f. Installation of two accessible complaint curb ramps at the easterly driveway along Orchard City Drive.
 - g. Installation of an accessible compliant curb ramp at the intersection of Orchard City Drive and Central Avenue. The face of curb shall be pushed out to make the new ramp perpendicular to Orchard City Drive – the existing roadway transition should be moved east.
 - h. Installation of traffic control, stripes and signs.
 - i. Construction of conforms to existing public and private improvements, as necessary.
 - j. Submit final plans in a digital format acceptable to the City.
18. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the applicant shall have the required street improvements and pavement restoration installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
19. Utility Encroachment Permit: Separate encroachment permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
20. Additional Street Improvements: Should it be discovered after the approval process that new utility main lines, extra utility work or other work is required to service the development, and should those facilities or other work affect any public improvements, the City may add conditions to the development/project/permit, at the discretion of the City Engineer, to restore pavement or other public improvements to the satisfaction of the City.

21. City Parking Garage: Any repainting of the railings for the adjacent First Street Parking Garage shall be coordinated through the Public Works Maintenance Section.

Building Department

22. Permits Required: A building permit application shall be required for the proposed Renovations to the (e) commercial structure. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit.
23. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
24. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
25. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
26. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
27. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
28. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
29. Non-Point Source Pollution: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24” X 36”) is available at the Building Division service counter.
30. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
31. Title 24 Accessibility – Commercial: Based upon estimated valuation of this project, the building shall comply fully with Chapter 11B of the California Building Code 2013 ed.

32. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:
- a. West Valley Sanitation District
 - b. Santa Clara County Fire Department
 - c. Santa Clara County Department of Environmental Health (Restaurant)
 - d. San Jose Water Company (279-7900)
33. P.G.& E.: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.

Santa Clara County Fire Department

34. Comment #1: Review of this development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
35. Comment #2: Review of alternate exiting plan and of proposed Knox Box locations will be required.
36. Comment #3: Approved subject to conditions noted herein.

Location Map



State of California – The Resources Agency	Primary # _____
DEPARTMENT OF PARKS AND RECREATION	HRI # _____
PRIMARY RECORD	Trinomial _____
	NRHP Status Code _____
Other Listings _____	
Review Code _____	Reviewer _____ Date _____

Page 1 of 2 *Resource Name or #: George Hyde Co./Sunsweet Growers

P1. Other Identifier: _____

*P2. Location: Not for Publication Unrestricted

*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T: _____ R: _____ ; ¼ of _____ ¼ of Sec _____ ; B.M. _____

c. Address: 93 S. Central Ave (Currently 300 Orchard City Drive) City Campbell Zip 95008

d. UTM: (Give more than one for large and/or linear resources) Zone _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 412-07-048

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Several interconnected brick/wood commercial/industrial buildings of two or one-story height. Wood-frame windows, sloped roofs of corrugated tin.

Structures were developed twice for commercial use; in the 1970's for a retail/business center commonly known as "The Factory", and again in 1984-85, for a primarily business/office complex commonly known as "Water Tower Plaza." The exterior of the buildings have been completely remodeled, bearing little resemblance to the original structures described above. Present appearance features color-coordinated painting of wood trim/awnings; wood sideboard and extensive landscaping.

*P3b. Resource Attributes: (List attributes and codes) 1-3 story Commercial Building

*P4. Resources Present:

Building Structure Object
 Site District Element of District Other (Isolates, etc.)

P5b. Description of Photo: (view, date, accession #) Side View,

10/21/2008

*P6. Date Constructed/Age and Source: Historic

Prehistoric

Both

1892-1909

*P7. Owner and Address: _____

*P8. Recorded by: (Name, affiliation, and address)

Peggy Coats
City of Campbell Museum
51 N. Central Ave.

*P9. Date Recorded: 10/1985

*P10. Survey Type: (Describe)
Inventory Update

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)

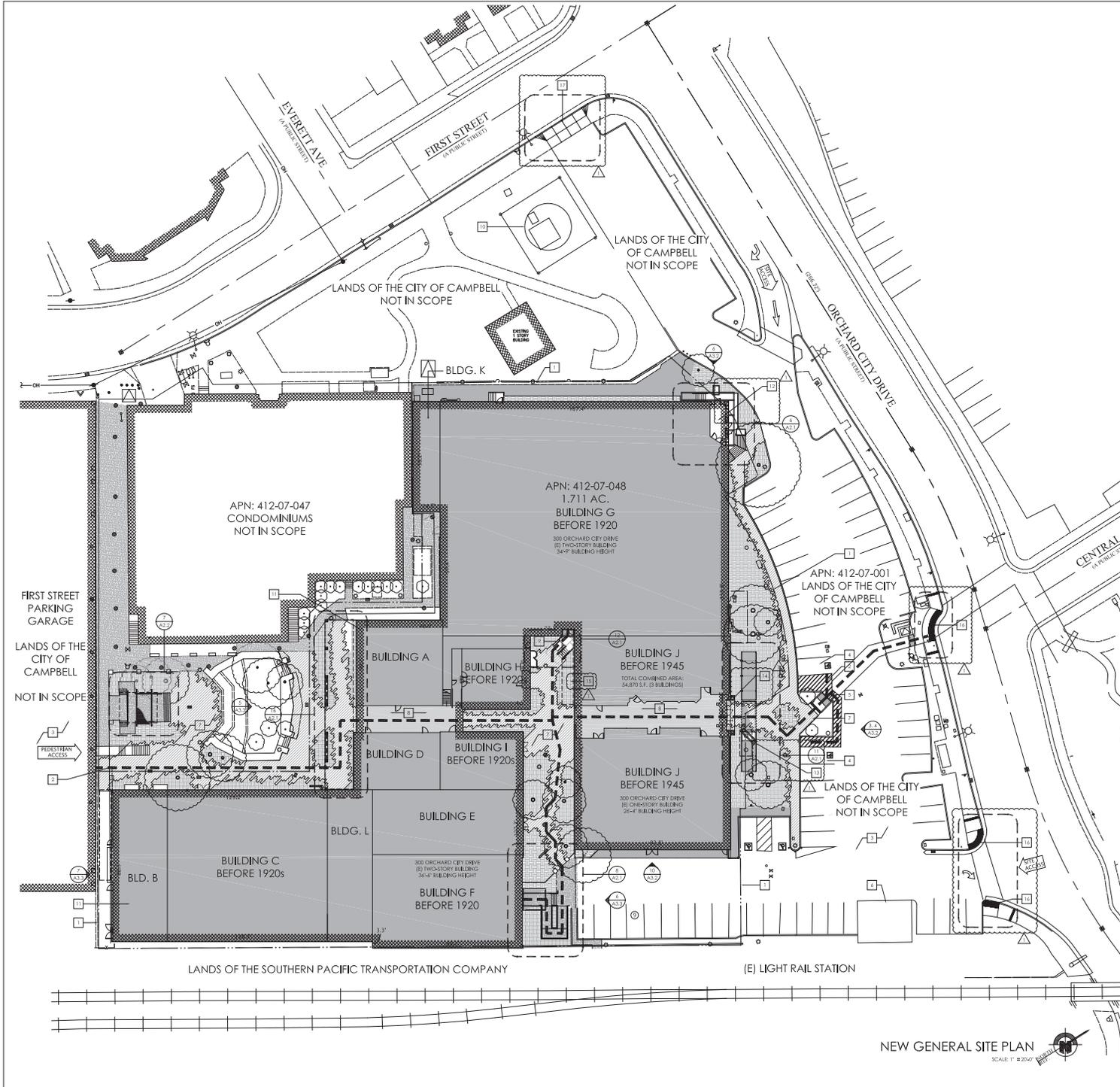


*P11. Report Citation: (Cite survey report and other sources, or enter "none.") 1977-78 Historic Survey. "Sunsweet", A history (Sunsweet Inc.)

*Attachments: NONE Location Map Continuation Sheet Building, Structure, and Object Record

Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record

Artifact Record Photograph Record Other (List): _____



SHEET NOTES

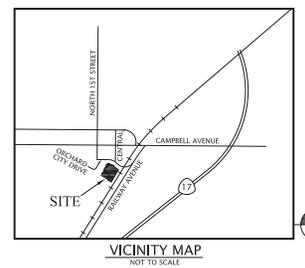
- 1 (E) PROPERTY LINE TO REMAIN
 - 2 (E) AND (N) ACCESSIBLE PATH OF TRAVEL
 - 3 (E) PARKING TO REMAIN
 - 4 (E) ACCESSIBLE PARKING STALL TO REMAIN
 - 5 (E) ACCESSIBLE CURB RAMP TO REMAIN
 - 6 (E) TRASH ENCLOSURE TO REMAIN
 - 7 (N) PAVING: STEPS/STAIRS 6-48 CONCRETE PAVERS MAX. 2% SLOPE, 2% CROSS-SLOPE AND 1/4" VERTICAL ELEVATION CHANGE ALONG ACCESSIBLE PATH OF TRAVEL; AREA OF (N) EXTERIOR PAVING TO BE 8,800 S.F. MAX.
 - 8 (N) PAVING CONTIGUOUS TO BREEZEWAY
 - 9 (N) ADA-COMPLIANT WHEELCHAIR MAT
 - 10 (E) METEORIC WATER TOWER; NOT IN SCOPE
 - 11 CORRUGATED METAL SCREEN ON ROOF OF (E) BUILDING; SCREEN WILL NOT EXCEED MAXIMUM HEIGHT OF (E) BUILDINGS ON SITE
- 12 FLOOR AREA CHANGE; NO LOT COVERAGE CHANGE; 140 S.F. (E) COVERED AREA TO BE ENCLOSED
- 13 LOT COVERAGE CHANGE; NO FLOOR AREA CHANGE; +25 S.F. (N) FEATURE WALL
- 14 LOT COVERAGE CHANGE; NO FLOOR AREA CHANGE; +48 S.F. (N) ENTRY FRAME
- 15 LOT COVERAGE CHANGE; NO FLOOR AREA CHANGE; -200 S.F. AT (E) RAMP AND CANOPY TO BE DEMOLISHED AND CONVERTED TO LANDSCAPE
- 16 UPGRADE (E) CURB RAMP TO (E) LAND OR IN PUBLIC RIGHT-OF-WAY TO BE ADA-COMPLIANT; SEE CITY OF CAMPBELL STANDARD DETAILS
- 17 UPGRADE (E) COVERED ENTRY FRAME; BEAD-GROOVE TO BE ADA-COMPLIANT; SEE TYPICAL ADA DETAILS ON SHEET A11.2 AND SEE CITY OF CAMPBELL STANDARD DETAILS

LEGEND

- (N) PAVING: STEPS/STAIRS 6-48 CONCRETE PAVERS; MAX. 2% SLOPE, 2% CROSS-SLOPE, AND 1/4" VERTICAL ELEVATION CHANGE ALONG ACCESSIBLE PATH OF TRAVEL; AREA OF (N) EXTERIOR PAVING TO BE 8,800 S.F. MAX.
- (E) CONCRETE TO REMAIN
- AREA OF (N) LANDSCAPE; (E) TREES TO REMAIN
- FOOTPRINT OF (E) BUILDINGS WITHIN AREA OF WORK; NO CHANGE TO FOOTPRINT; SEE EXHIBITS FOR FACADE WORK
- (E) TREE TO REMAIN; SEE SHEET A11.2

GENERAL NOTES

- 1. TOTAL OF ALL (N) IMPERVIOUS SURFACES TO BE LESS THAN 10,000 S.F.
- 2. REMOVE BRICK PLANTERS THROUGHOUT SITE UNLESS OTHERWISE NOTED; SALVAGE BRICKS FOR REUSE.
- 3. REMOVE (E) LANDSCAPING THROUGHOUT SITE.
- 4. REMOVE (E) PART FROM EXISTING EXTERIOR WOOD STRUCTURE UNLESS OTHERWISE NOTED; REPLACE DAMAGED WOOD STRUCTURE.
- 5. REMOVE (E) EXTERIOR STUCCO THAT COVERS BRICK UNLESS OTHERWISE NOTED.
- 6. REMOVE (E) GREEN AWNINGS OVER WINDOVS THROUGHOUT SITE.
- 7. PATCH REPAIR (E) PARTIAL AREAS DAMAGED DUE TO CONSTRUCTION; MATCH (E) OR APPROVED EQUAL.
- 8. ALL (E) TREES TO REMAIN PER CITY OF CAMPBELL TREE REMOVAL GUIDELINES.



NEW GENERAL SITE PLAN
SCALE: 1" = 200'



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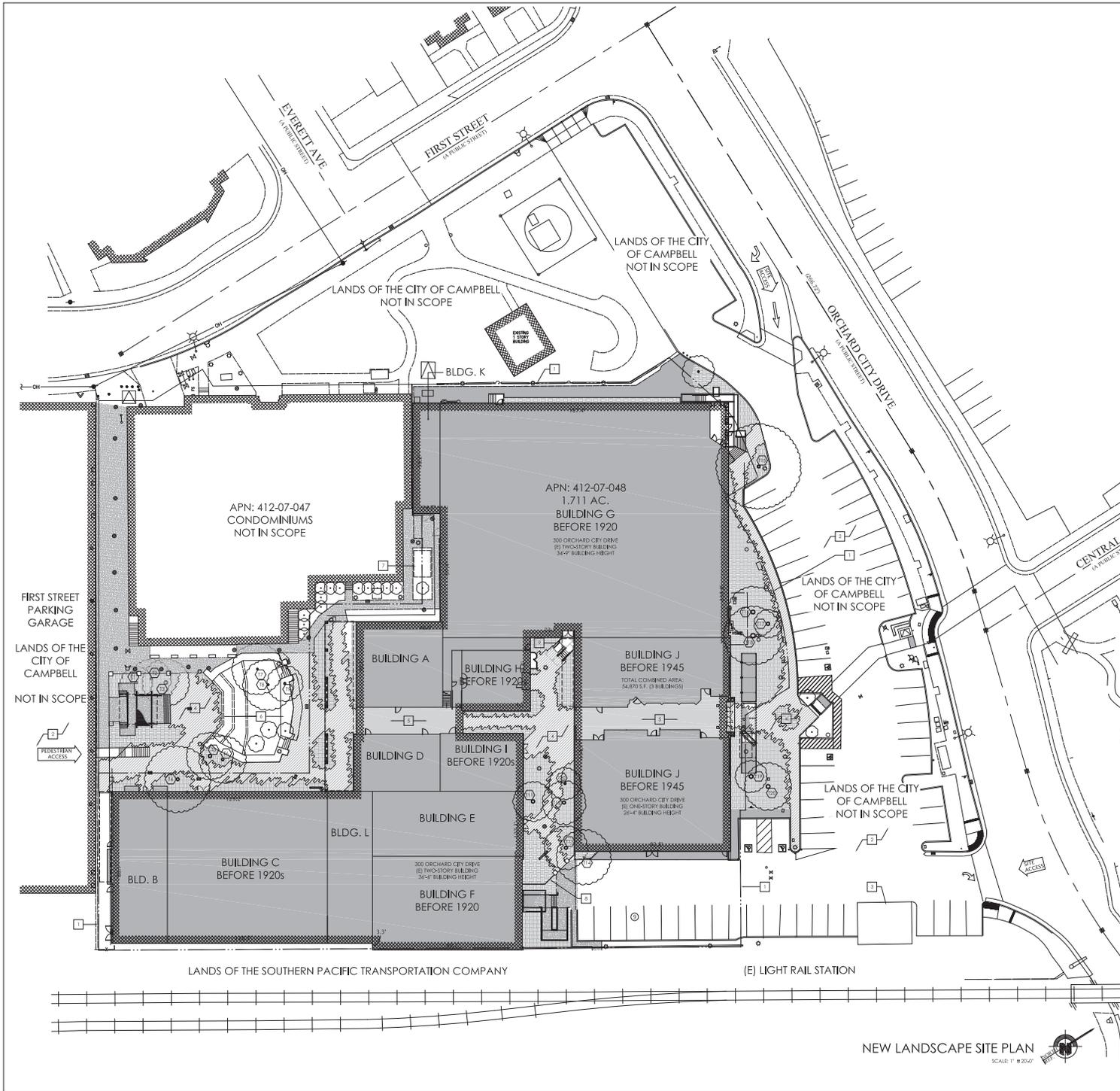
**THE CANNERY AT WATER TOWER PLAZA
EXTERIOR IMPROVEMENTS**
300 ORCHARD CITY DRIVE
CAMPBELL CA, 95008

ISSUE	
2014.02.24	PLANNING SUBMITTAL
2014.03.31	PLANNING COMMENT RESPONSE
2014.05.31	METEORIC PRESERVATION BOARD REC.
NEW GENERAL SITE PLAN	
Date	2015.09.25
Scale	NA
Drawn	
As	1339-6
Sheet	

A1.1

PLANNING SUBMITTAL

P:\13\1339-6 The Cannery Comment\1339-6 exterior improvements\A1-1 Drawing\A1.1.dwg



SHEET NOTES

- 1 (E) PROPERTY LINE TO REMAIN
- 2 (E) PAVING TO REMAIN
- 3 (E) TRASH ENCLOSURE TO REMAIN
- 4 (N) PAVING: SEE SPEC #448 CONCRETE PAVES: MAX. 2% SLOPE, 2% CROSS-SLOPE, 1/4" VERTICAL ELEVATION CHANGE, AND 48" WIDE PATH ALONG ACCESSIBLE PATH OF TRAVEL; AREA OF (N) EXTERIOR PAVING TO BE 8,400 S.F. MAX. (INCLUDING AREA UNDER BALCONY AT BUILDINGS A AND D)
- 5 (N) PAVING: CONTINUOUS CONC. GREENPAV
- 6 (E) BRICK LOW-WAIST HEDGE TO REMAIN
- 7 (E) AS-GRADE MECHANICAL LINES TO REMAIN
- 8 (N) WOODEN FENCE TO REPLACE (E) WROUGHT-IRON FENCE

LEGEND

- (N) PAVING: SEE SPEC #448 CONCRETE PAVES: MAX. 2% SLOPE, 2% CROSS-SLOPE, 1/4" VERTICAL ELEVATION CHANGE, AND 48" WIDE PATH ALONG ACCESSIBLE PATH OF TRAVEL; AREA OF (N) EXTERIOR PAVING TO BE 8,400 S.F. MAX. (INCLUDING AREA UNDER BALCONY AT BUILDINGS A AND D)
- AREA OF (N) LANDSCAPE, (E) TREES TO REMAIN
- FOOTPRINT OF (E) BUILDINGS WITHIN AREA OF WORK. NO CHANGE TO FOOTPRINT. SEE ELEVATIONS FOR FACADE WORK.
- (E) TREE WITH A TRUNK DIAMETER OF LESS THAN 12" (NON-PROTECTED TREE TO REMAIN UNLESS NOTED ON SEE LANDSCAPE PLAN)
- (E) TREE WITH A TRUNK DIAMETER OF 12" OR GREATER (PROTECTED TREE TO REMAIN UNLESS APPROVED BY A CITY OF CAMPBELL TREE REMOVAL PERMIT)
- (E) LIGHT FIXTURE TO REMAIN

PROTECTED TREE SCHEDULE

TREE SPECIES	TRUNK DIAMETER	CANOPY DIAMETER	NOTES
(E) REDWOOD	18"	216'	
(E) REDWOOD	19"	207'	
(E) REDWOOD	23"	224'	
(E) WILLOW	21"	434'	
(E) REDWOOD	24"	424'	
(E) REDWOOD	18"	424'	
(E) MAGNOLIA	12"	426'	
(E) MAGNOLIA	12"	426'	
(E) WILLOW	15"	418'	
(E) REDWOOD	14"	416'	
(E) REDWOOD	24"	227'	TREE IN RAISED PLANTER
(E) REDWOOD	22"	227'	
(E) REDWOOD	22"	227'	
(E) TRD	14"	228'	TREE IN RAISED PLANTER
(E) WESTERN DOGWOOD	20"	444'	
(E) REDWOOD	27"	426'	
(E) REDWOOD	25"	414'	
(E) REDWOOD	30"	430'	TRUNK ENVOUCHES ON SEWER CLEAN-OUT
(E) REDWOOD	25"	416'	
(E) REDWOOD	27"	424'	

NOTE: ONLY TREES DEFINED AS "PROTECTED" BY THE CITY OF CAMPBELL ARE LISTED. PROTECTED TREES MAY ONLY BE REMOVED IN COMPLIANCE WITH THE CITY OF CAMPBELL TREE REMOVAL PERMIT APPLICATION.



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THE CANNERY AT WATER TOWER PLAZA
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 300 ORCHARD CITY DRIVE
 CAMPBELL CA, 95008

ISSUE
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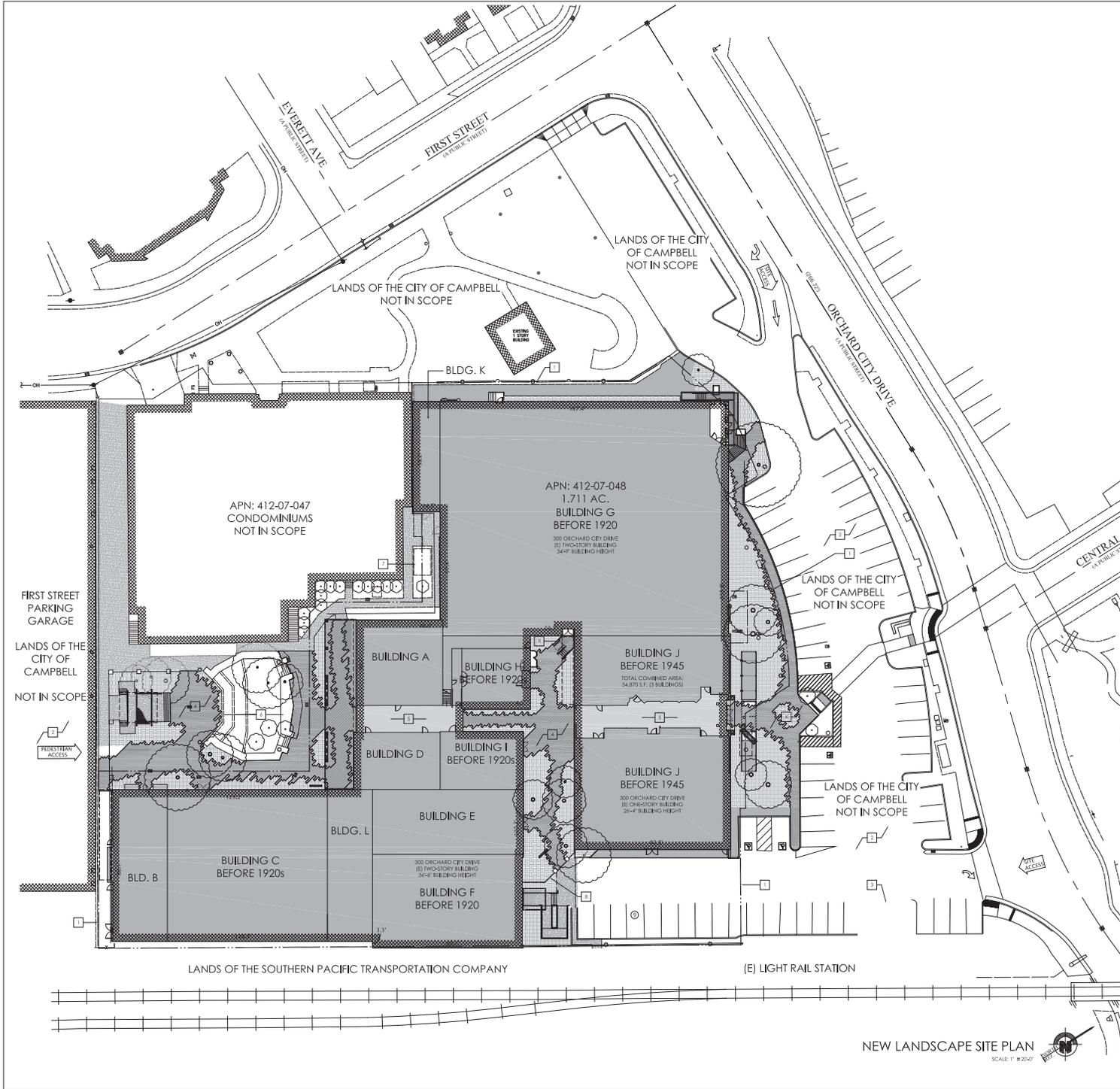
NEW SCHEMATIC LANDSCAPE SITE PLAN

Date: 2015.09.25
 Scale: 20' = 1'-0"
 Drawn: 1339-6
 Sheet:

A1.2

PLANNING SUBMITTAL

P:\13\1339-6 The Cannery Comment\1339-6 exterior improvements\A1 - Drawing\A1.2.dwg



SHEET NOTES

- 1 (E) PROPERTY LINE TO REMAIN
- 2 (E) PAVING TO REMAIN
- 3 (E) TRASH ENCLOSURE TO REMAIN
- 4 (N) PAVING: 2" (MIN) 4" (MAX) CONCRETE PAVES: MAX. 2% SLOPE, 2% CROSS-SLOPE, 1/4" VERTICAL ELEVATION CHANGE, AND 48" WIDE PATH ALONG ACCESSIBLE PATH OF TRAVEL. AREA OF (N) EXTERIOR PAVING TO BE 8,400 S.F. MAX. (INCLUDING AREA UNDER BALCONY AT BUILDINGS A AND D)
- 5 (N) PAVING: CONTIGUOUS CONCRESITIVE BREEZEWAY
- 6 (E) BRICK LOW-HEIGHT WALL TO REMAIN
- 7 (E) AL-GRADE MECHANICAL LINES TO REMAIN
- 8 (N) WOODEN FENCE TO REPLACE (E) WROUGHT-IRON FENCE

LEGEND

- (N) PAVING: 2" (MIN) 4" (MAX) CONCRETE PAVES: MAX. 2% SLOPE, 2% CROSS-SLOPE, 1/4" VERTICAL ELEVATION CHANGE, AND 48" WIDE PATH ALONG ACCESSIBLE PATH OF TRAVEL. AREA OF (N) EXTERIOR PAVING TO BE 8,400 S.F. MAX. (INCLUDING AREA UNDER BALCONY AT BUILDINGS A AND D)
- (N) AREA OF (N) LANDSCAPE, (E) TREE TO REMAIN
- (E) FOOTPRINT OF (E) BUILDINGS WITHIN AREA OF WORK. NO CHANGE TO FOOTPRINT. SEE ELEVATIONS FOR FACADE WORK.
- (N) PAVED AREA. SEE BREAKDOWN TABLE BELOW
- (E) PAVED AREA TO REMAIN UNCHANGED

NEW PAVED (IMPERVIOUS) AREA BREAKDOWN

0.75" (MIN) 4" (MAX) CONCRETE PAVES, EXCLUDING COVERED AREAS	6,860 S.F.
BLDG. A AND D BALCONY AND ARCADE	1,400 S.F.
BLDG. J SOUTH PAIRD	300 S.F.
BLDG. G CORNER PAIRD	336 S.F.
ACCESSIBLE LIFT AND STAIRS	90 S.F.
BLDG. J ENTRY FEATURE WALL	25 S.F.
(D) DIRECTORBEL TOTAL	10 S.F.
SITE TOTAL	9,061 S.F.

NOTE: PROJECTS THAT ADD OR REPLACE 10,000 S.F. OR MORE OF IMPERVIOUS SURFACE MUST COMPLY WITH THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM



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THE CANNERY AT WATER TOWER PLAZA
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 300 ORCHARD CITY DRIVE
 CAMPBELL CA, 95008

ISSUE
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2014.05.31 ARCHIVE PRESERVATION BOARD REC.

NEW PAVING SITE PLAN

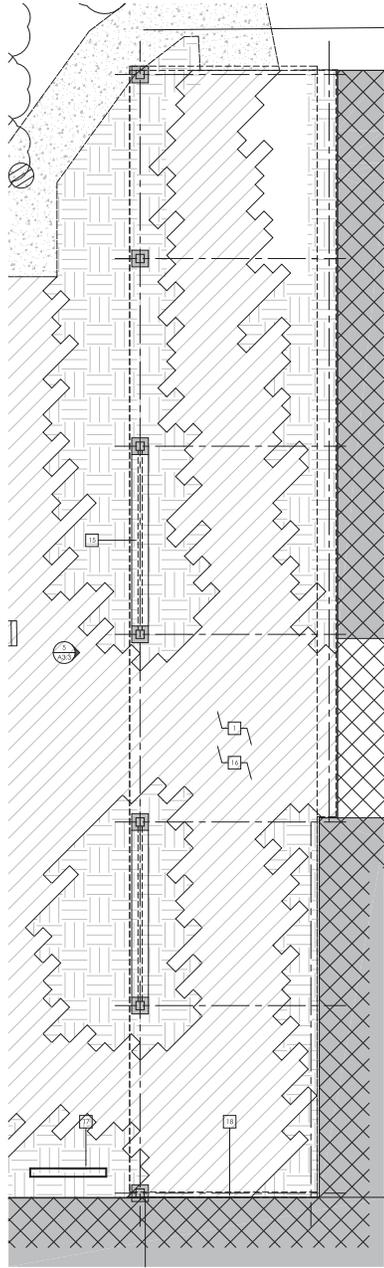
Date	2015.09.25
Scale	20' = 1'-0"
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As	1339-6
Sheet	

A1.3

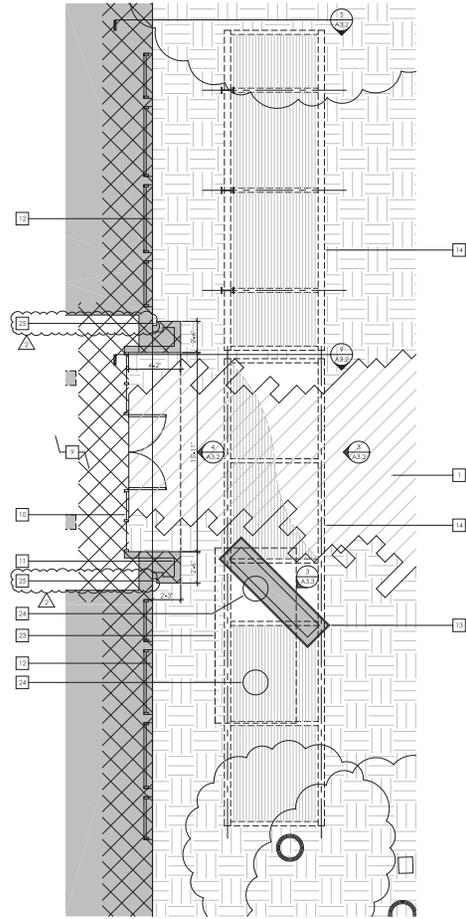
PLANNING SUBMITTAL

NEW LANDSCAPE SITE PLAN
SCALE: 1" = 20'-0"

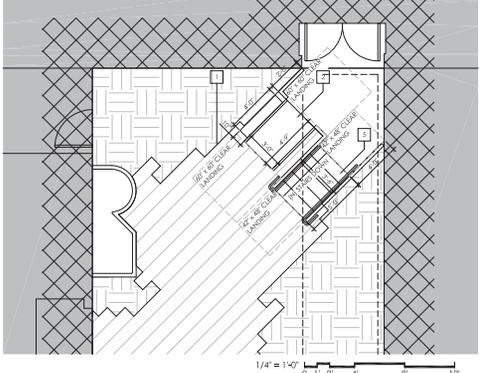
PL 131 (2004) The Cannery Commons II, 320 West Esplanade, Campbell, CA 95008, 131-3000



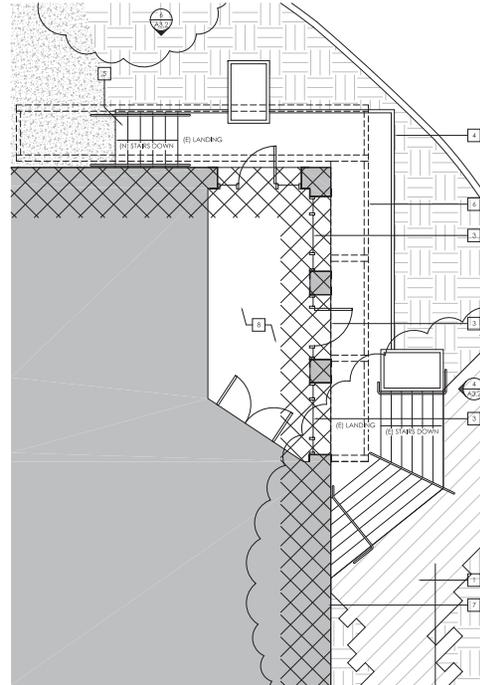
ENLARGED BUILDING A, D, AND L ARCADE 16



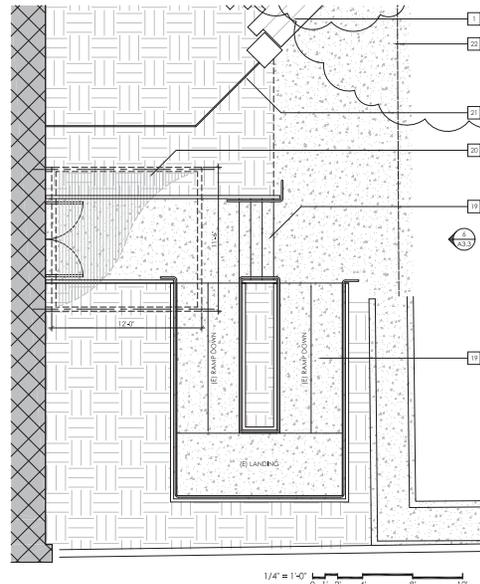
ENLARGED BUILDING J ENTRY 11



ENLARGED ACCESSIBLE LIFT 12



ENLARGED BUILDING G CORNER 6



ENLARGED BUILDING F FRONT 8

KEY NOTES

- 1 (N) STRIPTECH LARGE SCALE NARROW MODULAR PAVES, CONCRETE, 6x4x1/2" OR APPROVED EQUAL THROUGHOUT SITE
- 2 (N) GUARDED GENIESE PLATFORM (PT) OR APPROVED EQUAL (N) 3 FT
- 3 (N) INDUSTRIAL SASHSTYLE STOREFRONT (E) OPENINGS
- 4 (N) SQUARE CORNER OF PAINT, (N) GUARDRAIL, AND (N) FINISH GUARDRAILS TO BE METAL POSTS, STEEL CABLE, AND WOOD TOP RAIL
- 5 (N) CONCRETE STAIRS AND LANDING WITH (N) BRICK SIDES AND (N) GUARDRAILS AND HANDRAILS
- 6 (N) ANNING AT PAINT, FRAME (N) ANNING WITH WIDE FLANGES AND CHANNELS (FINISH WITH CORRUGATED METAL, PROVIDE BRONZE FINISH PER OWNER'S SPECIFICATION
- 7 (N) METAL ANNING AT WINDOWS, TYP. AND PAINT WHITE WINDOW FRAMES BLACK TYP.
- 8 CONVERT (E) TO S.F. EXTERIOR AREA WITH (E) FLOOR AND CEILING TO REMAIN AREA AND PROVIDE (N) FLOOR, WALL, AND CEILING FINISHES
- 9 REMOVE (E) SPIRIT AND BUREAUHEAD AND CONVERT TO FLIGHTSIGHT SPACE
- 10 ENLARGE (E) OPENING AND FILL WITH (N) INDUSTRIAL SASHSTYLE STOREFRONT AND DOORS, SEE ELEVATION 3/4.3
- 11 (N) FRAME AROUND OPENING, FINISH WITH BRICK RECYCLED FROM ELSEWHERE IN PROJECT
- 12 (N) WINDOWS TO REMAIN
- 13 (N) ENTRY FEATURE WALL, FINISH WITH BRICK, FRAME FINISH WITH CORRUGATED METAL, INCLUDE PUNCHOUT NUMBERS 200" AS SHOWN IN RENDERINGS, INCLUDE LIGHTING, FEATURE WALL 24" TALL
- 14 (N) STEEL CANOPY, FRAME WITH WIDE FLANGES AND CHANNELS, FILL WITH STEEL SLATS
- 15 (E) BALCONY ABOVE TO REMAIN, REINFORCE (E) WOOD STRUCTURE WITH (N) STEEL STRUCTURE, REPLACE UNLOADING WOOD STRUCTURAL MEMBERS, REPLACE GUARDRAIL, AND PROVIDE FINISHES, SEE ELEVATION 3/4.3.
- 16 REMOVE (E) ANNING ABOVE BALCONY AND REPLACE WITH (N) WOOD PERGOLA
- 17 (N) DIRECTORY, 48" WIDE x 15-1/2" TALL, CORRUGATED METAL FINISH, SEE 3/4.3.3
- 18 (N) CORRUGATED METAL FINISH ON BUILDING L
- 19 (E) BANK STAIRS, AND LANDING TO REMAIN WITH (N) GUARDRAILS, HANDRAILS, AND CONCRETE COLOR TOPPING
- 20 (N) ANNING COVER (E) BUILDING ENTRY, FRAME WITH STEEL CHANNELS, FILL WITH SLATS, SUSPEND FROM BUILDING WITH CABLES, AND PROVIDE BRONZE FINISH PER OWNER'S SPECIFICATION
- 21 (N) WOOD FENCE TO REPLACE (E) WROUGHT-IRON FENCE
- 22 (E) CONCRETE PAVING TO REMAIN
- 23 (E) GRADE THAT TOP OF TRAMP 48" BELOW GRADE, BOTTOM OF TRAMP 12" BELOW GRADE, 1:1, FILL WITH GRAVEL AND ABANDON IN PLACE
- 24 (E) MANHOLE, VIE
- 25 4" REVEAL BETWEEN (E) AND (N) BRICK

LEGEND

- IN PAINTING, STRIPTECH 6x4x1/2" CONCRETE PAVES, MAX. 5% SLOPE, 2% CROSS-SLOPE, 1/4" VERTICAL ELEVATION CHANGE, AND 4" WIDE PATH ALONG ACCESSIBLE PATH OF TRAVEL, AREA OF (N) EXTERIOR PAVING TO BE SUB S.F. MAX.
- AREA OF (N) LANDSCAPE, (E) TREES TO REMAIN
- FOOTPRINT OF (E) BUILDINGS WITHIN AREA OF WORK, NO CHANGE TO FOOTPRINT, SEE ELEVATIONS FOR FACADE WORK.
- (E) CONCRETE PAVING TO REMAIN

GENERAL NOTES

1. REMOVE BRICK PLANTERS THROUGHOUT SITE AND SALVAGE BRICKS FOR REUSE
2. PROVIDE (N) LANDSCAPING THROUGHOUT SITE
3. REMOVE (E) PAINT FROM EXPOSED EXTERIOR WOOD STRUCTURE UNLESS OTHERWISE NOTED, REPLACE DAMAGED WOOD STRUCTURE.
4. REMOVE (E) EXTERIOR STUCCO THAT COVERS BRICK UNLESS OTHERWISE NOTED.
5. REMOVE (E) GREEN ANNING COVER WINDOWS THROUGHOUT SITE.



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THE CANNERY AT WATER TOWER PLAZA
EXTERIOR IMPROVEMENTS
300 ORCHARD CITY DRIVE
CAMPBELL CA., 95008

ISSUE
2016.02.24 PLANNING SUBMITAL
2016.03.31 PLANNING COMMENT RESPONSE
2016.05.31 ARCHITECTURAL PREPARATION BOARD REC.

NEW ENLARGED SITE PLANS
PLANNING SUBMITAL

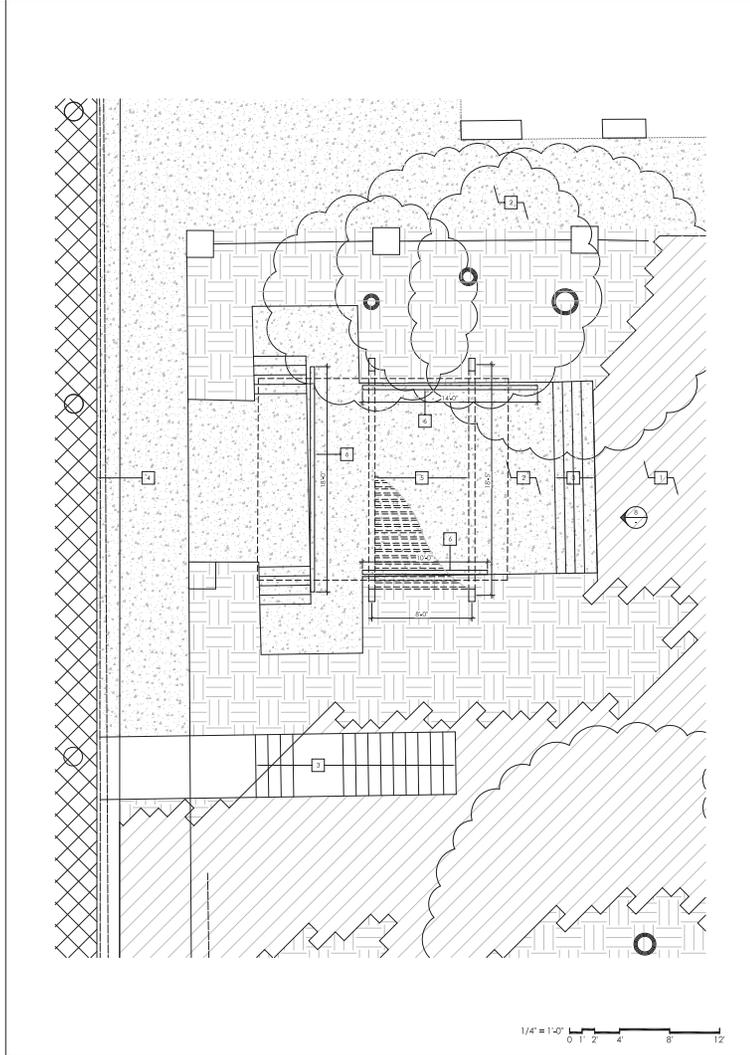
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Scale	NA
Drawn	
Alt	1339-6
Sheet	

A2.1

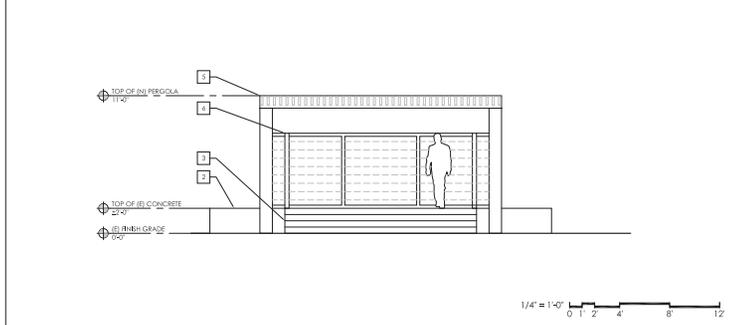
P:\13\13042 The Cannery - Corralville\13042 Exterior Improvements\A-Corralville\13-09-25.dwg

SCALE: N.T.S.

NOT USED 16



SCALE: 1/4" = 1'-0" ENLARGED PLAZA PERGOLA 7



SCALE: 1/4" = 1'-0" PLAZA PERGOLA FRONT ELEVATION 8

- ### KEY NOTES
- 1 (N) STRETCHER LARGE SCALE NARROW MODULAR PAVES, CONCRETE, 6"x6"x1/2" OR APPROVED EQUAL THROUGHOUT SITE
 - 2 (E) CONCRETE PAVING TO REMAIN
 - 3 (E) STAIRS TO REMAIN
 - 4 (E) PARKING STRUCTURE TO REMAIN
 - 5 (N) REDWOOD PERGOLA ABOVE
 - 6 (N) REDWOOD AND METAL PRACTICE SCREENS

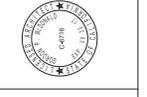
- ### LEGEND
- REPAIRING STRETCHER 6"x6" CONCRETE PAVES: MAX. 5% SLOPE, 2% CROSS-SLOPE, 1/4" VERTICAL ELEVATION CHANGE, AND 4'-0" WIDE PATH ALONG ACCESSIBLE PATH OF TRAVEL. AREA OF (N) EXTERIOR PAVING TO BE 5:85 S.F. MAX.
 - AREA OF (N) LANDSCAPE, (E) TREES TO REMAIN
 - FOOTPRINT OF (E) BUILDINGS WITHIN AREA OF WORK, NO CHANGE TO FOOTPRINT. SEE ELEVATIONS FOR FACEWORK.
 - (E) CONCRETE PAVING TO REMAIN

- ### GENERAL NOTES
1. REMOVE BRICK PLANTERS THROUGHOUT SITE AND SALVAGE BRICKS FOR REUSE
 2. PROVIDE (N) LANDSCAPING THROUGHOUT SITE
 3. REMOVE (E) PAINT FROM EXPOSED EXTERIOR WOOD STRUCTURE UNLESS OTHERWISE NOTED. REPLACE DAMAGED WOOD STRUCTURE.
 4. REMOVE (E) EXTERIOR STUCCO THAT COVERS BRICK UNLESS OTHERWISE NOTED.
 5. REMOVE (E) OTHER FINISHES OVER BRICKS THROUGHOUT SITE.



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300 ORCHARD CITY DRIVE
CAMPBELL CA, 95008

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2016.03.31 PLANNING COMMENT RESPONSE
2016.03.31 ARCHITECTURAL PRESERVATION BOARD REC.

NEW ENLARGED SITE PLANS

Date	2015.09.25
Scale	NA
Drawn	
Asst	1339-6
Sheet	

A2.2

PLANNING SUBMITTAL



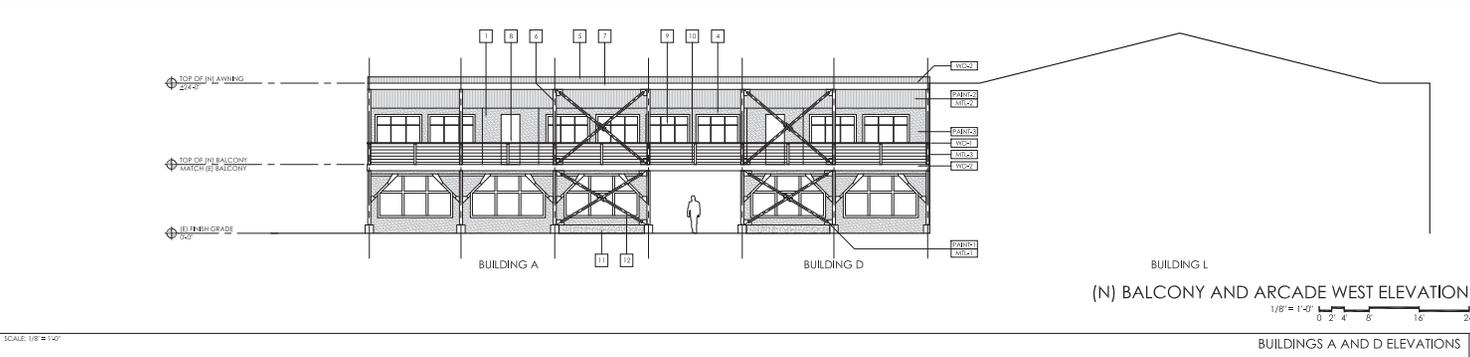
ISSUE
2014.02.24 PLANNING SUBMITTAL
2014.05.31 PLANNING COMMENT RESPONSE
2014.05.31 METRIC PRESERVATION BOARD REC.

PROPOSED ELEVATIONS
 BUILDINGS A, D, AND F

Date: 2015.09.25
 Scale: AS NOTED
 Draw: 1339-6
 Job:
 Sheet:

A3.3

PLANNING SUBMITTAL



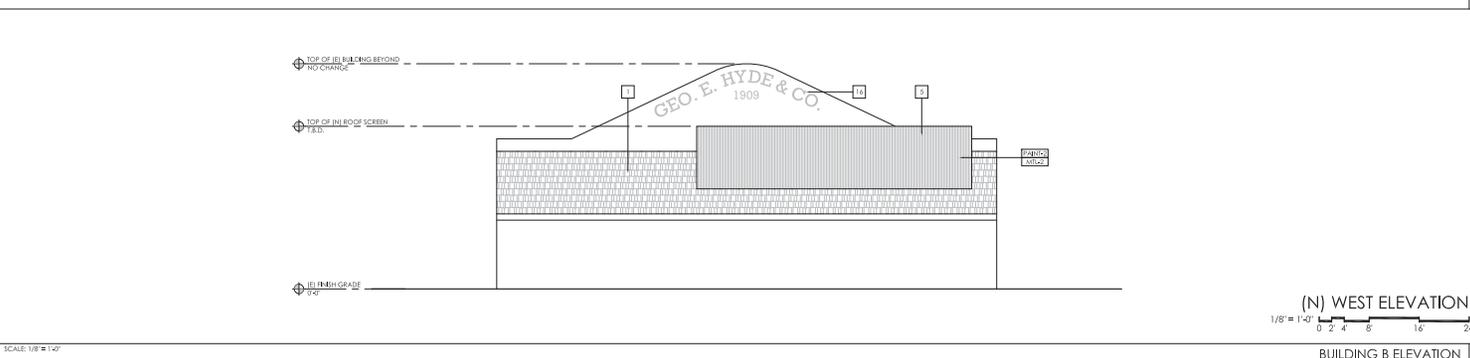
BUILDING L
(N) BALCONY AND ARCADE WEST ELEVATION
 1/8" = 1'-0" 0 2 4 8 16 24

- KEY NOTES**
- (E) BUILDING TO REMAIN
 - (N) FINISH OVER (E) BUILDING ENTRY FRAME WITH STEEL CHANNELS, FILL WITH SLATS, SUSPEND FREE END FROM BUILDING WITH CABLES, AND PROVIDE STORAGE FOR FUTURE MASTER SIGN PROGRAM.
 - (N) GUARDRAILS, HANDRAILS AND FINISHES AT (E) RAMP, STAIRS, AND LANDINGS, GUARDRAIL TO BE METAL POSTS, WOOD TOP RAIL, AND STEEL CABLE.
 - PAINT (E) WHITE WINDOW FRAMES WITH 29901 TYP.
 - (N) CORRUGATED METAL ROOF SCREEN.
 - (E) WOOD FRAMING WITH (N) STEEL REINFORCEMENT PER STRUCTURAL DRAWINGS, REPLACE UNSOUND WOOD MEMBERS AS REQUIRED BY STRUCTURAL ENGINEER.
 - (N) WOOD SHADE PERGOLA ABOVE (E) BALCONY.
 - (N) GUARDRAIL, GUARDRAIL TO BE METAL POSTS, WOOD TOP RAIL, AND STEEL CABLE.
 - (N) INDUSTRIAL SASHETTE STOREFRONT IN (E) OPENINGS.
 - (N) FINISH ON (E) FLOOR OF BALCONY.
 - (N) CONCRETE TIE BEAM DOWNLOED TO (E) FOOTINGS, SEE STRUCTURAL DRAWINGS.
 - (N) HSR4444 DIAGONAL BRACES, SEE STRUCTURAL DRAWINGS.
 - (N) ENTRY ACCENT WALL / FEATURE WALL, MINIMUM HSR446 STEEL FRAME, FINISH WITH CORRUGATED STEEL, INCLUDE NUMBERS '300' AS SHOWN IN RENDERINGS, INCLUDE LIGHTING, WALL 26'-0" TALL X 10'-0" WIDE X 2'-0" DEEP.
 - (N) DIRECTORY WALL, MINIMUM HSR446 STEEL FRAME, FINISH WITH CORRUGATED STEEL, INCLUDE NUMBERS '300' AS SHOWN, INCLUDE LIGHTING, WALL 12'-0" TALL X 6'-0" WIDE X 4'-0" DEEP.
 - (N) DIRECTORY, COORDINATE WITH BRANDING CONSULTANT.
 - (E) HISTORIC 'GEO. E. HYDE & CO.' SIGN PAINTED ON (E) BRICK TO REMAIN.

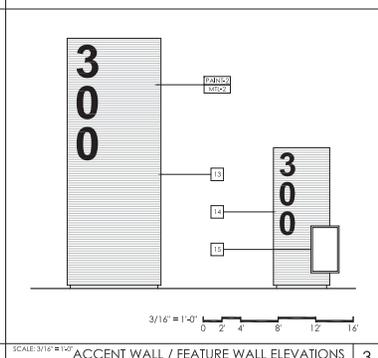


(N) EAST ELEVATION
 1/8" = 1'-0" 0 2 4 8 16 24

- GENERAL NOTES**
- REMOVE BRICK PLANTERS THROUGHOUT SITE AND SALVAGE BRICKS FOR REUSE.
 - PROVIDE ENLARGED FINISH THROUGHOUT SITE, ALL TREES TO REMAIN UNLESS OTHERWISE NOTED.
 - REMOVE (E) PAINT FROM EXPOSED EXTERIOR WOOD STRUCTURE UNLESS OTHERWISE NOTED, REPLACE DAMAGED WOOD STRUCTURE.
 - REMOVE (E) EXTERIOR STUCCO THAT COVERS BRICK UNLESS OTHERWISE NOTED.
 - REMOVE (E) GREEN AWNINGS OVER WINDOWS THROUGHOUT SITE.
 - REMOVE AND REPLACE (E) EXTERIOR SIGNAGE UNLESS OTHERWISE NOTED.
 - REMOVE AND REPLACE (E) EXTERIOR LIGHTING UNLESS OTHERWISE NOTED.



(N) WEST ELEVATION
 1/8" = 1'-0" 0 2 4 8 16 24



SCALE: 3/16" = 1'-0" **BUILDING B ELEVATION** 7 **ACCENT WALL / FEATURE WALL ELEVATIONS** 3



SCALE: 1/8" = 1'-0" **NOT USED** 4



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2016.05.31	HISTORIC PRESERVATION BOARD REC.

SCHEMATIC PROPOSED SECTIONS
BUILDING J

Date: 2015.09.25
Scale: AS NOTED
Draw: 1339-6
Sheet:

A4.1

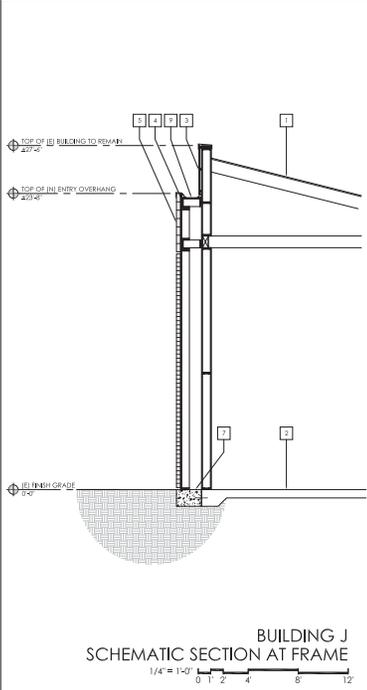
PLANNING SUBMITAL

KEY NOTES

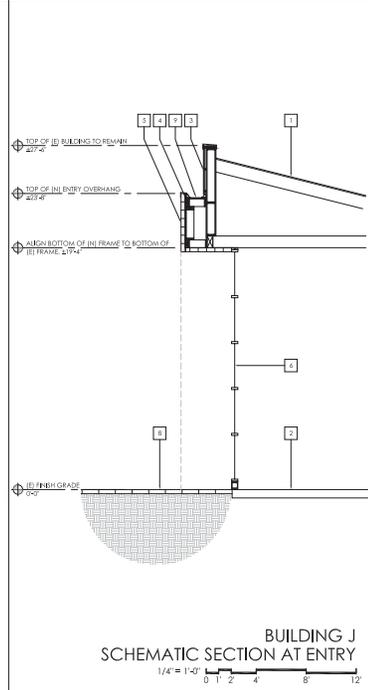
- 1 (E) WOODFRAMED BUILDING TO REMAIN
- 2 (E) CONCRETE FOUNDATIONS TO REMAIN
- 3 (N) CORRUGATED METAL CORNICE ON (E) PARAPET
- 4 (N) WOOD OR METAL FRAMED ENTRY OVERHAND, SEE STRUCTURAL DRAWINGS
- 5 FINISH SURFACE TO BE BRICK REUSED FROM ELSEWHERE IN PROJECT
- 6 (N) INDUSTRIAL DASHSTYLE STOREFRONT
- 7 (N) FOUNDATION, DOWEL INTO (E) FOUNDATION, SEE STRUCTURAL DRAWINGS
- 8 (N) LINEAR CONCRETE PAVERS
- 9 (N) BUILDUP ROOF AND DRAIN BEHIND (N) BRICK
- 10 (E) GREASE TRAP, FILL WITH GRAVEL TO 100% COMPACTION AND ABANDON IN PLACE
- 11 (N) MINIMUM #5664 STEEL FRAME, SEE STRUCTURAL DRAWINGS
- 12 (N) CORRUGATED METAL FINISH ON STANDOFFS, INCLUDE NUMBERS "300" WITH LIGHTING
- 13 (N) CANOPY FRAME, SEE STRUCTURAL DRAWINGS
- 14 (N) CONCRETE FOOTING, SEE STRUCTURAL DRAWINGS

GENERAL NOTES

1. REMOVE BRICK PLANTERS THROUGHOUT SITE UNLESS OTHERWISE NOTED; SALVAGE BRICKS FOR REUSE.
2. PROVIDE ON-LANDSCAPING THROUGHOUT SITE. ALL TREES TO REMAIN UNLESS OTHERWISE NOTED.
3. REMOVE (E) PAINT FROM EXPOSED EXTERIOR WOOD STRUCTURE UNLESS OTHERWISE NOTED. REPLACE DAMAGED WOOD STRUCTURE.
4. REMOVE (E) EXTERIOR STUCCO THAT COVERS BRICK UNLESS OTHERWISE NOTED.
5. REMOVE (E) GREEN AWNINGS OVER WINDOWS THROUGHOUT SITE.
6. REMOVE AND REPLACE (E) EXTERIOR SIGNAGE UNLESS OTHERWISE NOTED.



**BUILDING J
SCHEMATIC SECTION AT FRAME**
1/4" = 1'-0"
0 1' 2' 4' 8' 12'

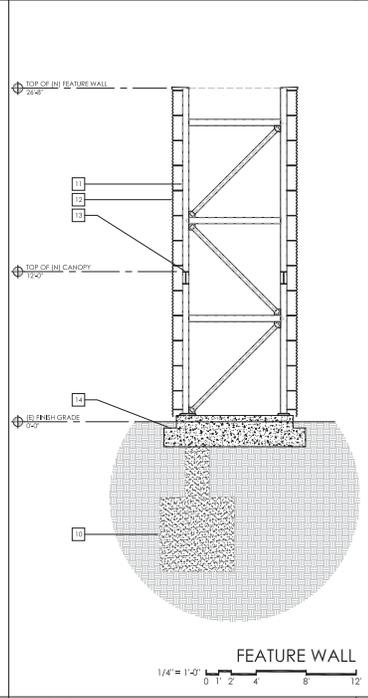


**BUILDING J
SCHEMATIC SECTION AT ENTRY**
1/4" = 1'-0"
0 1' 2' 4' 8' 12'

SCALE: N.E.S. NOT USED 14

SCALE: 1/4" = 1'-0" BUILDING J ENTRY SECTION 10

SCALE: 1/4" = 1'-0" BUILDING J ENTRY SECTION 6



FEATURE WALL
1/4" = 1'-0"
0 1' 2' 4' 8' 12'

SCALE: N.E.S. NOT USED 16

SCALE: N.E.S. NOT USED 12

SCALE: 1/4" = 1'-0" SCHEMATIC FEATURE WALL SECTION 8

SCALE: N.E.S. NOT USED 4

THE CANNERY

AT 300 ORCHARD

SITE & BUILDING IMPROVEMENTS



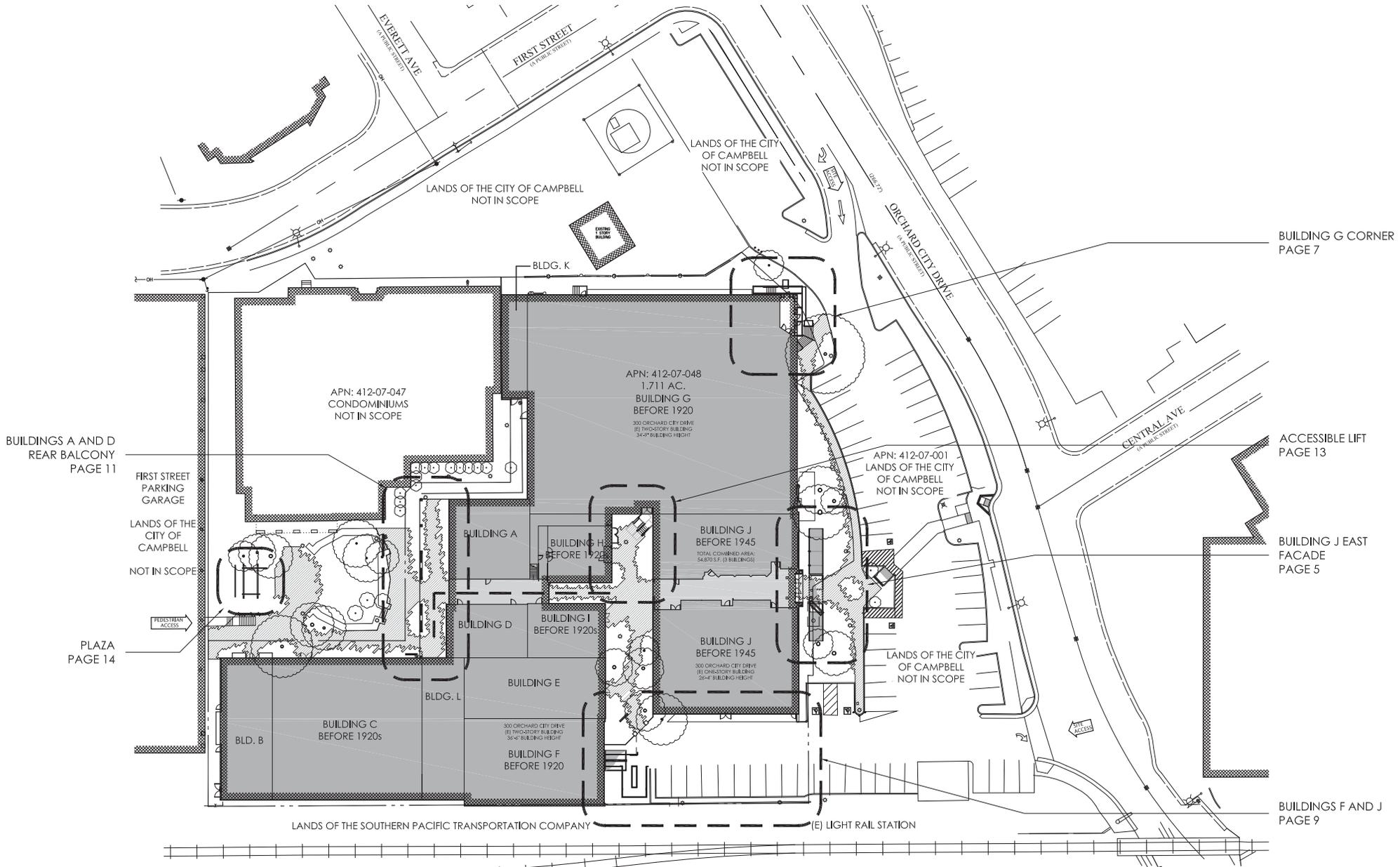
A PLANNING SUBMITTAL FOR:
THE CANNERY AT WATER TOWER PLAZA
SITE AND BUILDING EXTERIOR IMPROVEMENTS
300 ORCHARD CITY DRIVE
(FORMERLY 93 CENTRAL AVENUE)
CAMPBELL, CALIFORNIA 95008

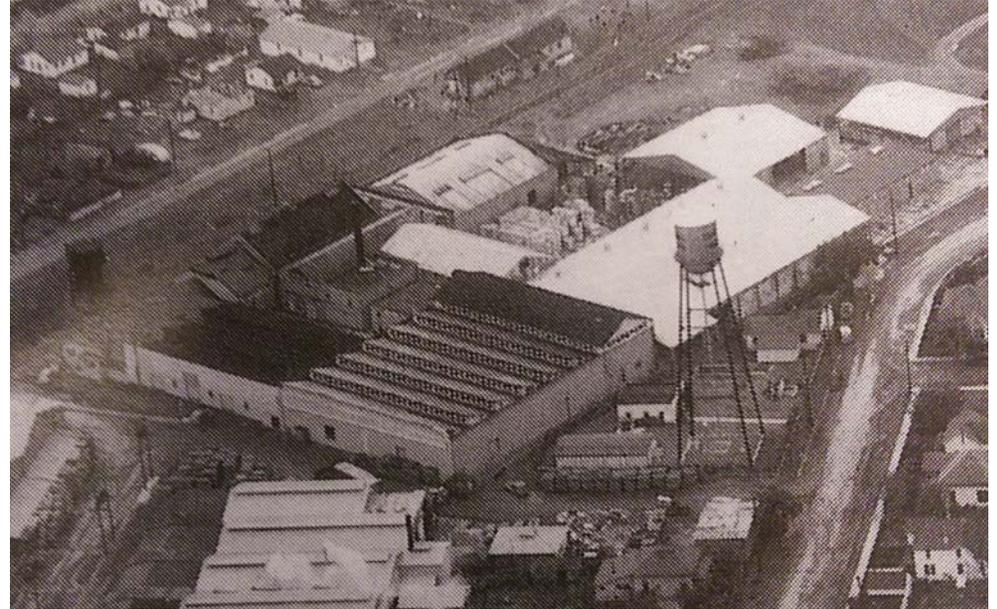
Our proposal for The Cannery, currently known as Water Tower Plaza, is not a historical restoration, but rather a contemporary update of this historical resource, with sensitivity to the memorable elements of the past and the future, and attracts new tenants looking for an atmosphere with more character than many modern buildings offer. We believe that a rejuvenation to elevate The Cannery to a competitive, high-quality, and business-oriented office center is consistent with the City of Campbell's objectives for the downtown core, and with the direction of today's economy.

This project has operated under many names and for many purposes, including the Campbell Fruit Growers' Union, the George E. Hyde Company, the California Prune and Apricot Growers' Association, The Factory, and Water Tower Plaza. Of these historic periods, the George E. Hyde Company and Water Tower Plaza are the most visible today. Most of the existing buildings were constructed during the Hyde era, and the current landscape, window treatments, and paint colors date to the Water Tower Plaza remodel of the 1980s.

As will be shown on the following pages, our proposal is to remove many of the non-historic elements added during the Water Tower Plaza era, restore iconic Hyde-era architectural features where feasible, and introduce new architectural features that respect the site's industrial past to create an attractive office center. New flexible amenities also offer a prosperous and innovative atmosphere which invites and accommodates today's workforce.

We selected the George E. Hyde and Company era as our inspirational platform because this period echoes the same progressiveness, vibrancy, and prosperity that we seek to return to the Cannery, characteristics needed in a competitive office center. George Hyde's cannery is a defining piece of Campbell's architecture and history, and we believe that our improvements will continue that legacy as the Cannery enters its second century.





TOP-LEFT: BUILDINGS G AND J EAST FACADE

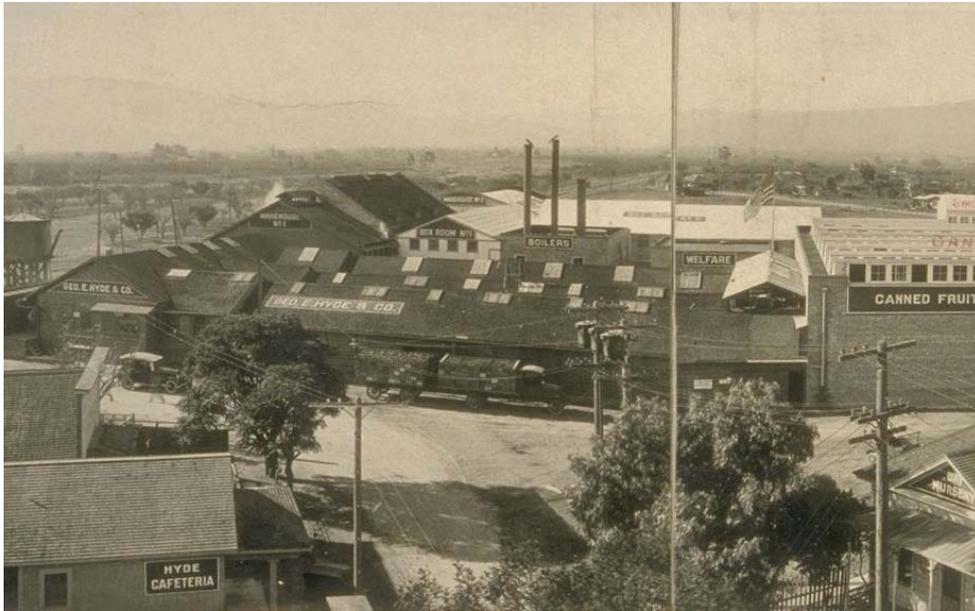
- From the August 1921 edition of the magazine *Canning Age*
- Building G (brick building at right)
- Original structure that was later replaced with Building J (wood building at left)

TOP-RIGHT: AERIAL FROM NORTH

- Aerial photo taken in 1945, showing all cannery buildings that exist in the present day
- Condominiums, parking structure, and parking lot not yet built
- Redwood trees not yet planted
- Additional buildings south of Building J and east of Building F (left side of this photo) no longer exist

BOTTOM-LEFT: BUILDINGS G AND J EAST FACADE

- Photo taken after the mid-1970s remodel and before the mid-1980s remodel
- Building J has wood siding (at left)
- Building G original clerestory windows still open (at right)



BUILDING J EAST FACADE

TOP-LEFT: Photo from between 1909 and 1931

- Building J not original Hyde building
- Original buildings replaced by 1945

TOP-RIGHT: Current photo

- Work from 1980s remodel will be removed, including:
 - Green fabric awnings
 - Stucco bands
 - Arched entry
- Historic plaque in front of building J will be relocated to the building facade

BOTTOM-LEFT: Proposed rendering

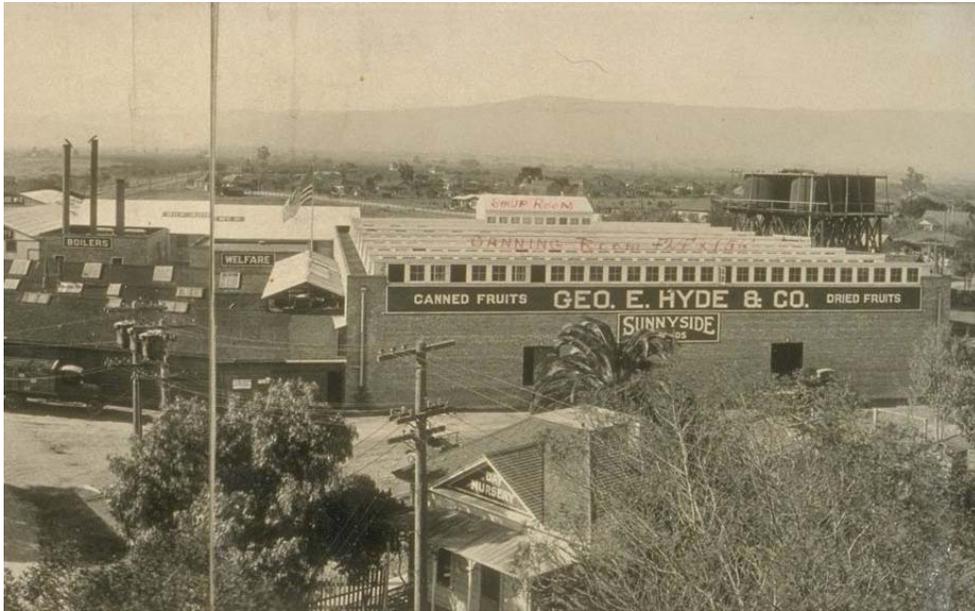
- Enlarged opening to breezeway with new industrial sash-style windows and brick frame
- Corrugated metal feature wall, light gray
- Corrugated metal cornice, dark gray
- Structural steel awnings, dark gray

LANDSCAPE

- Redwoods and other trees will remain
- Landscape replaced with drought-tolerant vegetation
- Hardscape replaced with linear concrete pavers



BUILDING J EAST FACADE AT NIGHT



BUILDING G CORNER

TOP-LEFT: Photo from between 1909 and 1931

- Building G is an original Hyde building from before 1920
- Original clerestory windows still exist, but are hidden behind a stucco band

TOP-RIGHT: Current photo

- Work from 1980s remodel will be removed, including:
 - Green fabric awnings
 - Stucco bands
- Clerestory windows will be re-opened
- Corner entry will remain with modifications

BOTTOM-LEFT: Proposed rendering

- Corrugated metal awning, light gray
- Industrial sash-style windows
- Patio corner squared off with new guardrails
- Signage is placeholder and will be designed by signage consultant

LANDSCAPE

- Redwoods and other trees will remain
- Landscape replaced with drought-tolerant vegetation
- Hardscape replaced with linear concrete pavers







BUILDINGS F AND J

TOP-LEFT: Photo from between 1909 and 1931

- Building F (background, with "HYDE & CO." sign) is an original Hyde Cannery structure
- Other buildings have since been demolished and replaced with Building J and a parking lot
- Freight cars are stopped on the train tracks now used by the VTA

TOP-RIGHT: Current photo

- Work from 1980s remodel will be removed, including:
 - Green fabric awnings
 - Guardrails
 - Stucco bands
 - Brick planters

BOTTOM-LEFT: Proposed rendering

- Steel awnings
- Signage is placeholder and will be designed by signage consultant
- Corrugated metal cornice, dark gray
- VTA station is not in scope and not shown

LANDSCAPE

- Redwoods and other trees will remain
- Landscape replaced with drought-tolerant vegetation
- Fence between buildings F and J updated
- Guardrails at building F ramp and stairs updated







BUILDINGS A, D, AND L REAR BALCONY AND ARCADE

Please see aerial photos on previous pages for historic imagery of Buildings A, D, and L. These three buildings were most likely built prior to 1920.

TOP-LEFT: Original wood structure with paint removed

TOP-RIGHT: Current photo

- Work from 1980s remodel will be removed, including:
- Green fabric awnings
- Paint over original wood structure
- Balcony guardrail will be removed and replaced
- Brick planters adjacent to buildings

BOTTOM-LEFT: Proposed rendering

- Corrugated metal on buildings A and D roof screen and on building L facade
- Industrial sash-style windows
- Existing wood-framed balcony will be seismically upgraded with steel per structural drawings
- Balcony will receive new guardrails and shade pergola

LANDSCAPE

- Redwoods and other city-protected trees will remain
- Two olive trees that drop fruit on accessible paths will be removed
- Landscape replaced with drought-tolerant vegetation
- Hardscape replaced with linear concrete pavers







ACCESSIBLE LIFT

LEFT: Current photo

- Work from 1980s remodel will be removed, including:
- Green fabric awnings
- Brick planters
- Non-ADA-compliant ramp

TOP-RIGHT: Proposed rendering

- Stairs, landing, and guardrails
- ADA-compliant lift

LANDSCAPE

- Redwoods and other city-protected trees will remain
- Landscape replaced with drought-tolerant vegetation
- Hardscape replaced with linear concrete pavers
- Light fixtures relocated as required to provide accessible path of travel



PLAZA

TOP-LEFT: Current photo

- Work from 1980s remodel will be removed, including:
- Green fabric awnings

BOTTOM-LEFT: Proposed rendering

- New wood shade pergola and screen walls
- New outdoor furniture

LANDSCAPE

- Redwoods and other city-protected trees will remain
- Landscape replaced with drought-tolerant vegetation
- Hardscape replaced with linear concrete pavers
- Central brick terrace, planters, and grass will remain



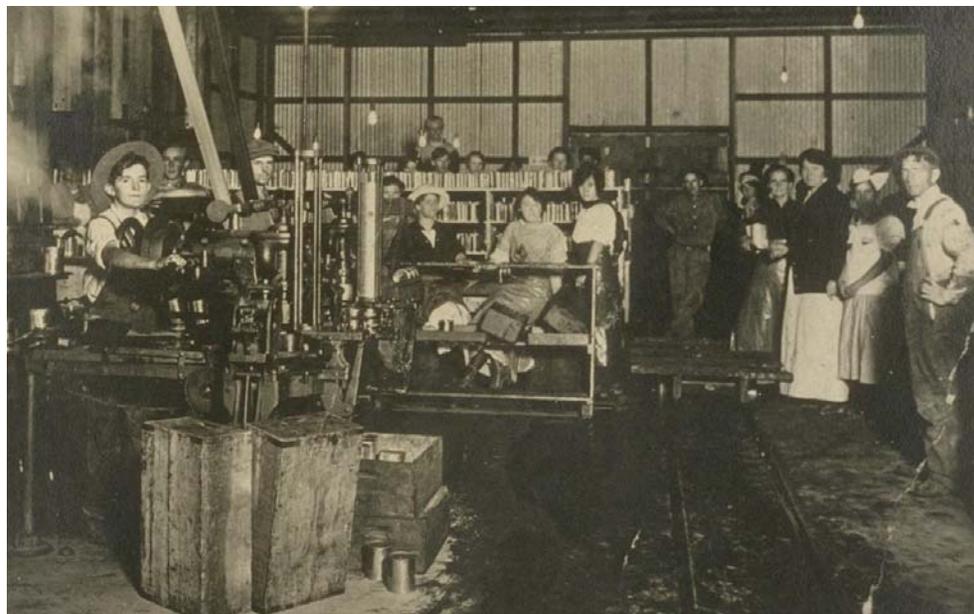
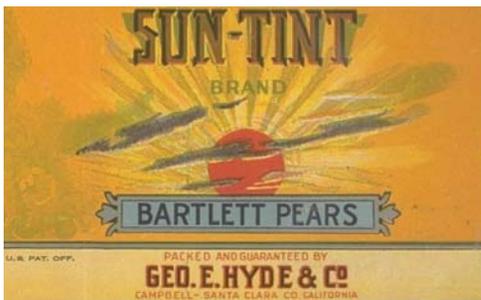
OVERALL FRONT ELEVATION ALONG ORCHARD CITY DRIVE
Street trees not shown for clarity but will remain



CHARACTER INSPIRATION IMAGES

Left-to-right, top-to bottom:

- Linear pavers and shrubs in New York's High Line park
- New signage painted on the historic Edward McGovern Tobacco Warehouse
- Corrugated metal, brick, and industrial sash windows
- Modern landscaping, brick, and industrial sash windows
- Steel cable guardrails



HYDE CANNERY IMAGES

Left-to-right, top-to bottom:

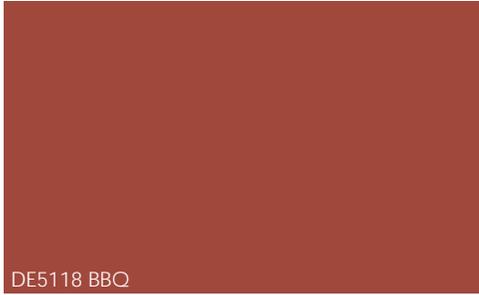
- Sign painted on Building C
- Photo dated 1920, Building G interior
- Peach and pear can labels
- Photo dated 1915, corrugated metal wall in background



DE 6370 Charcoal Smudge



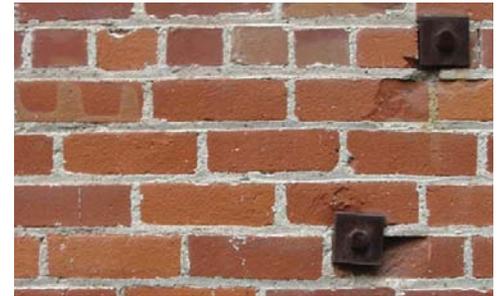
DE6366 Silver Spoon



DE5118 BBQ



SW 7007 Ceiling Bright White



Sanded red cedar stained with Weatherwood

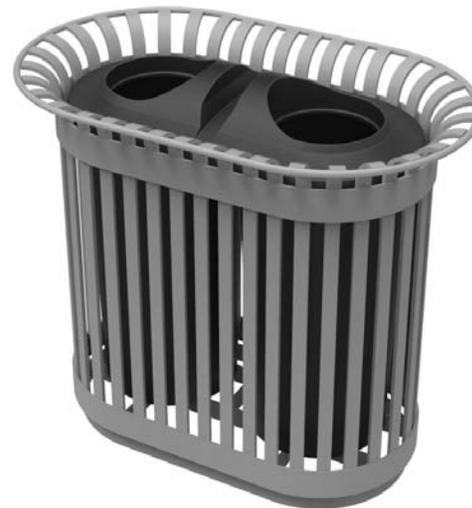


Rough red cedar stained with Weatherwood

MATERIAL PALETTE

Left-to-right, top-to bottom:

- Paint swatches
- Corrugated metal, timber, and brick currently on site
- Corrugated metal and painted structural steel
- Brick currently on site
- Corrugated metal currently on site
- Painted structural steel
- Stained wood guardrails

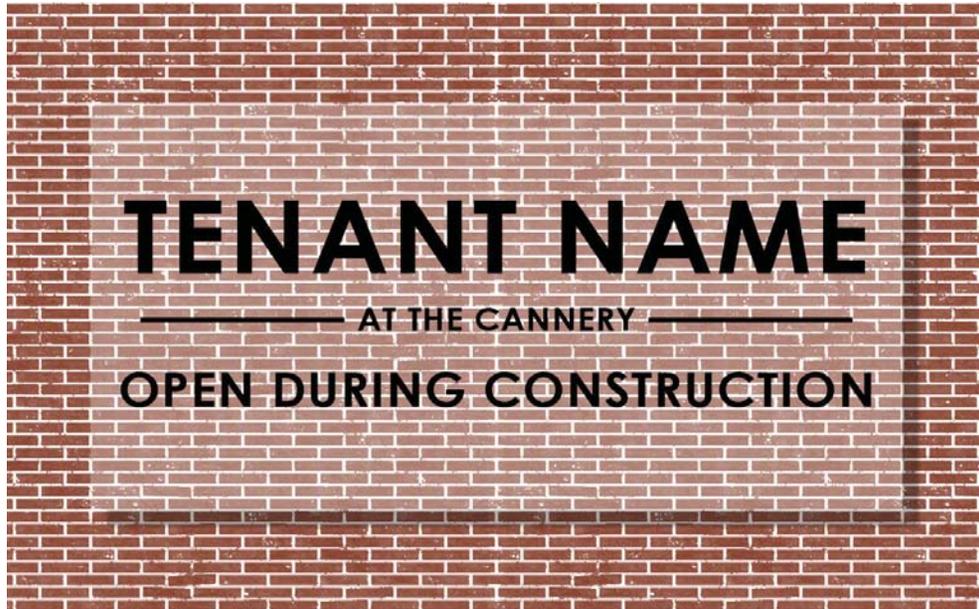


FURNITURE CONCEPT IMAGES

Left-to-right, top-to bottom:

- Cafe seating (Landscape Forms)
- Fixed bench, the minimalist design in classic materials will complement the architecture without overpowering it (Maglin)
- Fixed lounge seating (Room&Board)
- Adirondack-style chairs (Room&Board)
- Combined waste and recycling bin (Maglin)

Furniture images are conceptual in nature and intended as visual aids; exact specifications have not been determined.



HISTORICAL PLAQUES AND TEMPORARY TENANT SIGNAGE

- FAR LEFT:** Wood sign on building C
- Will be relocated to interior lobby
 - Research suggests that the building was constructed significantly after 1860

- TOP-CENTER AND TOP-RIGHT:** Metal plaque outside building J
- Will be relocated to new brick frame at building J entry

- CENTER-LEFT:** Proposed temporary banner
- Maximum size of 40 square feet
 - Clear vinyl background
 - For use while permanent signage is in development
 - Master sign program will be submitted prior to Building Department approval of overall project



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • July 26, 2016

PLN2016-73 Public Hearing to consider the application of Brice Colton for a Modification
PLN2016-154 (PLN2016-73) to previously-approved Planned Development Permits to allow
Colton, B. the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located at **300 & 307 Orchard City Drive** in the P-D (Planned Development) Zoning District.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, recommending the City Council approve a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive, subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION

Staff evaluated the potential for environmental impacts through the preparation of an Initial Study. Based on the conclusions of the Initial Study, staff prepared a draft Negative Declaration (reference **Attachment 10**) finding that the proposed project will not have a significant effect on the environment and does not require the preparation of an Environmental Impact Report or a Mitigated Negative Declaration. The draft Negative Declaration and Initial Study were filed with the County Clerk-Recorder's Office for public review, mailed to appropriate public agencies, and noticed in the Campbell Express newspaper, and posted on the City's website.

PROJECT DATA

Net Lot Area: 1.71 acres (not including City Parking Lot)
 Zoning: P-D (Planned Development)
 General Plan: *Central Commercial*

Existing Building Footprint: 54,420 sq. ft.
Floor Area Change: +163 sq. ft.; (E) Covered entrance to be enclosed at Building G
Lot Coverage Changes: +25 sq. ft.; (N) Entry feature wall
+48 sq. ft.; (N) Entry frame
-200 sq. ft.; (E) Ramp and canopy to be removed

BACKGROUND

On May 25, 2016 this item was reviewed by the City's Historic Preservation Board (HPB). The HPB was supportive of the project forwarding a recommendation of approval to the Planning

Commission (reference **Attachment 8** – Historic Preservation Board Resolution). The recommendation included conditions of approval intended to achieve compliance with the Secretary of the Interior Standards and the City’s Historic Preservation Ordinance. A more detailed discussion on the HPB’s meeting and review of the proposal has been provided under the discussion on Historic Preservation.

On June 28, 2016 the project was reviewed by the City’s Site and Architectural Review Committee (reference **Attachment 6** – SARC Memo). The SARC was supportive of the project, forwarding recommendations which have been included as Conditions of Approval on the project. A more detailed analysis on the SARC meeting recommendations have been provided under the discussion on the Site and Architectural Review Committee.

DISCUSSION

In review of this application, the Planning Commission must consider the findings contained in CMC 21.12.030.H.6 (Approval Criteria) which generally requires the development to clearly result in a more desirable environment and use of land, and not be detrimental to the health, safety, or welfare of the neighborhood or the city as a whole. To assist in this effort, a summary of the applicant’s proposal, applicable code requirements, and recommendations from the Site and Architectural Review Committee and Historic Preservation Board have been included for review and consideration.

Project Location: The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way¹ located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street and is in the P-D (Planned Development) zoning district (reference **Attachment 3**, Location Map). The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building (reference **Attachment 4** – Primary Record), is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. Over the years, the site (which includes the City parking lot) has assumed several addresses (including 93 N. Central Avenue), but is recognized as 300 & 307 Orchard City Drive.

Applicant’s Proposal: The applicant is seeking approval of a Modification (PLN2016-73) to allow exterior façade and site upgrades to the Water Tower Plaza. The proposal is intended to renovate the site with ‘particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company’ (1892-1937). The proposal would remove non-historic elements of the building and site², reconfigure entrances³, and improve accessibility. A more detailed/bulleted scope of work has been included on page 2 of the applicant’s design consultation memo (reference **Attachment 11** – Applicant’s Consultant Memo - Page & Turnbull). The applicant is also requesting approval of a tree removal permit, to allow the removal of two olive trees located near the outdoor open space to the rear/southwest of Building

¹ Work in the City right-of-way and parking lots

² Removed features include green fabric awnings throughout the site, brick planters, an arched entry system at Building J, and a parapet which obscured original clerestory windows on Building G.

³ The reconfigured entrance at Building G results in a 163 sq. ft. increase in floor area in that it serves to enclose an existing covered area. The increase in floor area is not considered to contribute to a parking impact, in consideration of the scale of the overall site and provided that the purpose of enclosing the area is to add architectural interest and visibility to a prominent building entrance.

A & D and one podocarpus⁴ tree located at the front/northeast of Building G (reference **Attachment 5** – Project Plans; Sheet A1.0)

This proposal has no use related component, nor would it serve to supersede or modify any previously established operational restriction.

Land Use: Pertinent City land use policies applicable to review of this application can be found in the *Downtown Campbell Development Plan* and the *Campbell General Plan*. Together, these documents speak to a desire to promote and enhance a downtown environment that provides a desirable and distinct balance of land uses. This vision for the Downtown is evidenced in the following goals, policies and strategies:

General Plan

- Policy LUT-5.1: Neighborhood Integrity: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values, while protecting the integrity of the city's neighborhoods.
- Policy LUT-5.3: Variety of Commercial and Office Uses: Maintain a variety of attractive and convenient commercial and office uses that provide needed goods, services and entertainment.
- Strategy LUT-5.3g: Day and Evening Activities: Encourage restaurant and specialty retail uses in the Downtown commercial area that will foster a balance of day and evening activity.
- Strategy LUT-9.1c: Land Use Objectives and Redevelopment Plans: Permit only those uses that are compatible with land use objectives and redevelopment plans.
- Policy LUT-11.2: Services Within Walking Distance: Encourage neighborhood services within walking distance of residential uses.
- Policy LUT-19.1: Campbell Downtown Development Plan: Ensure that new development within the Downtown Area complies with the requirements of the Campbell Downtown Development Plan.
- Strategy LUT-19.1a: Mix of Uses: Encourage a compatible mix of uses (i.e. professional offices, services and retail uses) with ground floor retail uses.

Downtown Development Plan

- Goal LU-1: To continue the development and revitalization of the Downtown areas in a manner that positions it as a viable, self-sustaining commercial district in the competitive marketplace of Silicon Valley.
- Goal LU-2: Work to develop and promote a variety of retail businesses and diversification of eating establishments that will help create a unique destination and identity for Downtown.
- Policy LU-2.1: Ground Level Commercial: Develop and maintain the ground floor space along East Campbell Avenue between Third Street and the light rail tracks as a distinctive retail and restaurant experience with ground floor uses that are diverse and interesting and contribute strongly to a distinctive and unique shopping experience.
- Strategy LU-6.1a: Expand the Downtown boundaries while maintaining a scale that is in keeping with the "small town" image identifiable in the community and create a comfortable experience for the pedestrian.

The applicant's proposal, which serves to revitalize an existing office/commercial complex, while maintaining the scale and improving the walkability of the site, may be found consistent with the Downtown Campbell Development Plan and the Campbell General Plan.

⁴ The subject tree species has been assumed by staff; not a protected tree species (redwood, oak, cedar, or ash).

Planned Development Zoning District: The P-D Zoning District is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow for a superior development, particularly related to the development's design and provision of open space. To aid in achieving this goal, the Zoning Code provides a listing of considerations that should be taken into account in review of this project which can be found in the Campbell Municipal Code and online as follows: [CMC 21.12.030.H.12](#).

Permit Processing: In the Planned Development (P-D) Zoning District, a Modification is required to allow changes to a previously approved Planned Development Permit. A Modification can allow alterations or add new conditions to an established permit, or serve to supersede a previous entitlement in its entirety depending on its scope. In the case of the subject site, several Planned Development permits are already on file which allowed for minor incremental renovations and changes to the site overtime (i.e. PD84-02, PD84-05 & M92-11). The subject permit is intended to supersede these previous entitlements with the intent of establishing a single permit which will serve to regulate the site and architectural design of the site, and streamline the permit review and processing of future entitlements. In addition to superseding previous entitlements, as the applicant's proposal results in an increase in floor area (163 sq. ft. at the entrance of Building G) and substantially alters the design of the previously approved entitlements, the application is considered a 'Major Modification' subject to review and approval by the City Council.

Historic Preservation: An analysis of the project in consideration of the City's Historic Preservation Ordinance, and Secretary of Interior Standards for the Treatment of Historic Properties had been prepared and presented to the Historic Preservation Board (HPB) at its meeting of May 25, 2016 (reference **Attachment 7** – May 25, 2016 – Historic Preservation Board Report). The HPB, as well as the City's Consulting Architect, Mark Sandoval (contracted by the City for review) were very supportive of the project, finding that proposed alterations reinforce the existing industrial narrative of the site's past and create an exciting and refreshing new look which adds to the vitality of the historic resource. Maintenance and associated requirements intended to further reinforce and preserve the historic resource have been included as Conditions of Approval (reference **Attachment 2** – Recommended Conditions of Approval).

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of June 28, 2016. The Committee was supportive of the request with the following recommendations (applicant and staff comments have been provided below each point in italics):

- **Master Sign Plan**: A Master Sign Plan should be submitted for review prior to building permit issuance.
- **Benches**: The existing benches are worn and should either have their wood replaced or repaired. Alternatively, the benches may be replaced with simple industrial benches complementary to the site renovations.
- **Directory Signs & Trash Cans**: Consider replacing trash bins throughout the project site with trash duo (recycling/trash) or trash trio (recycling, compost, trash) bins. The design of the trash bins should be consistent with the design of the site renovations.

- **Historic Plaques:** The existing plaque (mounted to a rock in front of the Building I/J entry) should be incorporated into the newly proposed entrance in that area. Other historic plaques and signs throughout the site should be moved to the lobby or front entries and surrounded with more modern framing.

In addition to the recommended changes, the SARC discussed the potential removal and replacement of existing light fixtures with more industrial themed light fixtures (consistent with the building alterations), but ultimately came to the conclusion that no changes would be warranted based on the following considerations:

- The HPB expressed a desire to retain the existing site lighting and benches.
- The existing lighting is complementary to the existing benches.
- While the existing ‘two-fixture’ light poles are very ornate, and may be inconsistent with the proposed renovations, they serve to match the existing single fixture light poles which are not as ornate or as inconsistent with the proposed renovations.

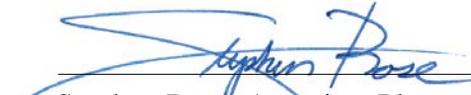


Figure 1 – Existing Lighting & Bench

Attachments:

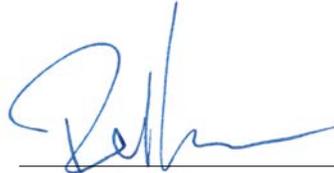
1. Recommended Findings for Approval of File No.(s) PLN2016-73 & PLN2016-154
2. Recommended Conditions for Approval of File No.(s) PLN2016-73 & PLN2016-154
3. Location Map
4. Primary Record
5. Project Plans
6. June 28, 2016 – SARC Memo
7. May 25, 2016 – Historic Preservation Board Report
8. May 25, 2016 – Historic Preservation Board Resolution
9. May 25, 2016 – Historic Preservation Board Draft Minutes (Excerpt)
10. Initial Study & Draft Negative Declaration
11. Applicant’s Consultant Memo - Page & Turnbull
12. City Consulting Architect Evaluation Report -Mark Sandoval
13. Applicant Responses to Consulting Architect Feedback
14. Historic Plaque Example

Prepared by:



Stephen Rose, Associate Planner

Approved by:



Paul Kermoyan, Community Development Director

Acting Chair Kendall read Agenda Item No. 5 into the record as follows:

5. **PLN2016-73** Public Hearing to consider the application of Brice Colton for a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154) on property located **at 300 & 307 Orchard City Drive**. Staff is recommending that a Negative Declaration be adopted for this project. Tentative City Council Meeting Date: August 16, 2016. Project Planner: *Stephen Rose, Associate Planner*

Mr. Stephen Rose, Associate Planner, presented the staff report.

Acting Chair Kendall asked if there were questions of staff.

Commissioner Reynolds advised that although he previously disclosed having met on site with the applicant for Agenda Item 5, he actually met with the applicant for Agenda Item 6.

Commissioner Rich provided the Site and Architectural Review Committee report as follows:

- SARC reviewed this item on June 28th and was supportive with four recommendations that have already been addressed by the applicant in the current proposal.

Acting Chair Kendall opened the Public Hearing for Agenda Item No. 5.

Jorge Romero, Project Director:

- Said that this project has been in the works for a few years.
- Added that during that time he has gotten to know the City of Campbell well.
- Extended compliments to the Planning Department for a pleasurable work experience.
- Concluded that he is very excited about this project.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 5.

Commissioner Finch:

- Recounted that she grew up in a small town that was highly agricultural.
- Said that it gives her "chills" to see these proposed improvements. She really applauds the applicant and is so excited to see the "real thing" in their design plans.

- Added that as the Historic Preservation Board is in favor of their plans, she is as well.
- Admitted that she is not excited about the benches. They are not particularly attractive but she understands that they have to stay.
- Stated that otherwise, she loves the clean lines and bringing windows back at the top that are currently covered up.

Commissioner Reynolds:

- Echoed the comments of Commissioner Finch.
- Said that he wanted to recognize and thank the members of the Historic Preservation Board for working so hard to preserve what we have.
- Suggested researching and recommending bringing benches of that era into the “fold” to the discretion and approval of the Director.
- Opined that if they are trying to restore this site, modern design is counterproductive.

Commissioner Finch:

- Said that personally she loves the second bench at the top of the exhibit. She doesn’t look that as modern in appearance.
- Reiterated that if the recommendation is the retention of the existing benches, she is okay with that.

Director Paul Kermoyan:

- Referenced Building Condition 2(a). There is enough flexibility there on benches to go either way. Either the existing benches can stay or go away.

Commissioner Rich suggested possibly upgrading the deteriorated wood from the old benches and keeping their vintage frames.

Motion: Upon motion of Commissioner Young, seconded by Commissioner Reynolds, the Planning Commission adopted Resolution No. 4314 recommending that the City Council approve a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City’s Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and off-site improvements and a Tree Removal Permit (PLN2016-154) on property located at 300 & 307 Orchard City Drive, subject to the conditions of approval, as revised by the desk item distributed this evening, by the following roll call vote:

AYES: Finch, Kendall, Reynolds, Rich and Young

NOES: None

ABSENT: Bonhagen and Dodd,

ABSTAIN: None

Acting Chair Kendall advised that this item would be considered by the City Council at its meeting on August 16, 2016.

MEMORANDUM



Community Development Department
Planning Division

To: Site and Architectural Review Committee **Date:** June 28, 2016

From: Stephen Rose, Associate Planner 

Via: Paul Kermoyan, Community Development Director 

Subject: The Cannery (Water Tower Plaza)

Application: Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05, PD90-01 and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s)

Project Site: 300 & 307 Orchard City Drive

PROJECT SITE

The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way¹ located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street (reference **Attachment 1**, Location Map). The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building (reference **Attachment 2** – Primary Record), is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. Over the years, the site (which includes the City parking lot) has assumed several addresses (including 93 N. Central Avenue), but is recognized as 300 & 307 Orchard City Drive.

PROJECT PROPOSAL

The applicant is seeking approval of a Modification (PLN2016-73) to allow exterior façade and site upgrades to the Water Tower Plaza. The proposal is intended to renovate the site with 'particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company' (1892-1937). The proposal would remove non-historic elements of the building and site², reconfigure entrances³, and improve accessibility. A more detailed/bulleted scope of work has been included on page 2 of the applicant's design consultation memo (reference **Attachment 5** – Applicant's Consultant Memo - Page & Turnbull). The applicant is also requesting approval of a tree removal permit, to allow the removal of two olive trees located near the outdoor open space to the rear/southwest of Building A

¹ Work in the City right-of-way and parking lots

² Removed features include green fabric awnings throughout the site, brick planters, an arched entry system at Building J, and a parapet which obscured original clerestory windows on Building G.

³ The reconfigured entrance at Building G results in a 163 sq. ft. increase in floor area in that it serves to enclose an existing covered area. The increase in floor area is not considered to contribute to a parking impact, in consideration of the scale of the overall site and provided that the purpose of enclosing the area is to add architectural interest and visibility to a prominent building entrance.

& D and one podocarpus⁴ tree located at the front/northeast of Building G (reference **Attachment 3** – Project Plans; Sheet A1.0)

This proposal has no use related component, nor would it serve to supersede or modify any previously established operational restriction.

PROJECT DATA

Net Lot Area:	3.90 acres (including 4,032 sq. ft. of City property)
Gross Lot Area:	4.66 acres
Zoning:	P-D (Planned Development)
General Plan:	<i>Commercial/Med.-High Density Residential (14-27 units/gr. acre) and High Density Residential (21-27 units/gr. acre)</i>

BACKGROUND

On May 25, 2016 this item was reviewed by the City’s Historic Preservation Board. The board was supportive of the project forwarding a recommendation of approval to the City’s Planning Commission (reference **Attachment 5** – Historic Preservation Board Resolution).

SCOPE OF REVIEW

The purpose of the Site and Architectural Review Committee’s (SARC) review is to provide feedback on the site design, circulation, architectural materials, colors, and landscaping. In consideration of the applicant’s proposal, the SARC should also consider that the P-D Zoning District is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow for a superior development, particularly related to the development’s design and provision of open space. To aid in achieving this goal, the Zoning Code provides a list of considerations that should be taken into account in review of this project ([CMC 21.12.030.H.12](#)). A focused review of the applicants proposal, as it pertains to the considerations provided in the Zoning Code have been provided in the project discussion.

Todd Walter, member of the Historic Preservation Board (HPB), will be in attendance at the SARC meeting to offer guidance or feedback on any changes to the project design arising from the discussion which could impact Historic Preservation.

DISCUSSION

ARCHITECTURE AND SITE DESIGN

A detailed discussion of the project’s site and architectural design, in consideration of the Secretary of Interior Standards for Historic Preservation, had been provided in the May 24, 2016 Historic Preservation Board Report (reference **Attachment 4**). To assist the project review, the City contracted with Mark Sandoval, Consulting Architect, to provide an analysis of the proposal. In Mark Sandoval’s report (reference **Attachment 8**), the overall impression is that the alterations are imaginative,

⁴ The subject tree species has been assumed by staff; not a protected tree species (redwood, oak, cedar, or ash).

reinforce the existing industrial narrative of the site’s past, and serve to add vitality of the historic resource.

In consideration of the project’s strong support by the City’s Historic Preservation Board (HPB), and City Consulting Architect, the SARC Memo serves to focus on items either requiring additional clarification, or still outstanding in the project review.

Master Sign Plan: The subject application shows speculative signs which will require review and approval through a master sign plan. The removal of the green fabric canopies, which in some locations serve to identify existing tenants, could result in tenants installing temporary banners while waiting for a master sign plan to be reviewed and approved. As such, a discussion point has been raised to determine if the item should be continued to a date uncertain to request the applicant to return with a master sign program, or whether a condition of approval should be forwarded to the Planning Commission requiring approval of a new master sign program prior to building permit issuance.



Figure 1 – Prospective Tenant Signs

Lighting & Furniture: The property has a combination of historically-themed/decorative light poles and benches, and more simple hanging lights, directory signs and trash cans. Whereas the Historic Preservation Board (HPB) expressed a desire to retain the existing site lighting and benches, the SARC may wish to consider if any of the existing lighting or furniture should be replaced with more industrial designs commensurate with the building alterations.



Figure 2– Existing Lighting & Furniture



Figure 3– Staff Prepared Exhibits of Industrial Lighting & Furniture (discussion purposes only)

Historic Plaques: The Historic Preservation Board (HPB) recommended that a new historic plaque, including a narrative and pictures of the historic building, to be provided somewhere onsite. In addition to this new plaque, the HPB inquired if the existing metal plaque (shown below) would be retained on the property. While the applicant indicated that the metal plaque would be retained, a location had not been identified. As such, a discussion point has been raised to determine the appropriate location of both plaques.



Figure 4 – Historic Plaque

Tree Removal: As part of the proposed development, the applicant is requesting the removal of two olive trees which are located to the rear/southwest of Building A & D and one podocarpus⁵ tree located at the front/northeast of Building G (reference **Attachment 3** – Project Plans; Sheet A1.0). Pursuant to CMC 21.32 (Tree Protection Regulations) a minimum of three 24-inch box trees shall be required as replacements. In that the proposed schematic landscape plan (reference **Attachment 3** – Project Plans; Sheet A1.2) does not indicate replacement trees, a discussion point has been raised to determine if the SARC would have a preferred planting location.



Figure 5 - Trees Proposed for Removal (two olive trees on left & podocarpus tree on right)

SUMMARY

If the SARC believes that the applicant has adequately addressed the considerations for review of a Planned Development Permit, as specified by CMC 21.12.030, it could recommend approval to the Planning Commission as proposed or subject to revisions. The following questions are meant to facilitate SARC's discussion of the project details:

- **Master Sign Plan:** Should the applicant be required to provide a master sign plan for concurrent review and approval? Alternatively, should this be placed as a requirement on the applicant's proposal prior to building permit issuance?

⁵ The subject tree species has been assumed by staff; not a protected tree species (redwood, oak, cedar, or ash).

- **Lighting & Furniture:** Should industrial lighting or furniture, commensurate with the building alterations, be required?
- **Historic Plaques:** Does the SARC have a recommended location for either plaque?
- **Trees:** Does the SARC have a preferred location for the three replacement trees?

Attachments:

1. Location Map
2. Primary Record
3. Project Plans
4. May 25, 2016 – Historic Preservation Board Report
5. May 25, 2016 – Historic Preservation Board Resolution
6. May 25, 2016 – Historic Preservation Board Draft Minutes (Excerpt)
7. Applicant's Consultant Memo - Page & Turnbull
8. City Consulting Architect Evaluation Report -Mark Sandoval
9. Applicant Responses to Consulting Architect Feedback
10. Historic Plaque



CITY OF CAMPBELL · HISTORIC PRESERVATION BOARD
Staff Report · MAY 25, 2016

PLN2016-73 Colton, B. Application of Mr. Brice Colton, on behalf of Habitec Architecture, and Design for a Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05, PD90-01 and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. / Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s) on property located at **300 & 307 Orchard City Drive** (previously 93 S. Central Avenue) in the P-D (Planned Development) Zoning District.

STAFF RECOMMENDATION

That the Historic Preservation Board take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, recommending that the Planning Commission recommend approval of a Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05, PD90-01 and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s).

DISCUSSION

Project Location & Addressing: The project site is the Water Tower Plaza and portions of City parking lots and right-of-way located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street (reference **Attachment 3**, Location Map). The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building (reference **Attachment 4** – Primary Record), is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. Over the years, the site (which includes the City parking lot) has been attributed to various addresses (including 93 N. Central Avenue), but is recognized as 300 & 307 Orchard City Drive. It should be noted that 307 Orchard City Drive, has also been attributed to the office development located at 46 N. Central Avenue to the north (containing the Farmers Union Packing House / Sunsweet Plant #1), which is not associated with this project.

Project Proposal: The applicant is seeking approval of a Modification (PLN2016-73) to allow exterior façade and site upgrades to the Water Tower Plaza. The proposal is intended to renovate the site with 'particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company' (1892-1937). The proposal would remove non-historic elements of

the building and site¹, reconfigure entrances, and improve accessibility. A more detailed/bulleted scope of work has been included on page 2 of the applicant's design consultation memo (reference **Attachment 6** – Applicant's Consultant Memo - Page & Turnbull). The applicant is also requesting approval of a tree removal permit, for the removal of two olive trees which occur near the outdoor open space to the rear/southwest of Building A & D (reference **Attachment 5** – Project Plans; Sheet A1.0, Detail 12)

This proposal has no use related component, nor would it serve to supersede or modify any previously established operational restriction.

ANALYSIS

The purpose of the Historic Preservation Board review is to provide direction to the applicant and staff regarding whether or not the project, as proposed, is in compliance with the Historic Preservation Ordinance.

Environmental Review: Staff is currently evaluating the impact the proposed changes could have on the historic resource through an environmental review process. The proposed conditions of approval would negate the necessity for a Mitigated Negative Declaration (MND), and could allow the preparation of a Negative Declaration (ND). The conditions of approval, already included for consideration, are intended to reduce environmental impacts to a less than significant level.

Historic Preservation Board Review Authority and Scope: The HPB has review authority over the proposed modification of historic structures to ensure that the project is in compliance with the Historic Preservation Ordinance. In addition, the HPB is responsible to consider whether or not the modifications are consistent with the Secretary of Interior Standards for the Treatment of Historic Properties.

To assist in this evaluation, the City contracted with Mark Sandoval, AIA, to review the project (reference **Attachment 7** – City Consulting Architect Review – Mark Sandoval) consistent with CMC Section 21.54.050.C. and prepare a brief analysis of the project's architecture and how it complies of the Secretary of the Interior's Standards for Rehabilitation. Discussions on these topics are provided in their applicable sections which follow.

Consulting Architect Review: The project was prepared by Habitec Architecture, and reviewed by Page & Turnbull, a historic preservation firm (hired by the applicant), as well as the City's Consulting Architect, Mark Sandoval (contracted by the City). The analysis provided by Mark Sandoval, takes into account the comments provided by Page and Turnbull and provides further analysis on points raised in their review, as well as feedback from his own review of the project.

In Mark Sandoval's report, the overall impression is very supportive, finding that proposed alterations are imaginative, reinforce the existing industrial narrative of the site's past, and should create an exciting and refreshing new look which adds to the vitality of the historic

¹ Removed features include green fabric awnings throughout the site, brick planters, an arched entry system at Building J, and a parapet which obscured original clerestory windows on Building G.

resource. However, Mark raises the following points for consideration by the City (responses to the report has been provided as **Attachment 8** – Applicant Responses to Consulting Architect Feedback, and paraphrased by staff in below).

1. *Construction details are too vague in areas, and lack important detail information on how the additions are to attach, interface, and be structurally supported. Selective demolition of localized areas in question could be performed to provide greater clarity on the limits and magnitude of construction work involved, and drive important decisions on what protective measures or monitoring of the project would be needed during the construction process.*

The applicant has provided enhanced details on the construction method and anticipated weight of proposed features (reference **Attachment 8**).

- The HPB should consider whether additional information should be provided. If additional information or investigative research is determined appropriate, the HPB should be prepared to articulate what research should (or could) be conducted. IF it is required, staff recommends that the Board consider requesting a continuance to a date uncertain to allow the applicant sufficient time to conduct the additional research/work (if applicable).

2. *The decision making body may want to explore adding a steel canopy, or alternative structure to provide shelter and identity to the entry between buildings H & J.*

The applicant is not intending to install an additional shelter in this area.

- The HPB should consider if the addition of a steel canopy, or similar shelter between buildings H&J is necessary or if it would present any concerns.

3. *The decision making body may want to request more details on the landscaping, privacy fence, pergola and lighting proposed in the plaza area.*

City standards would require that any new lighting be adequately down shielded to avoid obnoxious light or glare from impacting residents of the condominium units. New landscaping over 500 sq. ft. in area will be required to comply with the City's Water Efficient Landscaping Ordinance. Staff intends to request detailed drawings of these details, which typically occurs at time of Building Permit submittal.

4. *The decision making body may want to request the applicant to submit a comprehensive sign program to address the wide collection of various signs within the complex, and to establish standards for new signs. This would ultimately help add greater cohesion to the entire project to create a more unified and central design theme for the site.*

The project does not include a proposal for any signs at this time. A subsequent approval of a master sign program will be required for new tenant signs.

In consideration of the feedback provided by the City's Consulting Architect, the HPB may want to accept the project as an improvement or recommend their own changes or conditions for Planning Commission consideration.

Evaluation of the Secretary of Interior’s Standards for Rehabilitation:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The project site was originally used as a packaging plant. Over the years, the use of the property has changed to include office uses (Famers Insurance, Charge Point, etc.), a restaurant (Komatsu Japanese Cuisine), and a bar (Khartoum). The operation of these facilities and the established use of the property would not be changed by the proposal.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The project seeks to retain the historic character of the property, and remove non-historic elements of the building and site. The removal of the two olive trees, which are located in an interior/rear courtyard of the site, would not diminish the historic character of the site.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

The proposed renovations would ‘rehabilitate historic architectural features where possible, and introduce new elements that respect the site’s industrial past’. Where new features have been introduced, the materials and architectural embellishments are clearly more contemporary (metal clad, corrugated metal cornices), which serve to differentiate the elements from the historic development.

- Staff recommends the HPB consider the design of the proposed sign, which staff and the consulting architect believe to be a positive addition to the property which pays homage to the industrial past without creating a false sense of history. While the sign mimics the painted white lettering of signs of this era (i.e. the George E. Hyde Co. sign located on the south side of Building C) the design incorporates more modern lettering, fonts, and design which serve to differentiate it from the historical development.
- Staff recommends the HPB consider requiring a historic plaque (reference **Attachment 9**) to be posted on the property which includes a brief accounting of the properties history, and provides photos which show the original building. This plaque would also help an onlooker differentiate what has been added to the building, from what was original.



4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The changes proposed to the property are intended to minimize impact to both the existing structures and features, and those which have been added over the years. Where existing features are proposed for removal, such as the green fabric awnings, stucco bands, and arched entry on Building J, these additions generally occurred in the 1980's, and are not considered to have a historical significance in their own right. Where design improvements are proposed to be added, such additions will not alter the historical significance of the buildings.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The applicant's proposal seeks to retain the existing building and preserve the distinctive materials (red brick) and finishes (exposed, unpainted brick) to the extent feasible. The applicant is proposing a seismic retrofit for portions of the building, which will reinforce the construction techniques of the building and help ensure the building is more stable in the event of an earthquake.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The applicant proposes to restore the clerestory windows which could have been considered a distinctive feature of the building. Where a historic feature is damaged, the applicant would propose to rehabilitate it. When rehabilitation is not an option, the applicant intends to match it in design, color, texture and material to the extent feasible.

- Staff recommends the HPB to review the draft Condition of Approval proposed by staff to establish guidelines for the contractor/applicant to stop work, and submit revised plans to the Community Development Department for either referral back to the HPB or decision by the Community Development Director, in the event that damage to the building (rot/decay) is discovered which requires work outside of the approved project.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The applicant is not proposing to use any chemical or physical treatment (sanding, scraping etc.) that could damage any historic material.

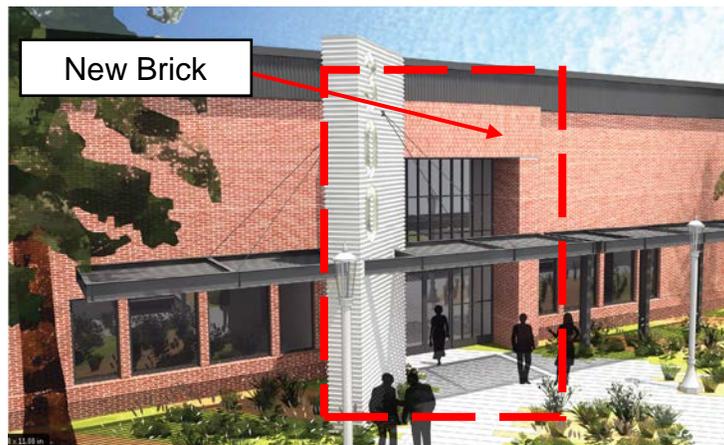
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

No archeological interests are known to exist with the subject property, nor is excavation proposed to such a degree that a resource (if one were to exist) would be disturbed.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, and proportion, and massing to protect the integrity of the property and its environment.

The proposed changes, as conditioned, would be compatible with the historical materials, size, scale, and proportion and massing of the property and its environment. The applicant has provided a statement which affirms that the weight and method new features would be affixed, would not endanger, or destroy, historic features. Where new additions are proposed, the materials and design is respectful of the properties past but does not seek to recreate it.

- Staff recommends the HPB to review the draft Condition of Approval proposed by staff which would require the new brick at the entrance of Building J be differentiated from the old brick of the building. Moreover, staff would request the HPB either strike the draft Condition of Approval or include enhanced language specifying in what manner the new brick should be differentiated (e.g. spacing, color, size).



- Staff recommends the HPB consider the comments raised by the City’s Consulting Architect and evaluate if additional details, or construction details or inspections should be conducted, and determine if the application should return to HPB to evaluate those details before a recommendation is made.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If any of the proposed features were constructed and removed in the future, the essential form and integrity of the property would be unimpaired. Where features are bolted, or affixed to the building, only minor wear and damage to the building would be anticipated to occur when removed and could readily be patched or repaired to a near original state.

DISCUSSION ITEMS

The following is a list of discussion items consider in review of this application:

- Does the project comply with the Secretary of Interior Standard and the City’s Historic Preservation Ordinance?
- Are staff’s recommended solutions provided to achieve compliance with all applicable regulations appropriate and/or desirable?
- Does the Board recommend additional modifications to the project or conditions of approval to achieve consistency with City regulations?

Additionally, the following list summarizes staff recommendations which were raised throughout the project analysis:

- The HPB should consider whether additional information should be provided. If additional information or investigative research is determined appropriate, the HPB should be prepared to articulate what research should (or could) be conducted. IF it is required, staff recommends that the Board consider requesting a continuance to a date uncertain to allow the applicant sufficient time to conduct the additional research/work (if applicable).
- The HPB should consider if the addition of a steel canopy, or similar shelter between buildings H&J is necessary or if it would present any concerns.
- Staff recommends the HPB consider the design of the proposed sign, which staff and the consulting architect believe to be a positive addition to the property which pays homage to the industrial past without creating a false sense of history. While the sign mimics the painted white lettering of signs of this era (i.e. the George E. Hyde Co. sign located on the south side of Building C) the design incorporates more modern lettering, fonts, and design which serve to differentiate it from the historical development.
- Staff recommends the HPB consider requiring a historic plaque (reference **Attachment 9**) to be posted on the property which includes a brief accounting of the properties history, and provides photos which show the original building. This plaque would also help an onlooker differentiate what has been added to the building, from what was original.
- Staff recommends the HPB to review the draft Condition of Approval proposed by staff to establish guidelines for the contractor/applicant to stop work, and submit revised plans to the Community Development Department for either referral back to the HPB or decision by the Community Development Director, in the event that damage to the building (rot/decay) is discovered which requires work outside of the approved project.
- Staff recommends the HPB to review the draft Condition of Approval proposed by staff which would require the new brick at the entrance of Building J be differentiated from the old brick of the building. Moreover, staff would request the HPB either strike the draft Condition of Approval or include enhanced language specifying in what manner the new brick should be differentiated (e.g. spacing, color, size).
- Staff recommends the HPB consider the comments raised by the City’s Consulting Architect and evaluate if additional details, or construction details or inspections

should be conducted, and determine if the application should return to HPB to evaluate those details before a recommendation is made.

To address staff recommendations (where appropriate), staff has prepared Draft Conditions of Approval for consideration (reference **Attachment 2**, Draft Conditions of Approval of PLN2016-73). Please note these Conditions of Approval can be removed, added to, or modified at the discretion of the Historic Preservation Board.

NEXT STEPS

If the HPB recommends approval of the project to the Planning Commission, staff recommends that specific project changes required to achieve compliance with the Secretary of Interior Standards (if any) be forwarded as recommended Conditions of Approval.

ALTERNATIVES

- If substantial changes or additional information is requested by the Historic Preservation Board, the Board can request the project be continued to a date uncertain and brought back to the Historic Preservation Board for further review.
- If the Historic Preservation Board does not find the proposed changes are in keeping with the review criteria, the Board can forward a recommendation to deny the project to the Planning Commission.

Attachments:

1. Findings Recommending Approval of PLN2016-73 & PLN2016-154
2. Draft Conditions of Approval of PLN2016-73 & PLN2016-154
3. Location Map
4. Primary Record
5. Project Plans
6. Applicant's Consultant Memo - Page & Turnbull
7. City Consulting Architect Evaluation Report -Mark Sandoval
8. Applicant Responses to Consulting Architect Feedback
9. Historic Plaque

Prepared by:



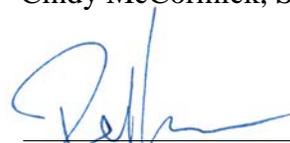
Stephen Rose, Associate Planner

Reviewed by:



Cindy McCormick, Senior Planner

Approved by:



Paul Kerymoyan, Community Development Director

Based upon the foregoing findings of fact, the Historic Preservation Board further finds and concludes that:

1. The action proposed is consistent with the purpose of the Historic Preservation Ordinance.
2. The action proposed is consistent with the Secretary of the Interior's Standards for the treatment of historic properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.
3. The action proposed will not be detrimental to a structure or feature of significant aesthetic, architectural, cultural, or engineering interest or value of an historical nature.

THEREFORE, BE IT RESOLVED that the Historic Preservation Board recommends Planning Commission approve a Modification (PLN2016-73) to previously approved planned development permits (PD84-02, PD84-05, and M92-11) to allow the exterior remodel of an existing building that is listed on the city's historic resource inventory (George Hyde Co. / Sunsweet Growers) as well as associated on-site and off-site improvements and a tree removal permit (PLN2016-154) to allow the removal of protected tree(s) at 300 & 307 Orchard City Drive, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of May 2016, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
JoElle Herandez, Chair

ATTEST: _____
Cindy McCormick, Secretary

RESOLUTION NO. 2016-01

BEING A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF THE CITY OF CAMPBELL RECOMMENDING THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION (PLN2016-73) TO PREVIOUSLY APPROVED PLANNED DEVELOPMENT PERMITS (PD84-02, PD84-05, AND M92-11) TO ALLOW THE EXTERIOR REMODEL OF AN EXISTING BUILDING THAT IS LISTED ON THE CITY'S HISTORIC RESOURCE INVENTORY (GEORGE HYDE CO. SUNSWEET GROWERS) AS WELL AS ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS AND A TREE REMOVAL PERMIT (PLN2016-154) TO ALLOW THE REMOVAL OF PROTECTED TREE(S) AT 300 & 307 ORCHARD CITY DRIVE.

After due consideration of all evidence presented, the Historic Preservation Board did find as follows with respect to the proposed Modification (PLN2016-73) and Tree Removal Permit (PLN2016-154).

1. The zoning designation for the project site is P-D (Planned Development). Exterior alterations to a historic property in this zoning district may occur with the approval of a Planned Development Permit.
2. The project consists of exterior façade and site upgrades to the Water Tower Plaza.
3. The proposal is intended to renovate the site with particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company (1892-1937).
4. The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility.
5. The changes proposed by the project are consistent with the Historic Preservation Ordinance, and the Secretary of Interior Standards and do not detract from the existing architectural character of the building or site.
6. The proposed exterior changes are consistent with the purpose of the Historic Preservation ordinance to enhance the visual character of the city by encouraging and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural traditions.
7. The changes proposed, including the request to remove two olive trees, will be reviewed to determine conformance with the City's zoning regulations by the Planning Commission at a public hearing. At such time, the Historic Preservation Board's recommendation for approval will be taken into consideration.

HPB RECOMMENDED CONDITIONS FOR APPROVAL OF FILE NO. PLN2016-73 & PLN2016-154 (MODIFICATION & TREE REMOVAL)

SITE ADDRESS: 300 & 307 Orchard City Drive
APPLICANT: Brice Colton
OWNER: Water Tower Fee Owner, LLC
HPB MEETING: May 25, 2016

1. Approved Project: Approval granted for a Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05 and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s). The project shall substantially conform to the Project Plans stamped as received by the Community Development Department on February 25, 2016, except as may be modified by the Conditions of Approval specified herein.
2. Rehabilitation: All features dating to the complex's drying and canning eras should be rehabilitated wherever feasible. If any of these features are found to be deteriorated, careful repair is preferred treatment. If deterioration is severe enough so that the feature has failed, the replacement should match the original in design, color, texture, and materials.
3. Historic Plaque: The applicant shall submit plans for a historic plaque to be installed on either a monument or on a plaque in visible location on the property. The design, placement, and installation method of the plaque shall be to the satisfaction of the Community Development Director.
4. Brick: New brick, where added to the entry of Building J, shall be differentiated from the old/historic brick of the building to the satisfaction of the Community Development Director.
5. Contractor - Unexpected Conditions: In the event that unexpected damage or historic features (e.g. signage, murals, historic openings or brickwork) are discovered during the construction process, the contractor shall stop work on the affected portion of the project and seek written authorization of the Community Development Director prior to proceeding. To obtain authorization, the contractor shall work with the project architect/applicant to evaluate options to restore the existing material to the extent feasible. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence to the satisfaction of the Community Development Director.
6. Salvage: Where significant historic features cannot be restored in place, they shall be salvaged for use elsewhere on the site, donated to a historic agency, or used for interpretive display.

Council's attention.

Vice Chair Blake reiterated that only about 1% to 2% of the homes in Campbell are historic.

Chair Hernandez stated that if the City loses more historic homes, it will be harder to set up a historic district.

2. Cambrian and Kennedy Tract area. Vice Chair Blake indicated that there are two areas in the City with interesting architecture that have not been surveyed; the Cambrian annex area and the "4-C's" neighborhood (Cherry, California, El Caminito, Catalpa Lane). She proposed that each HPB member do a windshield survey and bring their findings back to the HPB. HPB members should also survey potential heritage trees in these neighborhoods. Board Member Walter suggested the HPB also consider other areas of the City that may not have been surveyed. The HPB will discuss the windshield survey plan again in July. Staff will send the HPB a copy of the annexation map for their review.
3. 207 E. Rincon. The homeowner presented the HPB with a brochure showing the historic color palate that he will be using to paint his HRI home. The Board members were receptive of the colors and thanked the homeowner for notifying the HPB.

PUBLIC HEARING

1. 300 & 307 Orchard City Drive (previously 93 S. Central Avenue): Staff Planner Stephen Rose gave the report, summarizing the plans to renovate the exterior of the *George Hyde Co. Sunsweet Growers* building, remove non-historic features, and improve accessibility. The applicant indicated that they intend to keep the historic features of the building but modernize it with new features that complement the historic building but don't attempt to replicate it. They were grateful to the Historic Museum for helping them determine what is and is not historic, so that they can remove the non-historic elements.

Vice Chair Blake indicated that the plan was well thought out and she was very pleased with the design which is consistent with the Secretary's Standards. She asked the applicant to distinguish the new brick from the historic brick and asked about the new and old signage.

The applicant responded that they would introduce a reveal to differentiate the new and old brick. With regard to the signage, the applicant stated that they would preserve the informational plaque by moving it to either the inside or outside of the building. "The Cannery" would be stenciled to the exterior of the building. The applicant will also check with the Museum on historic Cannery signage.

Board Member Moore asked the applicant to preserve any other artifacts they find.

Board Member Walter applauded the applicant for its clean, simple, thoughtful design, stating that it would be a nice addition to the area. He asked if the brick will be cleaned or left to patina. He also asked that the new brick be differentiated from the old brick.

The applicant responded that repairs will be meticulous and least intrusive as possible. The applicant reiterated that the reveal should differentiate the two.

Vice Chair Blake indicated that the Olive tree is dying, is therefore not protected, and OK to remove. She likes the clerestory windows and stated that the clean design will be attractive next to the light rail station. Vice Chair Blake indicated that when the roof was recently repaired, the downspouts were made too short and have disconnected causing water damage to the building.

The applicant indicated that they would repair the downspouts.

Chair Hernandez stated that she loves the clean design and is happy that the applicant is keeping the brick façade and opening up the historic clerestory windows. She asked about the passageway and lighting between the garage and the property.

The applicant stated that the gate is not locked allowing passage from and to the garage. The applicant also stated that there is new LED lighting in the garage and limited lighting in the residential area.

Board Member Anderson asked about accessibility and stated that a lift is not allowed for egress.

The applicant indicated that two ADA stalls and two restrooms would be updated to meet accessibility standards. The applicant also indicated that they would re-slope the walkways, eliminate the ramp, and install the lift.

Chair Hernandez stated that the Building Department will review the plans for compliance with accessibility standards and that the purview of the HPB is limited to historic preservation.

Board Member Walter made a motion to accept the application with the modification to accentuate the reveal around the brick façade entry to differentiate the new brick from the old. Vice Chair Blake seconded. **Motion Passed 4-0-1** (Anderson abstained)

OLD BUSINESS

1. Brochures: Chair Hernandez stated that the proposed text for the brochure overlaps with information that is already contained in other Historic Preservation brochures such as "Resources for Property Owners". Chair Hernandez stated that the information should be different for each audience and should include larger font and

Santa Clara County Clerk – Recorder’s Office
State of California

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



Document No.: 1069
Number of Pages: 47
Filed and Posted On: 7/06/2016
Through: 7/26/2016
CRO Order Number:
Fee Total: 0.00

County Government Center
70 West Hedding Street, E. Wing, 1st Floor
San Jose, California 95110 (408) 299-5688

REGINA ALCOMENDRAS, County Clerk – Recorder
by Raymund Reyes, Deputy Clerk – Recorder, *R.R.*

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: City of Campbell
2. PROJECT TITLE: 300 Orchard City Drive - Exterior Alterations and Rehabilitation Project
3. APPLICANT NAME: Brice Colton PHONE: (408) 977-8606
4. APPLICANT ADDRESS: 300 Orchard City Drive, Campbell CA, 95120
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 20 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO OFG FEES

- | | | |
|--|-------------|---------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) | \$ 3,070.00 | \$ 0.00 |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,210.25 | \$ 0.00 |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 850.00 | \$ 0.00 |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS | \$ 1,043.75 | \$ 0.00 |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ 0.00 |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|---|----------|---------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ 0.00 |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ 0.00 |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | | |
|--|--|--------|-----------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ NO FEE |
|--|--|--------|-----------|

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)



**NOTICE OF INTENT
INTENT TO ADOPT A NEGATIVE DECLARATION
CITY OF CAMPBELL, CALIFORNIA**

Notice is hereby given of the intent of the Campbell City Council to adopt a Negative Declaration for the 300 Orchard City Drive Exterior Alterations and Rehabilitation Project, which includes a Modification (PLN2016-73) to previously-approved Planned Development Permits to allow the exterior remodel of an existing building listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on and offsite improvements and a Tree Removal Permit (PLN2016-154), pursuant to Public Resources Code Section 21092(b)(1), on property located at **300 & 307 Orchard City Drive, Campbell, CA 95008**.

The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street. The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building, is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the location. The project location does not contain a toxic site pursuant to Section 65962.5 of the Government Code.

The Initial Study prepared by the City was undertaken for the purpose of determining whether the project may have a significant effect on the environment. On the basis of the Initial Study, Community Development Department staff has determined that the project will not have a significant effect on the environment and has therefore prepared a draft Negative Declaration for consideration by the Campbell Planning Commission.

All interested parties are invited and encouraged to submit comments in writing regarding the draft Negative Declaration and/or attend the below described public hearings. The public review period for the draft Negative Declaration begins on **July 6, 2016** and ends on **July 26, 2016**. Any comments must be submitted in writing, including email, to the Community Development Department by 5:00 p.m. on **July 26, 2016**. The Environmental Checklist and draft Negative Declaration are available for review from 8:00 a.m. to 5:00 p.m. at the Community Development Department, City Hall, 70 North First Street, Campbell, CA or online at <http://www.cityofcampbell.com/501/Public-Notices> under 'Environmental Notices'.

The Campbell Planning Commission will consider the project and draft Negative Declaration at a public hearing to be held on **July 26, 2016**. The meeting will be held at 7:30 p.m., or shortly thereafter, in the City Hall City Council Chambers, 70 North First Street, Campbell, CA. The Campbell City Council is tentatively scheduled to hold a public hearing on **August 16, 2016**, to consider the Planning Commission's recommendation on the project and draft Negative Declaration. Both meetings will be held at 7:30 p.m., or shortly thereafter, in the City Hall City Council Chambers, 70 North First Street, Campbell, CA.

Please be advised that if you challenge the decision on the Negative Declaration and/or project in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the City of Campbell prior to the public hearings. Questions and written comments may be addressed to Stephen Rose, Associate Planner at (408) 866-2142 or by email at stephenr@cityofcampbell.com.

PLANNING COMMISSION
CITY OF CAMPBELL
PAUL KERMOYAN
SECRETARY



CITY OF CAMPBELL
Community Development Department

DRAFT
NEGATIVE DECLARATION

The Community Development Director has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of the project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Project Title: 300 Orchard City Drive - Exterior Alterations and Rehabilitation Project

File Number(s): Modification (PLN2016-73) & Tree Removal Permit (PLN2016-154)

Project Address: 300 & 307 Orchard City Drive, Campbell, CA 95008

Project Proponent: Brice Colton
111 W. St. John Street, #950, San Jose, CA 95113

Zoning Designation P-D (Planned Development)

General Plan: Central Commercial

Lead Agency: City of Campbell, Community Development Department
70 N. First Street, Campbell, CA 95008

Contact Person: Stephen Rose, Associate Planner
(408) 866-2142 | stephenr@cityofcampbell.com

Date Posted: July 6, 2016

Other public agencies whose approval is required: None

Project Location: The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street. The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building, is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory.

Project Description: The applicant is seeking approval of a Modification (PLN2016-73) to allow exterior façade and site upgrades to the Water Tower Plaza. The proposal is intended to renovate the site with 'particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company' (1892-1937). The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility. The applicant is also requesting approval of a tree removal permit, to allow the removal of two olive trees located near the outdoor open space to the rear/southwest of Building A & D and one podocarpus tree located at the front/northeast of Building G.

Surrounding Land Use | Zoning District (Overlay) | General Plan Designation:

North: Commercial | C-3 (Central Commercial) | *Central Commercial*

South: Condominiums & Parking Garage | P-D (Planned Development) | *Low-Medium Density Residential & Central Commercial respectively*

East: Lightrail Station | N/A (Right of Way) | N/A (Right of Way)

West: Park | P-F (Public Facilities) | *Open Space*

Finding: The Community Development Director finds that the project described above will not have a significant effect on the environment and THEREFORE a Negative Declaration will be prepared.

Any person may file a written protest of the draft Negative Declaration before 5:00 p.m. on **July 26, 2016**. Such protest must be filed at the Community Development Department, City Hall, 70 North First Street, Campbell, California. The written protest should make a "fair argument" that the project will have one or more significant effects on the environment based on substantial evidence.

Stephen Rose

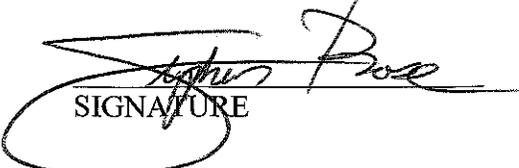
PROJECT PLANNER

Associate Planner

TITLE

City of Campbell

AGENCY


SIGNATURE

July 5, 2016

DATE

INITIAL STUDY

300 Orchard City Drive
Exterior Alterations and Rehabilitation Project

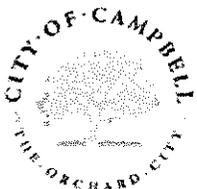
*An environmental evaluation
prepared in compliance with the
California Environmental Quality Act*



Prepared by
Stephen Rose
Associate Planner

City of Campbell
Community Development Department
Planning Division
70 N. First Street
Campbell, CA 95008

Public Review Period
July 6, 2016 – July 26, 2016



I. PROJECT OVERVIEW

Project Title: 300 Orchard City Drive - Exterior Alterations and Rehabilitation Project

File Number(s):

Modification (PLN2016-73)

Tree Removal Permit (PLN2016-154)

Project Location: 300 & 307 Orchard City Drive, Campbell, CA 95008

Name and Address of Project Proponent:

Brice Colton

111 W. St. John Street, #950

San Jose, CA 95113

Lead Agency Name and Address:

City of Campbell

Community Development Department

70 N. First Street

Campbell, CA 95008

Contact Person(s):

Stephen Rose, Associate Planner

(408) 866-2142

stephenr@cityofcampbell.com

Zoning Designation:

P-D (Planned Development)

General Plan Designation:

Central Commercial

Other public agencies whose approval is required: None

Surrounding Land Use | Zoning District (Overlay) | General Plan Designation:

North: Commercial | C-3 (Central Commercial) | *Central Commercial*

South: Condominiums & Parking Garage | P-D (Planned Development) | *Low-Medium Density Residential & Central Commercial respectively*

East: Lightrail Station | N/A (Right of Way) | N/A (Right of Way)

West: Park | P-F (Public Facilities) | *Open Space*

Project Location: The project site is the Water Tower Plaza and includes portions of City parking lots and right-of-way located at and along south side of Orchard City drive, west of Railway Avenue, and east of S. First Street. The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building, is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory.

Project Description: The applicant is seeking approval of a Modification (PLN2016-73) to allow exterior façade and site upgrades to the Water Tower Plaza. The proposal is intended to renovate the site with ‘particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company’ (1892-1937). The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility. The applicant is also requesting approval of a tree removal permit, to allow the removal of two olive trees located near the outdoor open space to the rear/southwest of Building A & D and one podocarpus tree located at the front/northeast of Building G.

This proposal has no use related component, nor would it serve to supersede or modify any previously established operational restriction.

Background: The property has historically been referred to as the George Hyde Co. / Sunsweet Growers and in 1984, the property was listed on the City’s Historic Resource Inventory (reference **Attachment 1**).

On May 25, 2016, the City of Campbell Historic Preservation Board reviewed the proposed project, determining that the Project, subject to modified Conditions of Approval, would satisfy the requirements of the Secretary of the Interior's Standards for the Treatment of Historic Properties, the City of Campbell Historic Preservation Ordinance, and would be consistent with the architectural design and historic character of the structure. The Board passed Resolution 2016-01 recommending that the Planning Commission recommend approval to the City Council (reference **Attachment 2**).

Project Data:**300 Orchard City Drive**

APN: 412-07-048
Net Lot Area: 1.71 acres

Existing Building Footprint: 54,420 sq. ft.

Floor Area Change: +163 sq. ft. at (E) Covered Area to be Enclosed

Lot Coverage Change: +25 sq. ft. at (N) Entry Feature Wall

+48 sq. ft. at (N) Entry Frame

-200 sq. ft. at (E) Ramp and Canopy to be Removed

307 Orchard City Drive

APN: 412-07-001 & 041
Net Lot Area: .40 acres & .20 acres

Project Location

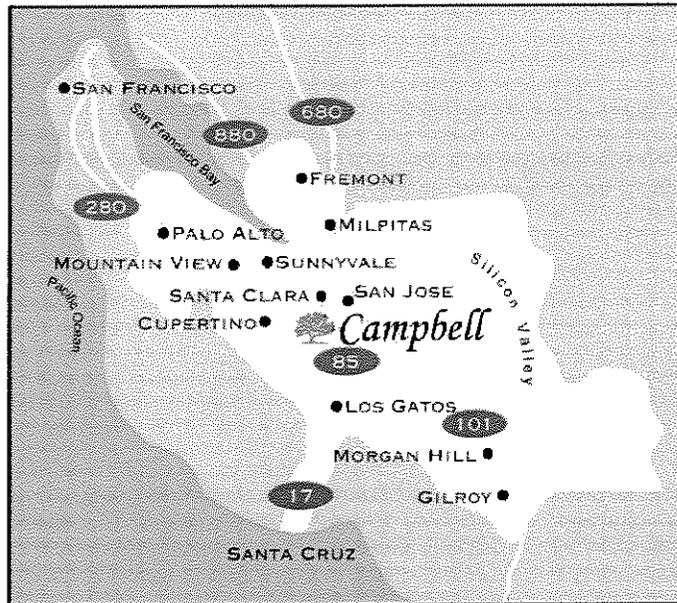


Figure 1: Regional Setting

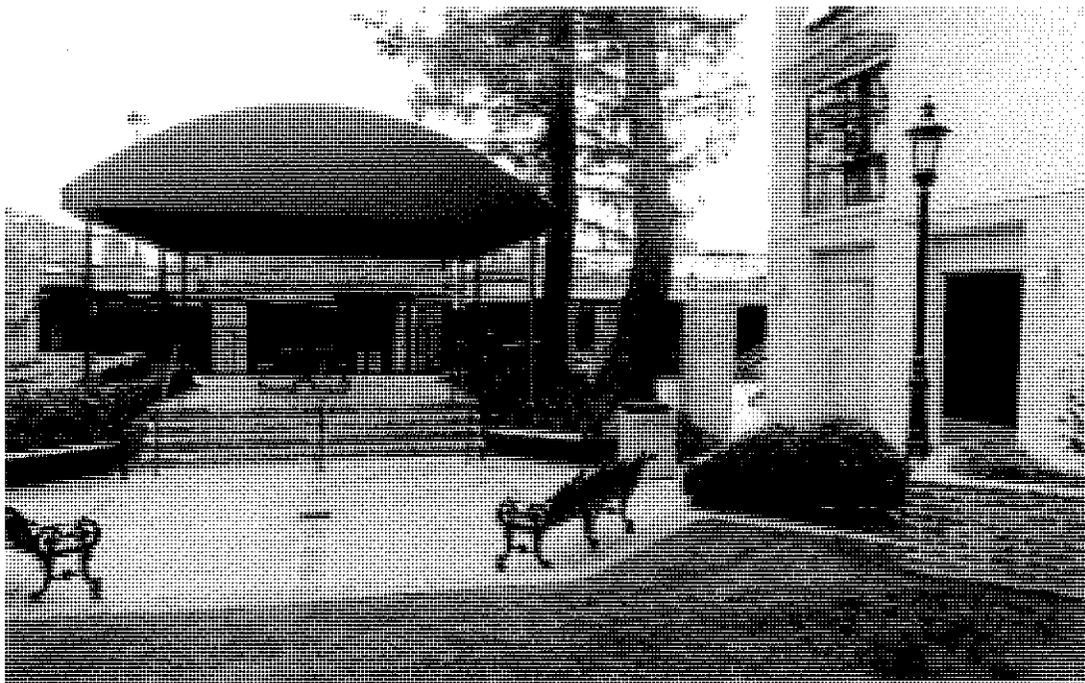
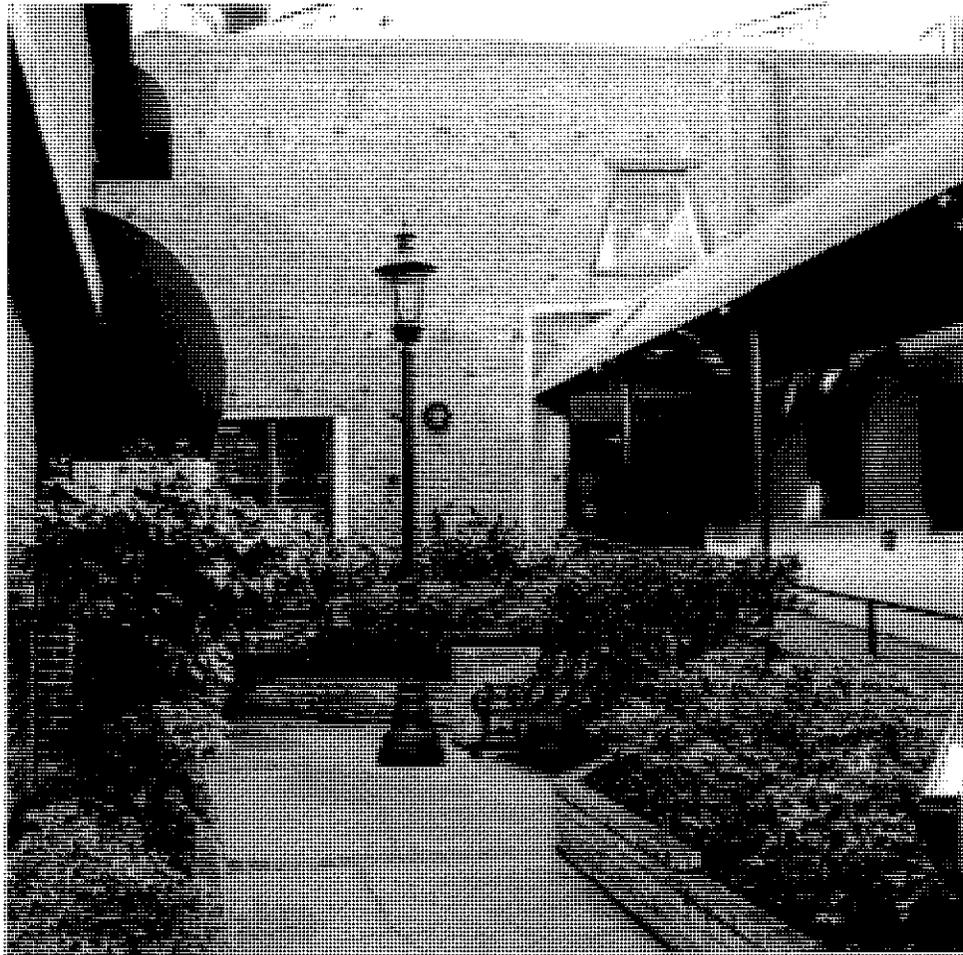


Figure 2: Project Site

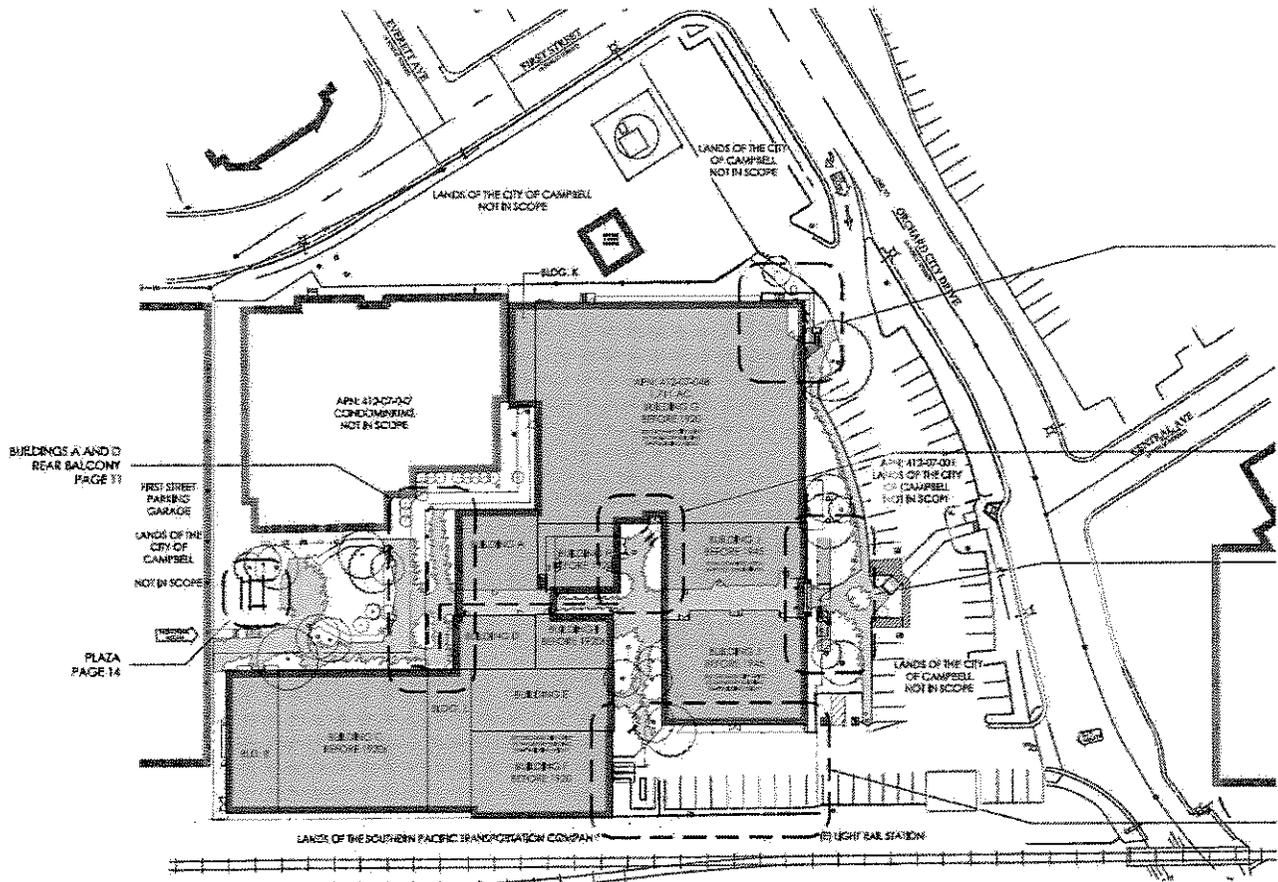
Site Photographs



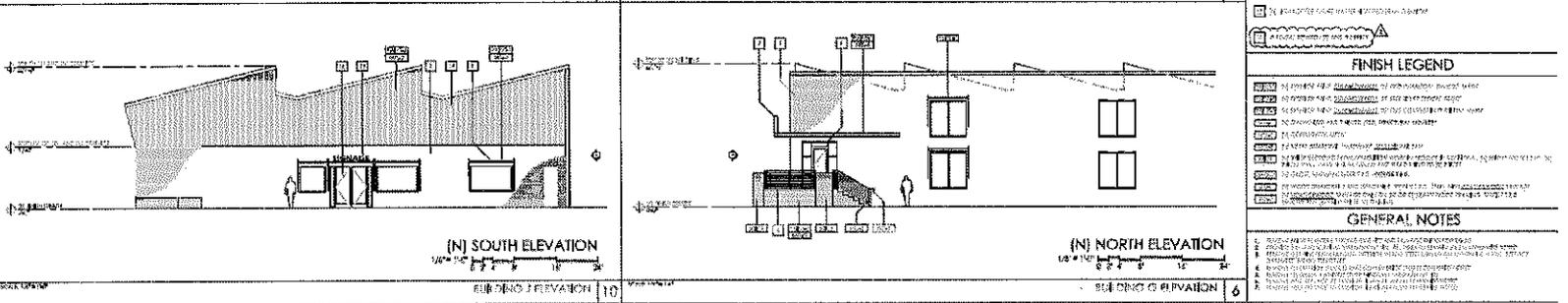




Proposed Site Plan

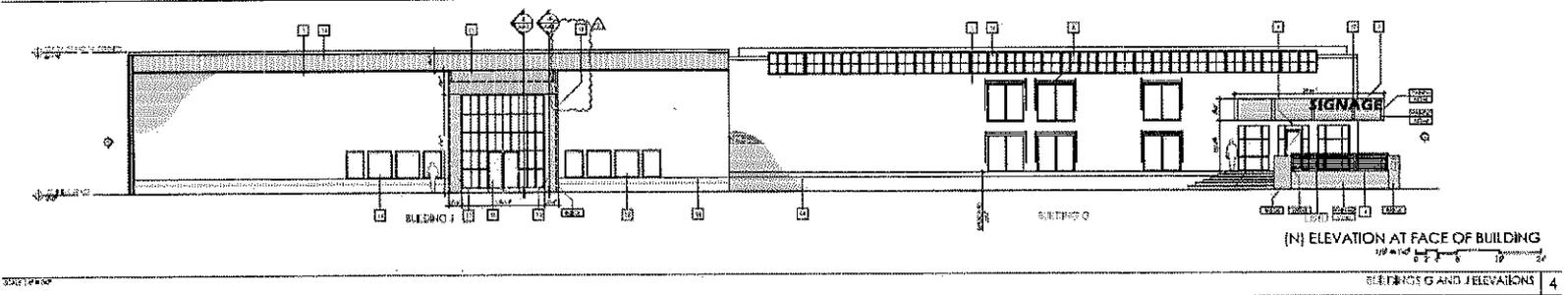
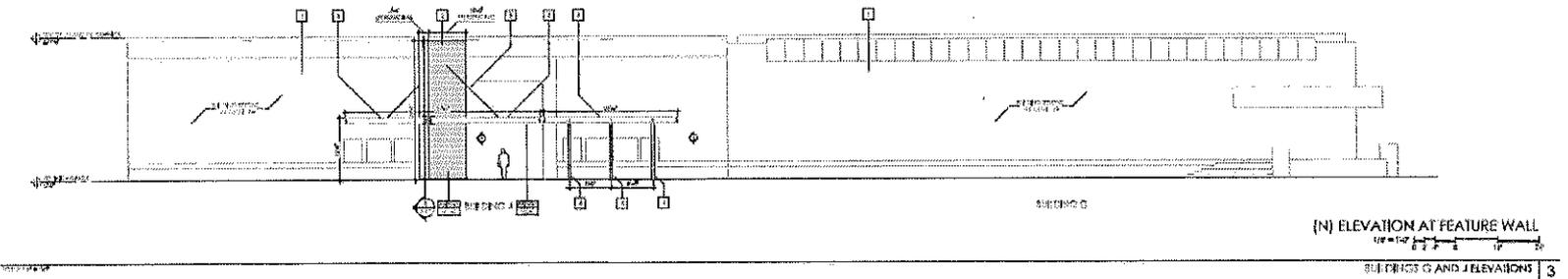


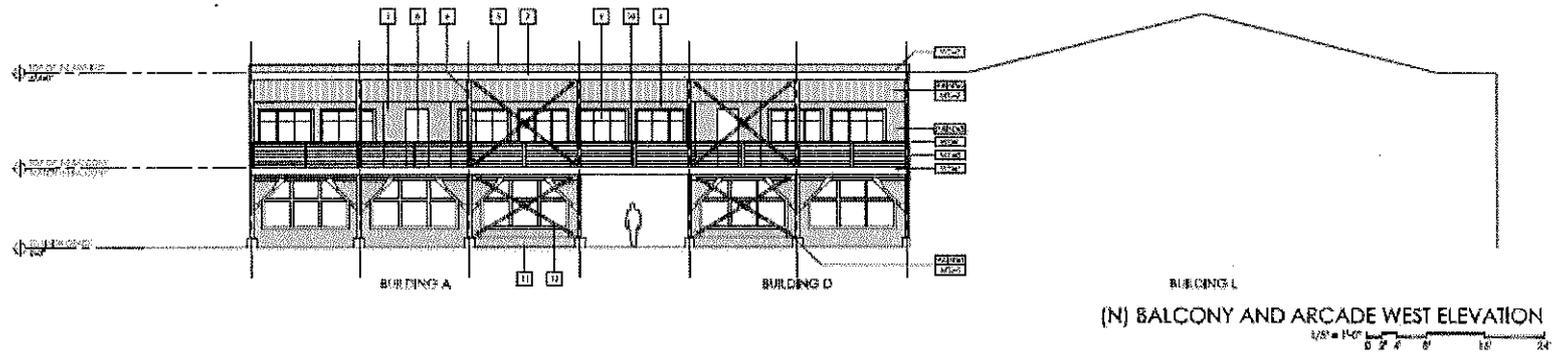
Proposed Elevations



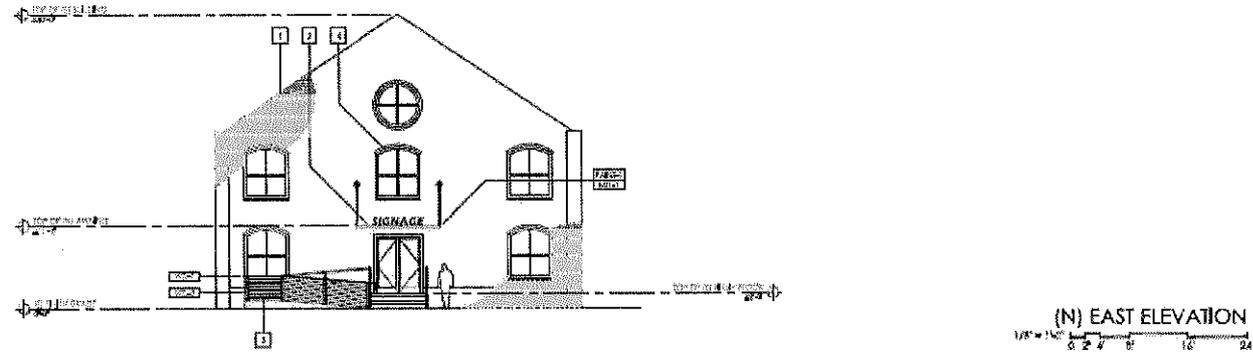
FINISH LEGEND	
	CONCRETE
	BRICK
	GLASS
	WOOD
	PAINT
	ROOFING
	LANDSCAPE
	MECHANICAL
	ELECTRICAL
	PLUMBING
	MECHANICAL
	ELECTRICAL
	PLUMBING

GENERAL NOTES	
1.	ALL FINISHES TO BE AS SHOWN UNLESS OTHERWISE NOTED.
2.	ALL FINISHES TO BE APPLIED TO THE EXTERIOR SURFACE UNLESS OTHERWISE NOTED.
3.	ALL FINISHES TO BE APPLIED TO THE INTERIOR SURFACE UNLESS OTHERWISE NOTED.
4.	ALL FINISHES TO BE APPLIED TO THE EXTERIOR SURFACE UNLESS OTHERWISE NOTED.
5.	ALL FINISHES TO BE APPLIED TO THE INTERIOR SURFACE UNLESS OTHERWISE NOTED.
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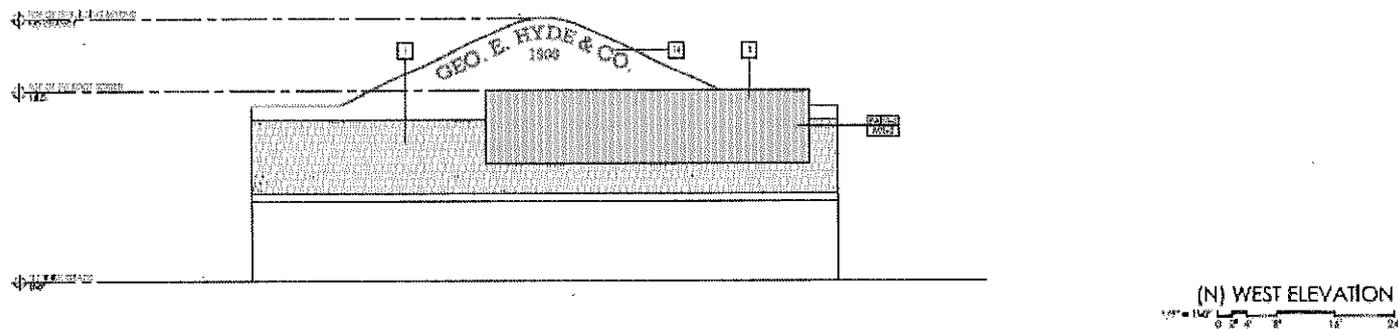




BUILDINGS A AND D ELEVATIONS | 5



BUILDING F ELEVATION | 6



II. ENVIRONMENTAL IMPACT EVALUATION:

The following evaluation has been prepared to determine if the proposed project may result in a “significant impact” on the environment. For the purposes of this study, a significant impact means a substantial or potentially substantial change in the physical environment. The following terms used in the evaluation are defined as specified below:

"Potentially Significant Impact" means that there is either substantial evidence that an effect may be significant or, due to lack of existing information, may have potential to be a significant effect.

"Less than Significant With Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that there is sufficient evidence available to determine that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

A description of the proposed mitigation measures and the factual data or evidence used to reach conclusions regarding impact significance follows each section. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less Than Significant with Mitigation Incorporation" as indicated by the checklist on the following pages. The impacts of the project, as well as a recommended mitigation measures, are summarized in Section III: Recommendation and Determination.

- | | | |
|--|--|--|
| <input type="checkbox"/> (1) Aesthetics
(Page 12) | <input type="checkbox"/> (2) Agriculture Resources
(Page 13) | <input type="checkbox"/> (3) Air Quality
(Page 14) |
| <input type="checkbox"/> (4) Biological Resources
(Page 16) | <input type="checkbox"/> (5) Cultural Resources
(Page 17) | <input type="checkbox"/> (6) Geology/Soils
(Page 19) |
| <input type="checkbox"/> (7) Greenhouse Gas Emissions
(Page 20) | <input type="checkbox"/> (8) Hazards & Hazardous
Material (Page 21) | <input type="checkbox"/> (9) Hydrology/Water
Quality (Page 23) |
| <input type="checkbox"/> (10) Land Use/Planning
(Page 25) | <input type="checkbox"/> (11) Mineral Resources
(Page 26) | <input type="checkbox"/> (12) Noise
(Page 27) |
| <input type="checkbox"/> (13) Population/Housing
(Page 28) | <input type="checkbox"/> (14) Public Services
(Page 29) | <input type="checkbox"/> (15) Recreation
(Page 30) |
| <input type="checkbox"/> (16) Transportation/Traffic
(Page 31) | <input type="checkbox"/> (17) Utilities/Service System
(Page 32) | <input type="checkbox"/> (18) Mandatory Findings
of Significance
(Page 33) |

1. AESTHETICS

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a): Scenic resources are areas or features that are visually or aesthetically pleasing and therefore, contribute affirmatively to the definition of a distinct community or region. The General Plan has not identified any scenic vistas or scenic resources within the project area. The project is not located near a state scenic highway. A significant impact may occur if a project were to introduce incompatible scenic elements or substantially block views of a scenic vista.

The historic structure is protected from adverse changes and the introduction of incompatible elements by the City of Campbell Historic Preservation Ordinance. The potential impacts of the project, as a well as a detailed review of the proposed material and structural changes, were evaluated by the City of Campbell Historic Preservation Board at meeting of May 24, 2016. The Board evaluated the project for conformance with the City of Campbell Historic Preservation Ordinance, various policies and strategies of the Campbell General Plan, and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The Historic Preservation Board provided specific recommendations sensitive to the retention, preservation, and replacement of historic elements and features of the building (e.g. windows, doors, stucco, gutters, pedestals, front entry, rafter tails) which are to be forwarded to the Planning Commission and City Council for consideration and incorporation as Conditions of Approval. As a result, no formal mitigation for the treatment of specific features is required.

(b): The proposed project is not located adjacent to or within the proximity of a state listed scenic highway. Therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway and no impacts would occur.

(c) As discussed in (a), the project is to retain the existing visual character and quality of the historic site and architectural features. Therefore, the project would be compatible with the surrounding residential uses and will not degrade the existing visual character or quality of the site and its surroundings.

(d): Development of the proposed project will include installation of new lighting fixtures. As all new lighting is subject to the City's Lighting Design Standards (CMC Sec. 21.18.090)—which requires lighting to be designed and installed so that light rays are not emitted across property lines—the project would not result in new sources of substantial light or glare.

2. AGRICULTURAL RESOURCES

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a to c): The project site is not used or zoned for farmland or other agricultural or horticultural purpose. Neither the project site nor the surrounding properties contain farmland or support an agricultural activity that could be impacted by the project. As a result, no reasonably foreseeable impact to farmland, agricultural/horticultural uses, or conflict with existing zoning for an agricultural use, or a Williamson Act contract will occur from the project.

3. AIR QUALITY

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The project is located in the northern portion of the Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and Federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}).

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area’s attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic air contaminants (TAC) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants listed above. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and Federal level.

(a): The applicable air quality plan is the Bay Area 2010 Clean Air Plan that was adopted by BAAQMD in September 2010. The proposed project would not conflict with the latest Clean Air planning efforts since the project would have emissions well below the BAAQMD thresholds (see

Issue 'b', below), and development is near existing transit with regional connections. As a project which entails minor exterior alterations and rehabilitation, the project is too small to exceed any of the significance thresholds and, thus, it is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan.

(b) The Bay Area is considered a non-attainment area for ground-level ozone and fine particulate matter (PM_{2.5}) under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for respirable particulates or particulate matter with a diameter of less than 10 micrometers (PM₁₀) under the California Clean Air Act, but not the Federal act. The area has attained both State and Federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_x), PM₁₀ and PM_{2.5} and apply to both construction period and operational period impacts.

Due to the project size, construction exhaust and operational period emissions would be less than significant. In their 2011 update to the *CEQA Air Quality Guidelines*, BAAQMD identified the size of land use projects that could result in significant air pollutant emissions. For construction exhaust impacts, the residential project size was identified at 240 dwelling units and 277 thousand square feet for retail uses. For operational impacts, the project size was identified at 451 dwelling units and 99 thousand square feet of retail uses. Since the project proposes only exterior alterations and rehabilitation of a commercial building and property, it is concluded that emissions would be well below the BAAQMD significance thresholds for both construction exhaust and operational emissions.

(c): As described above, the proposed project would not result in any cumulatively considerable net increase of ozone or PM₁₀, the two criteria pollutants for which the project region is non-attainment under an applicable Federal or State ambient air quality standard.

(d): Sensitive receptors are locations where an identifiable subset of the general population (children, asthmatics, the elderly, and the chronically ill) that is at greater risk than the general population to the effects of air pollutants are likely to be exposed. These locations include residences, schools, playgrounds, childcare centers, retirement homes, hospitals, and medical clinics. The closest off-site sensitive receptors are the condominium units and single-family residences to the west of the property boundaries and the St. Lucy's Parish School (Kindergarten through 8th grade and preschool), located slightly over a quarter mile to the southwest of the project site.

Construction activity would generate dust and equipment exhaust on a temporary basis. The small size of the project would not expose sensitive receptors to substantial pollutant concentrations.

(e): The construction of the Project is not expected to create any objectionable odors.

4. BIOLOGICAL RESOURCES

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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 U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a to d): According to the California Natural Diversity Database and the City’s General Plan, no species identified as a candidate, sensitive or special status species, or habitat for such species are known to occupy the project site.

(e): The applicant shall be required to provide a detailed landscape and irrigation plan which conforms to the City’s Water Efficient Landscaping Standards (WELS). The landscaping will be designed to minimize irrigation and runoff, promote surface infiltration where appropriate. Three trees are proposed for removal which is subject to review and approval under the requirements of the City’s Tree Protection requirements (CMC Sec. 21.32). Therefore, the project will incur a less than significant impact.

(f): No adopted Habitat Conservation Plan, Natural Community Conservation Plan or approved local, regional or state habitat conservation plans apply to the project or the project site.

5. CULTURAL RESOURCES

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a): The Water Tower Plaza, which includes the George E. Hyde Company/Sunsweet Growers building, is listed as a significant historic resource on the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory.

CEQA Statutes Section 21084.1 identifies historic resources as those listed in or eligible for listing in the California Register of Historic Resources, based on a range of criteria, including association with events or patterns of events that have made significant contributions to broad patterns of historical development in the United States or California, including local, regional, or specific cultural patterns (California Register Criterion 1), structures which are directly associated with important persons in the history of the state or country (Criterion 2), which embody the distinctive characteristics of type, period, or other aesthetic importance (Criterion 3), or which have the potential to reveal important information about the prehistory or history of the state or the nation (such as archaeological sites) (Criterion 4). In addition to meeting at least one of the above criteria, the structure must typically be over 50 years old (a state guideline rather than a statutory requirement) and have retained historic integrity sufficient to be clearly evident as a historic resource through a combination of location, design, setting, materials, workmanship, feeling and association with historic patterns. The definition of “integrity” in this context is based on criteria established by the National Register of Historic Places.

The CEQA definition of historic resources further states that resources included in a local register of historic resources are presumed to be historically or culturally significant, unless there is a preponderance of evidence demonstrating that the resource is not historically or culturally significant. Although CEQA also states, in both the Statutes and the Guidelines, that omission from the California Register or any local register of historical resources “shall not preclude a lead agency from determining whether the resource may be a historical resource” (Section 21084.1), the principal guidance provided by CEQA is that the agency should consider any potential resource to be significant “unless the preponderance of evidence demonstrates that it is not historically or culturally significant” (CEQA Guidelines Section 15064.5(a)(2).) Furthermore, CEQA Guidelines Section 15064(f)(1) of the CEQA Guidelines states, in part, “if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.”

As the subject property is over 50 years old (roughly 90 years old), is located in a designated Historic District, and lacks a preponderance of evidence demonstrating it is not historically or culturally significant, it therefore qualifies as a historic resource as defined in Section 15064.5 of the CEQA Guidelines and the City of Campbell Municipal Code. Alterations to historic resources are regulated by CMC Section 21.33.070 “Procedure to authorize construction, demolition, relocation, or material change to an historic resource inventory property” of the Historic Preservation Ordinance (Chapter 21.33 of Title 21 (Zoning Code) of the Campbell Municipal Code). This Section stipulates that any change in the exterior appearance of a historic resources inventory property through alteration or construction, shall require review and recommendation by the Historic Preservation Board and approval of Conditional Use Permit by the Planning Commission. However, as this property is located in the Planned Development (P-D) Zoning District, and involves modifying previously approved permits, instead of a Conditional Use Permit, a Modification of the previously approved Planned Development Permits, reviewed and approved by the City Council upon recommendation by the Planning Commission is required.

As previously discussed in Section 1 (Aesthetics), a detailed review of the proposed material and structural changes, were evaluated by the City of Campbell Historic Preservation Board at meeting of May 25, 2016. The Board evaluated the project for conformance with the City of Campbell Historic Preservation Ordinance, various policies and strategies of the Campbell General Plan, and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The Historic Preservation Board provided specific recommendations sensitive to the retention, preservation, and replacement of historic elements and features which are to be forwarded to the Planning Commission and City Council for consideration and incorporation as Conditions of Approval. As a result, no formal mitigation for specific features to be addressed is required.

(b and c): The project site contains no known archaeological, or paleontological. However, consistent with General Plan Strategy CNR-1.1b, a standard City Condition of Approval will require proper handling of any discovered archeological or paleontological resources. As a result, no formal mitigation is required.

Strategy CNR-1.1b: Archaeological Resources: In accordance with CEQA and the State Public Resources Code, require the discontinuation of all work in the immediate vicinity and the preparation of a resource mitigation plan and monitoring program by a licensed archaeologist if archaeological resources are found on any sites within the City.

(d): No human remains are known to exist on the project site. Should human remains be discovered during excavation or construction, such remains shall be handled pursuant to § 7050.5 of the California Health and Safety Code and § 5097.94 of the California Public Resources Code. Specifically, in the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The Santa Clara County Coroner shall be notified and shall make a determination as to whether remains are Native American in origin and take such actions as required by law. As such, no mitigation pertaining to the handling of humans remains is required.

6. GEOLOGY AND SOILS

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a): The project site is located within the seismically active San Francisco Bay Area. According to maps prepared under the Alquist-Priolo Earthquake Fault Zone Act, there are no zoned active faults within the City of Campbell. Therefore, ground rupture is not likely to occur at the site. The nearest major earthquake faults are the Monte Vista Shannon Fault, San Andreas Fault, the Hayward-Rogers Creek Fault and the Calaveras Fault, all of which pose the greatest earthquake threat because of their high quake potential. The project will likely be subjected to at least one moderate to severe earthquake that will cause moderate to severe ground shaking during the useful life of the buildings. Because construction practices in the State of California—pursuant to the California Building Code—take into account that earthquakes could potentially damaged buildings, they are designed to withstand moderate ground-shaking, the project results in a less than significant impact. Lastly, according to the State Seismic Hazard Zones Map, the project site is not located in any hazard zone and therefore does not have the potential for liquefaction or earthquake-induced landslides.

(b): The project does not involve any grading, which would not result in substantial soil erosion or the loss of topsoil.

(c-d): According to the Santa Clara County Geologic Hazard Zones Map, the project site is not geologically unstable and would not pose a risk of landslide, lateral spreading, subsidence, liquefaction or collapse. The site is not proposing the use of any septic tanks or alternative waste water disposal systems.

(f): As discussed in Section 5 (Cultural Resources), no unique paleontological resources or unique geological features are known to exist on the project site.

7. GREENHOUSE GAS EMISSIONS

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a): The BAAQMD May 2011 CEQA Guidelines included GHG emissions-based significance thresholds and established a “bright-line” emissions level of 1,100 metric tons per year for commercial land-use type projects. On March 5, 2012 the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted the Thresholds. The Air District had been ordered to set aside the Thresholds and is no longer recommending that these Thresholds be used as a general measure of project’s significant air quality impacts. Instead, the BAAQMD indicated that Lead agencies may continue to rely on the Air District’s 1999 Thresholds of Significance and make determinations regarding the significance of an individual project’s air quality impacts based on the substantial evidence in the record for that project. As the project was evaluated under both thresholds of significance as discussed below:

In review of the Air District’s 1999 Thresholds of Significance for Housing, projects which encompass over 280,000 sq. ft. of General Office area, and/or 44,000 sq. ft. of shopping center development, were considered to potentially result in significant emissions. As the Project relates to a single family home, it is well below the 1999 Air District’s Thresholds of Significance.

Under the May 2011 CEQA Guidelines, the potential project source greenhouse gas emissions come from vehicle traffic trips to and from the site. According to the screening threshold prepared by BAAQMD to determine what size of projects would likely result in significant greenhouse gas emissions, which is 1,100 metric tons, the development of a general office building would need to encompass 53,000 sq. ft. and/or 19,000 sq. ft. for a shopping center development to achieve a greenhouse gas impact. As such, the proposed project which pertains to exterior alterations and rehabilitation of an existing commercial property falls well below the May 2011 CEQA Guidelines significance thresholds.

(b): The City of Campbell has not adopted a Climate Action Plan or any comparable policy or regulation pertaining to the reduction or monitoring of greenhouse gases.

8. HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a and b): No routine transport, use or disposal of hazardous materials would be associated with the project. A slight hazardous potential would exist during project construction when materials and construction equipment are at the site; however, long-term hazard risk is very low. Hazard risks during construction would be regulated by the City's standard conditions of approval and will be required to be performed in accordance with state and federal hazardous materials regulations and current Best Management Practices (BMP's) for construction activities. The use of toxic chemicals for landscaping (pesticides, herbicides, etc.) will not be above what is generally required for landscape maintenance and is not considered significant.

(c): The project site is located roughly ¼ mile from St. Lucy's private school, located southwest of the project site. However, the operation of the project will not include hazardous emission or handling of hazardous or acutely hazardous materials, substances. Further, as discussed in Section 3 (Air Quality), construction and demolition related air pollutants that may constitute a hazard are regulated through Best Management Practices as required by City Ordinances. As these standards are universally applicable on construction projects in the City of Campbell, project specific mitigation measures are not required.

(d): The project site is not listed on the Hazardous Waste and Substances Sites List (available at http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm) compiled pursuant to Government Code Section 65962.5, therefore it would not create a significant hazard to the public or the environment.

(e to f): The project site is not located within the Santa Clara County Airport Land Use Commission jurisdiction, or within two miles of a public airport or within the vicinity of a private airstrip.

(g): The project would not interfere with emergency response or evacuation plans. Sufficient emergency access and emergency services staff would be provided for the project site in compliance with the State Building Code Standards and requirements of the Santa Clara County Fire and Health Departments. The project would improve sidewalk access and lighting in the area, thereby potentially improving access for emergency response or emergency evacuation.

(h): The project site is not located near any wildland areas and would not increase a wildland fire hazard.

9. HYDROLOGY AND WATER QUALITY

<i>Would the project:</i>		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	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 a substantial erosion or siltation on- or off-site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Create significant increases in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(j)	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(k)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(l)	Potentially impact stormwater runoff from construction activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(m)	Potentially impact stormwater runoff from post-construction activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(n)	Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(o)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(p)	Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a and b): No violations of any water quality standards are expected from the project. The project would not 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.

(c to g): No significant increase in impervious surface area of the lot would result from the project. However, all additional runoff would be conveyed into the public storm drain system. These changes to the Project site would not substantially alter the existing drainage pattern of the area due to the small size of the site. Storm water would be conveyed into the public storm drain system. The course of

streams or rivers would not be affected by the proposed Project. The runoff from construction of the proposed Project would not exceed the capacity of existing or planned stormwater drainage systems, provide substantial additional sources of polluted runoff, or substantially degrade water quality.

(h and i): The entire Project site is located in Flood Zone X, according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. Flood Zone X is defined as an areas determined to be outside the 0.2% annual chance floodplain.

(j and k): The Project site is located downstream of Lexington Reservoir, in an area defined by the Association of Bay Area Governments as a dam failure inundation area. However, the project is only proposing to exterior alterations and rehabilitation and therefore would not expose any additional people or structures to a new significant risk of loss, injury, or death involving flooding. Furthermore, as the project is not modifying flood protection measures or creating a condition where adjacent properties are exposed to a new significant risk of loss, injury or death involving flooding, no additional exposure to water-related hazards is expected as a result of the project construction or operation.

(l): As discussed in Section 3 (Air Quality), construction and demolition activities are regulated through Best Management Practices (BMP's) as required by City ordinances, which is designed to limit air and water contamination related to construction activity. Through the implementation BMP's the potential short-term air and water quality impacts associated with construction is less than significant.

(n): The project will not include uses that would include vehicle fueling, waste handling, hazardous material storage, or other outdoor work areas that could result in the potential discharge of stormwater pollutants.

(o and p): The Project had been reviewed for compliance with Provision C.3 of the National Pollution Discharge Elimination System (NPDES) and had been determined to be below the required thresholds to trigger pollution prevention measures. Furthermore, as the project site does not include any material storage, vehicle or equipment fueling, vehicle or equipment maintenance, waste handling, hazardous materials handling or storage, delivery areas, loading docks, or other outdoor work areas, the project would not violate any water quality standards as it would not result in the potential for stormwater pollutants.

10. LAND USE and PLANNING

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a): Projects that have the potential to physically divide an established community typically include construction that would eliminate formal or informal travel ways through a property. No such pathways or other forms of informal access through the project site currently exist. Therefore, the project would not physically divide an established community.

(b): The proposed project would be consistent with the following General Plan polices and strategies:

Land Use and Transportation Element

Policy LUT-8.1: Historic Buildings, Landmarks and Districts and Cultural Resources: Preserve, rehabilitate or restore the City’s historic buildings, landmarks, districts and cultural resources and retain the architectural integrity of established building patterns within historic residential neighborhoods to preserve the cultural heritage of the community.

Strategy LUT-8.1c: Adaptive Reuse: Encourage adaptive re-use of and incorporation of the city’s historic buildings and structures for new development projects, when feasible.

Conservation and Natural Resources

Policy CNR-1.1: Historic Resource Preservation: Ensure that the City and its citizens preserve historic resources as much as possible.

Strategy CNR-1.1b: Archaeological Resources: In accordance with CEQA and the State Public Resources Code, require the discontinuation of all work in the immediate vicinity and the preparation of a resource mitigation plan and monitoring program by a licensed archaeologist if archaeological resources are found on any sites within the City.

In general, the purpose of these General Plan policies and strategies is to preserve, restore, and maintain historic structures, and protect cultural and archaeological resources where they occur. The scope of work, which includes exterior alterations and rehabilitation of a Historic structure, would be consistent with the General Plan policies and strategies in that it is intended to renovate the site with ‘particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company’ (1892-1937). As discussed in Section 5 (Cultural Resources), this application was also referred to the Historic Preservation Board which provided recommended Conditions of Approval, which, if followed, would also serve to reduce potentially significant environmental effects to a less than significant level. As such, no formal Mitigation Measure is required.

(c): No habitat conservation plan or natural community conservation plans are applicable to the project site.

11. MINERAL RESOURCES

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a to b): No known mineral resources are present at the project site.

12. NOISE

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a to c): The proposed project is a retail/business center that will be consistent with uses in the surrounding neighborhood and the project is not anticipated to create any additional noise or vibration beyond that already existing.

(d): Construction will result in temporarily increasing ambient noise levels in the project vicinity. However, construction is governed by CMC Sec. 18.04.052, which limits construction activity from 8 AM to 5 PM., Monday through Friday, 9 AM to 4 PM on Saturday, and prohibits construction on Sunday. Additionally, loud environmentally disruptive noise over 50 dBA (e.g., air compressors without mufflers, continuously running motors or generators, loud playing musical instruments or radios) is prohibited. As such, temporary ambient noise level increases associated with construction will be less than significant.

(e and f): The project is not located within the vicinity of an airport land use plan or within two miles of an airport. The project is not located within the vicinity of a private airstrip.

13. POPULATION AND HOUSING

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a): The project is for exterior alterations and rehabilitation of an existing retail/business center and would not directly or indirectly induce substantial population growth in the area.

(b and c): The project would not result in the displacement of existing housing or people, necessitating the construction of replacement housing elsewhere.

14. PUBLIC SERVICES

Issues		Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>					
(a)	Would the project result in substantial adverse physical impacts associated with the provision of or 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:				
	i) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a): The project would not require additional public services such as fire, police services, and street maintenance beyond what is currently required for the existing retail/business center.

15. RECREATION

<i>Would the project:</i>		Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a): The project would not increase demand for existing recreational facilities nor would it involve the construction or expansion of recreational facilities.

(b): The project does not any include recreational facilities.

16. TRANSPORTATION and TRAFFIC

<i>Would the project:</i>		Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)		Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)		Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)		Substantially increase hazards due to a design feature (e. g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)		Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)		Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g)		Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a and b): The project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. The existing use of the project site as a retail/business center would continue and not change.

(c): The project would not 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 and e): No physical changes in roadway configurations are proposed for the project. The project will be required to comply with all City and Santa Clara County Fire Department standards for emergency access.

(f): The proposed project is required to provide parking in accordance with the City of Campbell Parking and Loading Ordinance (CMC21.28.040). Whereas the project is enclosing 163 sq. ft. of covered floor area (for aesthetic purposes), the increase is considered nominal in consideration of the size of the overall project site and therefore not anticipated to result in a significant increased demand on parking. As such, the project would result in a less than significant impact on parking capacity.

(g): The project would not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks). The project is located within walking distance to the Downtown Campbell VTA Light Rail Station.

17. UTILITIES and SERVICE SYSTEMS

<i>Would the project:</i>		Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g)	Comply with federal, state, and local statutes and regulations related to solid wastes.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a and b): The utilities for the project, including sewage disposal, tie into existing service mains and would not require new service systems. The project would not generate significant amounts of new wastewater, and would therefore not exceed wastewater treatment requirements for the Regional Water Quality Control Board or require the construction of new water or wastewater treatment facilities.

(c to e): Storm drainage for the project will tie into existing service mains and will not result in the construction of new storm water drainage facilities or expansion of existing facilities. The water supply for the project ties into existing service mains. Therefore, the Project would not require new or altered service systems or new or expanded water resources or entitlements.

(f and g): Existing capacity at local landfills can accommodate the amount of construction material waste and no significant increase in new solid waste generation is expected as a result of project operation. The project would comply with federal, State, and local statutes and regulations related to solid waste.

18. MANDATORY FINDINGS OF SIGNIFICANCE

	Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a): Based on the findings of the Initial Study, construction and operation of the project, with mitigation, would not substantially degrade the quality the environment; reduce the habitat, population, or range of species; nor eliminate important examples of California history or prehistory.

(b): Based on the findings of this Initial Study, the project would not have individual or cumulative environmental impacts that cannot be mitigated to a less than significant level.

(c): Based on the findings of the Initial Study, there is no evidence to demonstrate that the project would cause a substantial adverse effect on human beings, either directly or indirectly.

III. RECOMMENDATION and DETERMINATION

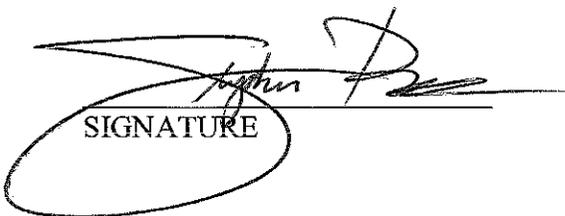
On the basis of this initial evaluation, and incorporation of the recommended mitigation measures into the project design:

1.	I find that the project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	<input checked="" type="checkbox"/>
2.	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
3.	I find the proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	<input type="checkbox"/>
4.	I find that the proposed project may have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	<input type="checkbox"/>
5.	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	<input type="checkbox"/>

Stephen Rose
PROJECT PLANNER

Associate Planner
TITLE

City of Campbell
AGENCY


SIGNATURE

July 5, 2016
DATE

IV. REFERENCE MATERIALS

Attachments (May be viewed online on the City of Campbell 'Public Notices' web page (<http://www.cityofcampbell.com/501/Public-Notices>) under 'Environmental Notices' or at the Campbell Community Development Department office (70 N First St., Campbell, CA 95008) during normal business hours).

1. Department of Parks and Recreation Form DPR 523A, October 1985, George Hyde Co. / Sunsweet Growers Primary Record
2. Historic Preservation Board Resolution No. 2016-01 - (Unsigned)

Reference Documents:

1. Bay Area Air Quality Management District (BAAQMD), June 2010, CEQA Air Quality Guidelines.
2. Bay Area Air Quality Management District (BAAQMD), December 2008, Source Inventory of Bay Area Greenhouse Gas Emissions.
3. California Environmental Protection Agency (CEPA) California Air Resources Board (CARB), April 2005, Air Quality and Land Use Handbook: A Community Health Perspective.
4. California Environmental Protection Agency (CEPA) California Air Resources Board (CARB), November 16, 2007, Staff Report: California 1990 Greenhouse Gas Emissions Level and 2020 Emissions Limit.
5. California Natural Diversity Database, 2000.
6. California Office of Planning and Research (OPR), June 19, 2008, Technical Advisory: CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review.
7. California Environmental Quality Act (CEQA) Statutes and Guidelines, 2016.
8. California Department of Transportation (DOT), updated March 16, 2016, Officially Designated State Scenic Highways. Retrieved July 5, 2016 from:
http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/scenic_hwy.htm
9. City of Campbell General Plan.
10. City of Campbell Zoning Code.
11. Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Community Map Number 06085C0237H, Effective Date May 18, 2009.
12. State of California, Seismic Hazard Zones Map, San Jose West Quadrangle, February 7, 2002.
13. U.S. Environmental Protection Agency, April 15, 2009, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007.

ATTACHMENT 1

GEORGE HYDE CO. / SUNSWEET GROWERS - PRIMARY RECORD

State of California - The Resources Agency Primary # _____
 DEPARTMENT OF PARKS AND RECREATION HRI # _____
 PRIMARY RECORD Trinomial _____
 NRHP Status Code _____
 Other Listings _____
 Review Code _____ Reviewer _____ Date _____

Page 1 of 2 *Resource Name or #: George Hyde Co./Sunsweet Growers

P1. Other Identifier: _____

*P2. Location: Not for Publication Unrestricted

*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T; _____ R _____ ; _____ of _____ of Sec _____ ; _____ B.M.

c. Address: 93 S. Central Ave (Currently 300 Orchard City Drive) City Campbell Zip 95008

d. UTM: (Give more than one for large and/or linear resources) Zone _____, _____ mE/_____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 412-07-048

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Several interconnected brick/wood commercial/industrial buildings of two or one-story height. Wood-frame windows, sloped roofs of corrugated tin.

Structures were developed twice for commercial use; in the 1970's for a retail/business center commonly known as "The Factory", and again in 1984-85, for a primarily business/office complex commonly known as "Water Tower Plaza." The exterior of the buildings have been completely remodeled, bearing little resemblance to the original structures described above. Present appearance features color-coordinated painting of wood trim/awnings; wood sideboard and extensive landscaping.

*P3b. Resource Attributes: (List attributes and codes) 1-3 story Commercial Building

*P4. Resources Present:

Building Structure Object
 Site District Element of District Other (Isolates, etc.)

P5b. Description of Photo: (view, date, accession #) Side View,

10/21/2008

*P6. Date Constructed/Age and Source: Historic

Prehistoric

Both

1892-1909

*P7. Owner and Address: _____

*P8. Recorded by: (Name, affiliation, and address)

Peggy Coats

City of Campbell Museum

51 N. Central Ave.

*P9. Date Recorded: 10/1985

*P10. Survey Type: (Describe)

Inventory Update

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



*P11. Report Citation: (Cite survey report and other sources, or enter "none.") 1977-78 Historic Survey. "Sunsweet", A history (Sunsweet Inc.)

*Attachments: NONE Location Map Continuation Sheet Building, Structure, and Object Record

Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record

Artifact Record Photograph Record Other (List): _____

*NRHP Status Code _____

Page 2 of 2 *Resource Name or # (Assigned by recorder) _____

B1. Historic Name: George Hyde Co./Sunsweet Growers

B2. Common Name: George Hyde Co./Sunsweet Growers

B3. Original Use: Industrial B4. Present Use: Commercial

*B5. Architectural Style: Brick Commercial/ Industrial building

*B6. Construction History: (Construction date, alterations, and date of alterations)

Built, 1892-1909.

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features:

B9a. Architect: Unknown b. Builder: Unknown

*B10. Significance: Theme Economic/Industrial Area _____

Period of Significance _____ Property Type _____

Applicable Criteria _____

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The site was originally occupied from 1887-1890, by Flemmings Fruit Dryer, which employed 700 people and shipped 120 carloads of fruit during their first season of operation. They were acquired in 1890 by Frank Buxton's Dryer, which was in turn acquired, in 1892 by the Campbell Fruit Growers Union. Original complex consisted of a packing house, and 17 acres of fruit dry-yards, headed by Campbell grower F.M. Righter. In 1909, George Hyde bought the acreage and converted the packing house to a canning and dehydrating plant. In 1937, Hyde sold the facility to the California Prune and Apricot Growers Association, which he had been affiliated with since 1917. The site/complex became known as the Campbell Cooperative Dryer, one of five experimental dryers in the Sunsweet Association. It expanded to become a 48-tunnel plant, the largest in the world during the eleven affiliated dehydrators and dryers: Campbell, Feather River, Hollister, Morgan Hill, Napa, Oak Grove, Santa Rosa, Silverado, Solano, Tehama and Ukiah. Plant closed in 1971, and has since been used commercially.

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

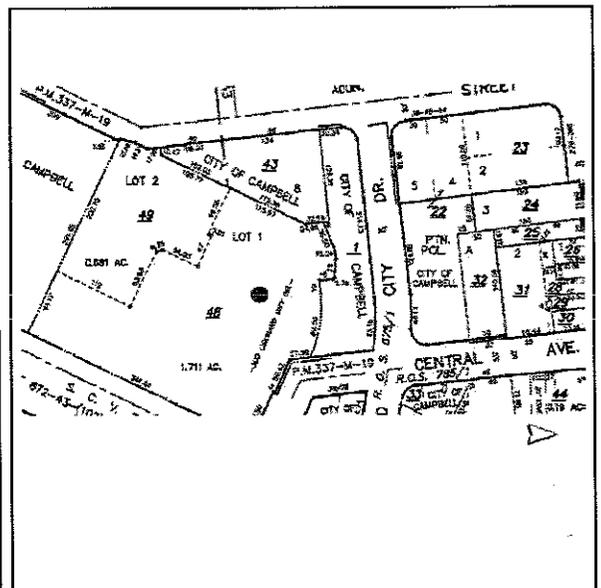
Tom M. King (October 20, 1977)
 City of Campbell Historic Survey 1977-78

B13. Remarks:

*B14. Evaluator: See P8

*Date of Evaluation: See P9

(This space reserved for official comments.)



ATTACHMENT 2

HISTORIC PRESERVATION BOARD RESOLUTION NO. 2016-01 (UNSIGNED)

RESOLUTION NO. 2016-01

BEING A RESOLUTION OF THE HISTORIC PRESERVATION BOARD OF THE CITY OF CAMPBELL RECOMMENDING THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION (PLN2016-73) TO PREVIOUSLY APPROVED PLANNED DEVELOPMENT PERMITS (PD84-02, PD84-05, PD90-01 AND M92-11) TO ALLOW THE EXTERIOR REMODEL OF AN EXISTING BUILDING THAT IS LISTED ON THE CITY'S HISTORIC RESOURCE INVENTORY (GEORGE HYDE CO. SUNSWEET GROWERS) AS WELL AS ASSOCIATED ON-SITE AND OFF-SITE IMPROVEMENTS AND A TREE REMOVAL PERMIT (PLN2016-154) TO ALLOW THE REMOVAL OF PROTECTED TREE(S) AT 300 & 307 ORCHARD CITY DRIVE.

After due consideration of all evidence presented, the Historic Preservation Board did find as follows with respect to the proposed Modification (PLN2016-73) and Tree Removal Permit (PLN2016-154).

1. The zoning designation for the project site is P-D (Planned Development). Exterior alterations to a historic property in this zoning district may occur with the approval of a Planned Development Permit.
2. The project consists of exterior façade and site upgrades to the Water Tower Plaza.
3. The proposal is intended to renovate the site with particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company (1892-1937).
4. The proposal would remove non-historic elements of the building and site, reconfigure entrances, and improve accessibility.
5. The changes proposed by the project are consistent with the Historic Preservation Ordinance, and the Secretary of Interior Standards and do not detract from the existing architectural character of the building or site.
6. The proposed exterior changes are consistent with the purpose of the Historic Preservation ordinance to enhance the visual character of the city by encouraging and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural traditions.
7. The changes proposed, including the request to remove two olive trees, will be reviewed to determine conformance with the City's zoning regulations by the Planning Commission at a public hearing. At such time, the Historic Preservation Board's recommendation for approval will be taken into consideration.

Based upon the foregoing findings of fact, the Historic Preservation Board further finds and concludes that:

1. The action proposed is consistent with the purpose of the Historic Preservation Ordinance.
2. The action proposed is consistent with the Secretary of the Interior's Standards for the treatment of historic properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.
3. The action proposed will not be detrimental to a structure or feature of significant aesthetic, architectural, cultural, or engineering interest or value of an historical nature.

THEREFORE, BE IT RESOLVED that the Historic Preservation Board recommends Planning Commission approve a Modification (PLN2016-73) to previously approved planned development permits (PD84-02, PD84-05, PD90-01 and M92-11) to allow the exterior remodel of an existing building that is listed on the city's historic resource inventory (George Hyde Co. / Sunsweet Growers) as well as associated on-site and off-site improvements and a tree removal permit (PLN2016-154) to allow the removal of protected tree(s) at 300 & 307 Orchard City Drive, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this 25th day of May 2016, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
 JoElle Hernandez, Chair

ATTEST: _____
 Cindy McCormick, Secretary

HPB RECOMMENDED CONDITIONS FOR APPROVAL OF FILE NO. PLN2016-73 & PLN2016-154 (MODIFICATION & TREE REMOVAL)

SITE ADDRESS: 300 & 307 Orchard City Drive
APPLICANT: Brice Colton
OWNER: Water Tower Fee Owner, LLC
HPB MEETING: May 25, 2016

1. Approved Project: Approval granted for a Modification (PLN2016-73) to previously approved Planned Development Permits (PD84-02, PD84-05, PD90-01 and M92-11) to allow the exterior remodel of an existing building that is listed on the City's Historic Resource Inventory (George Hyde Co. Sunsweet Growers) as well as associated on-site and off-site improvements and a Tree Removal Permit (PLN2016-154) to allow the removal of protected tree(s). The project shall substantially conform to the Project Plans stamped as received by the Community Development Department on February 25, 2016, except as may be modified by the Conditions of Approval specified herein.
2. Rehabilitation: All features dating to the complex's drying and canning eras should be rehabilitated wherever feasible. If any of these features are found to be deteriorated, careful repair is preferred treatment. If deterioration is severe enough so that the feature has failed, the replacement should match the original in design, color, texture, and materials.
3. Historic Plaque: The applicant shall submit plans for a historic plaque to be installed on either a monument or on a plaque in visible location on the property. The design, placement, and installation method of the plaque shall be to the satisfaction of the Community Development Director.
4. Brick: New brick, where added to the entry of Building J, shall be differentiated from the old/historic brick of the building to the satisfaction of the Community Development Director.
5. Contractor - Unexpected Conditions: In the event that unexpected damage or historic features (e.g. signage, murals, historic openings or brickwork) are discovered during the construction process, the contractor shall stop work on the affected portion of the project and seek written authorization of the Community Development Director prior to proceeding. To obtain authorization, the contractor shall work with the project architect/applicant to evaluate options to restore the existing material to the extent feasible. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence to the satisfaction of the Community Development Director.
6. Salvage: Where significant historic features cannot be restored in place, they shall be salvaged for use elsewhere on the site, donated to a historic agency, or used for interpretive display.

MEMORANDUM

DATE	February 24, 2016	PROJECT NO.	16013
TO	Jonel Porta	PROJECT	Water Tower Plaza Consultation
OF	Four Corners Properties 339 S. San Antonio Rd, Ste 2B Los Altos, CA 94002	FROM	Eleanor Cox, Associate Page & Turnbull
CC	Ruth Todd, Principal Page & Turnbull	VIA	Email

REGARDING: Design Consultation, Memo #1**INTRODUCTION**

Water Tower Plaza is a former industrial complex in Campbell, California. The property is currently listed as an individually significant historic resource on two local inventory lists: the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. The property is not listed on the state or national registers, but its standing as a local historic resource qualifies Water Tower Plaza as a resource for the purposes of California Environmental Quality Act (CEQA) review.

Since the 1980s, the complex has functioned as a commercial space and office center. A proposed project to update the facilities at Water Tower Plaza is currently in its initial design phase. Page & Turnbull has reviewed early concepts for the proposed project and spoken with the project Architect. This memorandum provides some general recommendations for the treatment of existing historic features and also for future design decisions as the proposed project develops. The recommendations included herein are intended to help guide a sensitive rehabilitation of the historic resource.

PROPOSED PROJECT DESCRIPTION

The following project description is derived and adapted from the Project Narrative prepared by project architect Habitec for the City of Campbell Planning Department submittal package dated February 24, 2016.

The project sponsor is proposing a renovation to an existing historical resource, with particular sensitivity to the early eras of the Campbell Fruit Growers Union and the George E. Hyde Company (1892-1937). The primary goal is to create a functional and attractive office center that incorporates architectural elements of the past, thereby attracting tenants who are looking for a venue with more character than many modern office parks offer. A historically sensitive project at Water Tower Plaza

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PLANNING & RESEARCH
PRESERVATION TECHNOLOGY

could result in a high-quality and business-oriented office center consistent with the City of Campbell's goals for the downtown core and with the direction of today's economy.

This proposal would remove many of the non-historic elements (features that are *not* character-defining) added during the Water Tower Plaza era, rehabilitate historic architectural features where feasible, and introduce new elements that respect the site's industrial past to create an attractive office center and provide updated amenities for today's workforce.

Specific scope of work items include¹:

- Remove portions of the non-historic landscape, paving, and site work as shown in the Planning Submittal. Trees shall remain unless otherwise noted;
- Remove non-historic elements in certain areas that were added to the buildings during a 1980s remodel, including stucco fascia and bands, green fabric awnings, brick planters, ramp, arched entry system on Building J, and other exterior elements as shown in the Planning Submittal;
- Remove stucco parapet at Building J and replace with corrugated metal parapet;
- Reconfigure existing non-historic entry at Building J as shown;
- Install exterior independent metal feature wall at main entry of Building J;
- Remove parapet in front of original clerestory windows on Building G, remove boards from windows and prepare windows for re-use;
- Install smaller metal-clad feature walls near buildings I and C;
- Install new landscape and hardscape as shown;
- Install new corrugated metal cornices and roof screens as shown;
- Install new ADA accessible lift and stairs;
- Reinforce structure of existing two-story exterior walkway at buildings A and D and install new finishes;
- Repaint stucco at buildings A and D;
- Paint window frames and install new window awnings throughout.

It is understood that elevations which are not easily visible from the street or courtyard and the interiors of the buildings that comprise the complex have not yet been addressed in the preliminary Planning Submittal. The following recommendations will include broad-brush approaches to those areas for future submittals.

¹ "A Planned Development Submittal for: The cannery At Water Tower Plaza", Site and Building Exterior Improvements, 300 Orchard City Drive, Campbell, CA, 95008.

DESIGN APPROACH RECOMMENDATIONS

It is Page & Turnbull's opinion that the proposed project has already established a sensitive approach to the treatment of Water Tower Plaza by largely retaining those character-defining features that are outlined in a 2014 Consultation Memo. These recommendations are meant to further inform initial rehabilitation planning for Water Tower Plaza in areas that have not yet been fully addressed or explicitly stated in the conceptual drawings, renderings, or project narrative. They are general in nature, and can be further developed along with the project.

Treatment of Existing Features

- Water Tower Plaza has an industrial design vocabulary with updated elements that convey its current commercial use. All historic features dating to the complex's drying and canning eras should be rehabilitated where feasible. A majority of the buildings within the complex date to this period, and the specific character-defining features are outlined in Page & Turnbull's 2014 Consultation memo. If any of these features are found to be deteriorated, careful repair is the preferred treatment. If deterioration is severe enough so that the feature has failed, the replacement should match the original in design, color, texture, and materials.
- Proposed alterations would be best situated in areas of Water Tower Plaza that have already experienced non-historic interventions. These areas include the landscaping and hardscaping throughout the site and in the shared courtyard, as well as those features which are outlined as *not* character-defining in the 2014 Consultation Memo.
- Water Tower Plaza is a fairly low-rise development that features interesting industrial-era roof forms. It does not appear that an addition above the third story anywhere within the complex would be compatible with the established character of the historic resource.
- The interconnectedness between the buildings and extant circulation routes throughout the site should be maintained.
- Additional research is required to determine if the fenestration on buildings C and F (and possibly in other locations) date to the period of significance. Historic photos show that the facades of the buildings did not feature expansive historically. Loading docks and sliding doors predominated during the period of significance. Typical fenestration included skylights or clerestory windows. Additional non-historic fenestration was inserted during the Water Tower Plaza era to accommodate the commercial use. It is recommended that replacement fenestration be located in existing openings (historic or non-historic), but not expanded beyond the fenestration openings currently in place.
- A comprehensive survey of historic interior features has not been completed. Due to the change in use from industrial to commercial, it seems likely that the interiors at Water Tower Plaza have been highly altered from their historic appearance and configuration, and thus the spaces are adaptable for future tenant use. However, it is possible that signage, murals, and even historic openings or brickwork may be uncovered on the interiors during the proposed rehabilitation. It is recommended that these features

be restored in place, if uncovered. If restoration in place is not feasible, it is recommended that these features be salvaged for use elsewhere on the site or for interpretive display (see Future Considerations for more information on the potential for interpretive display).

- It is also recommended that established exterior features which are historic but cannot be restored in place be salvaged for use elsewhere on the site or for interpretive display.
- The integrity of the resource was impacted during the 1970s and 1980s renovations; it will be important in moving forward to make sure that future projects do not further impact the complex's remaining integrity by removing, obscuring, or damaging the extant character-defining features.

Future Considerations for Design Development

- When choosing lighting, site furnishings (such as benches or planters), and signage at future stages of the project, the designs should maintain the updated industrial vocabulary shown in the current renderings while not giving the false impression of being historic or original to the property. Modern yet understated selections within the identified material palette are most likely to be standards compliant.
- In planning for future landscape and hardscape improvements, consider the historic industrial nature of the property. Excessive decorative vegetation would not have been found at the former drying and canning plant.
- As mentioned previously in this memorandum and in Page & Turnbull's 2014 Consultation Memo, the integrity of the former industrial complex has been compromised by the ca. 1970s and 1980s renovations that saw the complex converted from industrial to commercial/retail use. While not currently a requirement of the project, the project sponsor may choose to consider an interpretive program within one of the semi-public entryways or adjacent to the parking area which highlights the significant history of Water Tower Plaza. The interpretive content could be drawn from existing documentation outlined in the 2014 Consultation Memo, and include the historic photos and maps already collected by the project architect (with use permissions by repositories). This would be a voluntary measure to mitigate some of the damage already inflicted on the historic resource by insensitive renovations in the past.

THE CANNERY AT WATER TOWER PLAZA

EXTERIOR IMPROVEMENTS
300 Orchard Drive, Campbell, CA



Project Plan Review

Prepared for
City of Campbell
Community Development Department
70 N. First Street
Campbell, CA

MSA Inc. **M. SANDOVAL**
ARCHITECTS, INC.
Architecture - Historic Preservation - Design

May 9, 2016



Figure 1: Proposed Primary Elevation (North Elevation)

Report Objectives

Mark Sandoval, AIA of M. Sandoval Architects, Inc. was contacted by the City of Campbell to review and prepare this report for 300 Orchard City Drive (formerly 93 Central Avenue). This report is intended for the use of the Planning Department and the Planning Commission to help in the guidance during the approval process for this development project. The comments contained within this report, are not designed to point out any deficiencies or to voice opinions on if the design presented by the applicant is somehow of a lesser quality than normal applications of this kind. Rather, the goals of these recommendations are only intended as a means to convey certain observations which might enhance and refine the project currently under consideration with the City.

Documents Provided

Drawings dated 2/24/16 prepared by Habitec, Architecture and Interior Design, 111 West Saint John Street, Suite 950, San Jose, CA consisting of the following:

- A0.1 COVER SHEET GENERAL NOTES**
- A0.2 TYPICAL ADA DETAILS**
- A1.0 EXISTING GENERAL SITE PLAN**
- A1.1 NEW GENERAL SITE PLAN**
- A1.2 NEW SCHEMATIC LANDSCAPE SITE PLAN**
- A2.0 ENLARGED DEMOLITION PLAN**
- A2.1 NEW ENLARGED SITE PLANS**
- A2.2 NEW ENLARGED SITE PLANS**
- A3.1 EXISTING ELEVATIONS**
- A3.2 PROPOSED ELEVATIONS BUILDING G AND J**

A3.3 PROPOSED ELEVATIONS A, D, AND F
A4.1 SCHEMATIC PROPOSED SECTIONS BUILDING J

Other Material Provided

Planning Submittal for: The Cannery at Water Tower Plaza Site and Building Exterior Improvements 300 Orchard City Drive (formerly 93 Central Avenue) Campbell, California

Memorandum: Design Consultation Memo #1, dated 2/24/16 to Joel Porte, Four Corners Properties, from Eleanor Cox, , Associate Page & Turnbull

Email Correspondence: from Stephen Rose, Associate Planner, Community Development Department dated 4/18/16 to Mark Sandoval, AIA



Figure 2: Site Plans of the Cannery at Water Tower Plaza (Existing to the left, Proposed to the right)

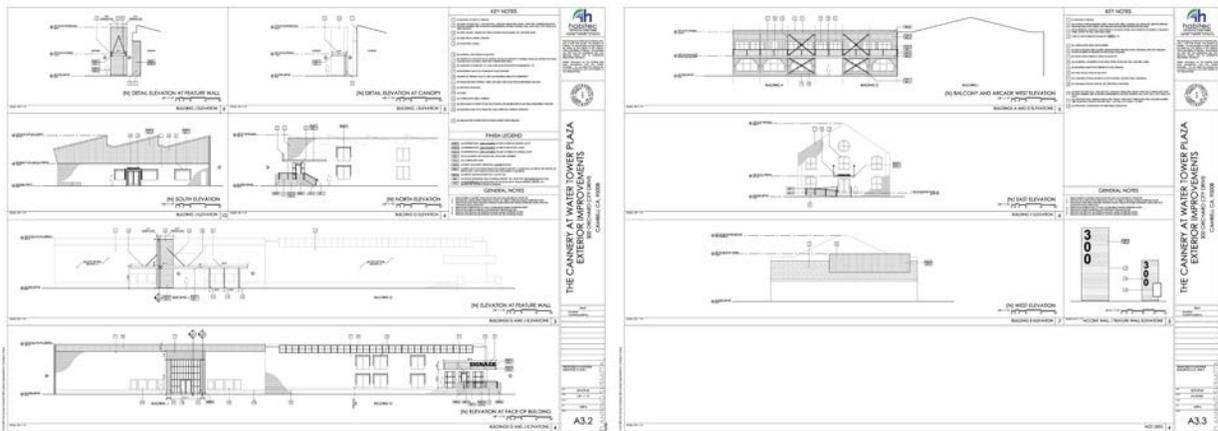


Figure 3: Proposed Architectural Elevation Drawings

Project Summary

The proposal exterior improvements for The Cannery, currently known as Water Tower Plaza, is not intended to be a restoration project of the George E. Hyde Company Fruit Packing Building, but rather a contemporary update of this historical resource. The goal as stated in the in the project's description submitted by the Applicant is to create a unique office center that combines elements of the past and the future, and attracts new tenants looking for an atmosphere with more character than many modern buildings offer. In making these building upgrades and façade improvements, it is their hope to elevate The Cannery to a more competitive, high-quality, and business-oriented office center is consistent with the City of Campbell's objectives for a more viable and active downtown core.

As noted this property has operated under many names and for many purposes, including the Campbell Fruit Growers' Union, the George E. Hyde Company, the California Prune and Apricot Growers' Association, The Factory, and Water Tower Plaza. Of these historic periods, the George E. Hyde Company and Water Tower Plaza are the most visible today. Most of the existing buildings were constructed during the Hyde era, and the current landscape, window treatments, and paint colors date to the Water Tower Plaza remodel of the 1980s.

The applicant is proposing to remove some of the dated non historic elements that had been added during the Water Tower Plaza era, and to return some of the recognizable architectural features to the look when the building was occupied by the George Hyde Company where feasible. In addition, the applicant wishes to introduce new architectural features that are respectful of the site's past and to create an attractive office center.

Background

Water Tower Plaza is a former industrial complex in Campbell, California. The property is currently listed as an individually significant historic resource on two local inventory lists: the Santa Clara County Heritage Resource Inventory and the City of Campbell Historic Resources Inventory. The property is not listed on the state or national

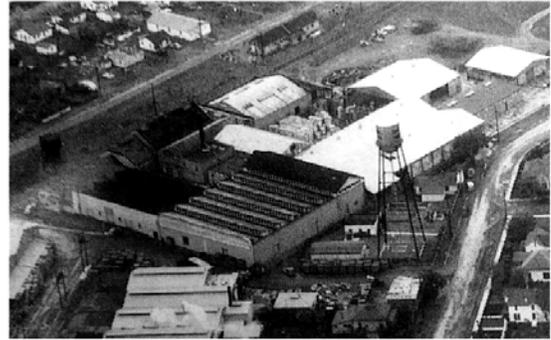


Figure 4: Aerial photograph taken in 1945 of project site



Figure 5: Photograph of Building G taken reportedly in 1945



Figure 6: Photograph of Building G taken reportedly before 1920 with original clerestory ribbon windows at upper wall



Figure 7: Rendering of proposed main entrance steel constructed canopy with vertical corrugated wall



Figure 8: Photograph taken from the side parking lot of the current arched entrance to Building J



Figure 9: Rendering of new corner entrance with steel constructed entrance canopy

registers, but its standing as a local historic resource qualifies Water Tower Plaza as a resource for the purposes of California Environmental Quality Act or (CEQA)¹ review

Unfortunately the integrity of the former industrial complex was significantly compromised during the 1970s and 1980s building renovations that saw the complex converted from industrial to commercial/retail use. Since the 1980s, this complex has functioned as a commercial space and office center. The proposed exterior modifications continue to enhance this continued use for this building complex.

Proposed Alterations

The following is a summary of the various modifications that have been proposed by the applicant:

- Remove portions of the non-historic landscape, paving, and site work as shown in the Planning Submittal. Existing trees for the most part are to remain unless otherwise noted;
- Remove non-historic elements in certain areas that were added to the buildings during a 1980s remodel, including stucco fascia and bands, green fabric awnings, brick planters, ramp, arched entry system on Building J, and other exterior elements as shown in the Planning Submittal;
- Remove stucco parapet at Building J and replace with corrugated metal parapet;
- Reconfigure existing non-historic primary entry at Building J as shown;
- Install exterior independent metal feature wall at main entry of Building J;
- Remove parapet in front of original clerestory windows on Building G, remove boards from windows and prepare windows for re-use;

¹ California Environmental Quality Act, §21084.1.1 Historical Resource; Substantial Adverse Change



Figure 10: Photograph taken of corner entrance to Building J



Figure 11: Rendering of Buildings E, F and J viewed from the side parking lot



Figure 12: Photograph taken of the current façade of Building J

- Install smaller metal clad feature walls near buildings I and C;
- Install new landscape and hardscape as shown;
- Install new corrugated metal cornices and roof screens as shown;
- Install new ADA accessible lift and stairs;
- Reinforce structure of existing two-story exterior walkway at buildings A and D and install new finishes;
- Repaint stucco at buildings A and D;
- Paint window frames and install new window awnings throughout. It is understood that elevations which are not easily visible from the street or courtyard and the interiors of the buildings that comprise the complex have not yet been addressed in the preliminary Planning Submittal.

General Overview of Project

For the most part the proposed building alterations are both imaginative and all appear sensitive to the existing character this important historical resource for the City of Campbell. Utilizing a contemporary stylistic interpretation of comparable adaptive reuse industrial building models, the architect has crafted these new building upgrades, so they should generate new energy to an otherwise is a visually dated business center complex. The overall general design direction is positive, and the material and color palette selected for the project all appear to be compatible; continuing to reinforce the existing industrial narrative of the site's past.

Recommendations

In the examination of the various materials provided by the applicant, there does however appear to be a number of areas that require further detail and development by the project's architect. These

items of concern are listed both below, and within the recommendations outlined in this Plan Review.

The memorandum dated February 24, 2016, prepared by Page & Turnbull, the applicant's Historical Architect Consultant for the project, and voiced concerns regarding the limited amount of detail currently provided by the applicant for these alterations and what potential impact they may have on the remaining historical features of each building the work is to be performed. Currently I agree and believe the drawings and information provided are just too vague, and lack important detail information (even if preliminary), just how these proposed building alterations and additions are to attach, interface, and be structurally supported. As a consequence, it is difficult to ascertain the actual extent of removal and/or possible damage that may occur to the existing historical building features will take place during the implementation of this proposed work.

It is understood the applicant is not proposing a restoration project, "but rather as a contemporary update to a historical resource."² Still these alterations are proposed for an important local historic resource for the City of Campbell and therefore, a greater level of detail must be provided to ensure that implementation of this work will not lead to extending further damage to the existing historical aspects of the building. It is my belief that adequate measures must be in place to ensure that all of the current remodeling work under consideration is carefully planned, implemented, and monitored. This notion also seems implied by the memorandum prepared by the applicant's own Historic Architect Consultant as well.

The following items are of general concern that have been omitted from this application but in my belief are needed to fully understanding the actual scope and magnitude of the work currently proposed by the applicant.

1. It is assumed because of the additional weight of some of these attached additions to the building there will be an increase in both the axial and lateral applied loading forces to the existing structure. Some information should be provided even if only preliminary as to just how these features are to attach and be structurally supported. It would also help if there were structural concept details and partial building sections to assist with clarifying these assemblies—particularly for the new clerestory with ribbon windows above Building G, the new proposed wood framed balconies, and the steel framed canopies.
2. In addition, upon my visual examination of the front elevation of the building (viewed from the front parking lot connecting Orchard City Drive), it appears that there are several horizontal in-fill brick courses visible just below the upper applied stucco parapet wall. This upper section of the front wall had been the original location where the clerestory windows (Figure 5 and Figure 6) had been placed. Correlating these observations with the current proposed drawings (Figure 3), it is difficult to determine if the architect's intention is to remove only this in-fill brick section or to rebuild the entire parapet within this upper wall location. Since there have been no enlarged building sections of this area provided, it is unclear how this very important proposed design element is to attach to both the roof structure, or the existing brick wall of the façade; and as a consequence what amount of demolition and reconstruction is actually required.
3. I have a similar concern regarding the removal of the applied stucco walls and decorative trim area and the installation attachment to the existing face of the brick and the actual extent of repairs may be needed in these areas to properly execute the new work illustrated in the current drawings. Returning again to the memorandum prepared by Page & Turnbull, they make the following recommendations which have been

² Taken from the applicant's Planning Submittal for: The Cannery at Water Tower Plaza, (Page 2)

paraphrased below.

“Recommended Treatment of Existing Features

- *All features dating to the complex’s drying and canning eras should be rehabilitated wherever feasible...If any of these features are found to be deteriorated, careful repair is preferred treatment. If deterioration is severe enough so that the feature has failed, the replacement should match the original in design, color, texture, and materials.*
- *Additional research is required to determine if the fenestration on buildings C and F (and possibly in other locations) date to the period of significance...It is recommended that replacement fenestration be located in existing openings (historic or non-historic), but not expanded beyond the fenestration opening currently in place.*
- *A comprehensive survey of historic interior features has not been completed. Due to the change in the use from industrial to commercial, it seems likely that the interiors at the Water Tower Plaza have been highly altered from their historic appearance and configuration, and thus are adaptable for future tenant use. However, it is possible that signage, murals, even historic openings or brickwork may be uncovered on the interiors during the proposed rehabilitation. It is recommended that these features be restored in place, if uncovered. If restoration in place is not feasible, it is recommended that these features be salvaged for use elsewhere on the site or for interpretive display.*
- *It is also recommended that established exterior features which are historic but cannot be restored in place be salvaged for use elsewhere on the site for interpretive display.*
- *The integrity of the resource was impacted during the 1970s and 1980s renovations; it will be important in moving forward to make sure that future projects do not further impact the complex’s remaining integrity by removing, obscuring, or damaging the extant character defining features.”*

Although it is quite possible that the proposed remodeling improvements to the existing Water Tower Plaza complex may not adversely impact the remaining historical features found on the various building which the remodeling work is to be performed however, currently there is just not enough information provided to make this determination.

Perhaps if selective demolition of the localized areas in question could be performed by the developer (under the direct supervision of the applicant’s Historic Architect and Structural Engineer Consultants), then additional drawings might be prepared which could provide greater clarity as to how these building alterations attach and interfaced with the existing historic fabric of the building. It is my belief that this added level of detail, particularly during the early phase of the project’s review process, can only further assist both the applicant and the city, with their understanding as to the limits and magnitude of the actual construction work involved. In addition, this added knowledge then could drive important decisions as to what protective measures and/or additional monitoring of the project (if any) might be needed during the course of the construction process. However based on the current level of detail provide, many of these



Figure 13: Photograph taken of corner entrance to Building J



Figure 14: Rendering of Buildings E, F and J viewed from the side parking lot



Figure 15: Rendering of Buildings E, F and J viewed from the side parking lot

important questions just cannot be determined at this time.

Building, Site and Landscape Improvements

The applicant's architect is proposing to make no significant changes in any of the existing established pedestrian circulation patterns accessing the various building within this office complex. The proposed improvements are only stylistic substitutions of materials and building alterations and additions that are intended to visually energize the common outdoor spaces, and to create a newer and more fashionable contemporary look to the exterior façade of the buildings. The existing concrete walk areas have been removed and replaced with the concrete linear pavers set on a diagonal with irregular open edging. Landscaping which is to be added is specified as drought tolerant vegetation, and all existing trees on the site are to remain.

Common Plaza

The applicant is proposing to construct a new steel and wood framed balcony for the upper tenant spaces that overlook the common outdoor space and to incorporate a corrugated metal wall to extend the existing parapet wall of the building, so that a wood pergola structure may be constructed to shade the upper deck (Figure 15). Steel guard rails with metal cable are shown between each of the vertical posts supporting the pergola above. The current brick planters and directory are shown removed (Figure 16). All brick within the current arcade also appears to be removed and replaced with linear concrete paving.

It is my understanding that all redwoods and trees are to remain, and that all new planting material is to drought tolerant in this area. There are also upgrades planned for plaza area located between the First Street Parking Garage to the south, the Condominiums to the east, Buildings B, C and L to the west,

and Buildings A and D to the north (Figure 15). The improvements shown are relatively modest and include the removal of the existing rigid metal framed awning over the small raised area of the plaza, also for the construction of a new wood pergola structure. Below this structure, that architect is proposing a steel and wood privacy fence/planter to be constructed. An assortment of various chairs and benches are also proposed to enhance the usability and to make this small outdoor space more visually appealing.

Other than not fully understanding what planting material is to be used and just how it might survive in the narrow planter slots at the top of these walls shown in the rendering provided, most of these improvements should provide some degree of added enhancement to this area within the office complex.

Recommendations

The city may wish the applicant's architect to develop this design concept a bit further, and to provide more detail on both this privacy fence, pergola and lighting for this area. There could be a concern as to the actual scale of the pergola structure in relationship with the rest of the buildings and particularly in relationship with the new steel and wood framed balconies; the pergola might seem diminished and out of scale. Also since there was no light fixtures proposed for this project, it is unclear (other than just the existing lamp posts) just how these new areas and amenities are to be illuminated.

Common paved areas between Building H, I and J

As shown in the New Site Plan (Figure 2), the existing concrete handicap ramp is to be removed in favor of a handicap lift which is to be placed at a diagonal paralleling the new entrance access to Building G. There are a number of benefits with the elimination of this ramp and the



Figure 16: Rendering of the new entrance to Building G with the proposed handicap lift



Figure 17: Photograph taken of current sloped handicap ramp entrance to Building G



Figure 18: Photograph taken of the walkway between the First Street Parking Garage and the Condominium Building

awning above from this area. It not only allows for both added landscaping opportunities, but also offers the possibility to create a more inviting entrance statement. Unfortunately, the current design for this area does little to contribute anything exciting to this entrance. In addition because no protection from the weather has been provided for this entrance, visitors either using the lift or accessing the building might feel somewhat unwelcomed. Perhaps the applicant's architect may wish to explore using either a similarly styled steel-constructed canopy or come up with an alternate design solution for this area, to provide both shelter and to create greater identity to this important entry point to this building.

Other Considerations

Currently there is wide collection of various signs within Water Tower Plaza complex and there appears to be no clues in the current project proposal of bring any change to this situation; anytime in the near future. Since there appears to be desire to recreate this office center at this time, it is my belief that the applicant should be instructed to develop a comprehensive sign program and include this as part of this project. Included as part of this program, interpretive signage within the semi-public entryways or adjacent to the parking lot areas should be included; that highlight (with photographs and text narratives) the significant history of the Water Tower Plaza and its role in the early development of the City of Campbell. This master sign program should indicated the placement and locations of all directory signage along with tenant signs, also specifying quantity, size, and attachment method and illumination source. This will ultimately help add a greater cohesion to the entire project, and help in creating a more unified and central design theme for the site.

The City has received numerous complaints from the neighboring Condominiums of unpleasant public loitering in and around the common plaza and the public walkway between the First Street Parking Garage and the Condominium Building during the nighttime hours. Although these issue are understandably outside of the actual scope of work currently under consideration and involve issues that our outside the control of the applicant, the city still may wish to direct the applicant's architect to add additional lighting within these areas of concern that might help in curbing such activities. In doing so, this will only provide greater security and added enjoyment to all connecting properties that may be plagued with this undesirable activity at night.

Conclusion

Other than the specific concerns expressed above, it is my belief that the overall concepts presented by the applicant for the Cannery at Water Tower Plaza, should create an exciting and refreshing new look and add to vitality of this extremely important historic resource for the City of Campbell.

Responses to Consulting Architect Comments

1. Based on our discussions, our proposed architectural renovations are not anticipated to add substantial weight to the buildings as a whole. The following is a summary of our proposed architectural renovations to the buildings:

Building G:

- Remove existing parapet to expose original clerestory windows. No new clerestory or ribbon windows are being added. The removal of existing elements will not increase building mass.
- Remove existing fabric awnings and replace with light weight signage at the north corner. There is an existing steel canopy behind the green awning which will remain. The new signage will be attached to this existing steel canopy. Based on our preliminary research, the weight of the new signage will be similar to the weight of the existing green awning.
- Remove existing green awnings above existing windows and replace with light weight steel canopies. Again, we do not anticipate substantial weight to be added to the building.

Building J:

- Remove existing stucco parapet and replace with corrugated metal parapet. We anticipate the new metal parapet will weigh less than the original stucco.
- Reconfigure existing primary entrance with brick clad entry portal. This new brick clad portal will have its own foundation to support its own gravity load. The portal can be attached to the building for seismic without substantial increase (<10%) in the overall weight of the building.
- Install new independent steel canopies and architectural feature wall in the front façade. These elements will be independent from the building with their own foundation and lateral support.

Building A/D:

- Reinforce existing 2nd floor exterior walkway. The existing wood framed structure of this walkway will remain and will be seismically strengthened by additional steel braces, as shown on our renderings.

In summary, we do not anticipate substantial increase in the building weight.

2. The intent of these architectural renovation is to remove the existing stucco parapets to expose the original clerestory windows. After a detailed observation of the existing interior exposed wall of building G, the original clerestory windows can be exposed. Since the intent is to remove existing elements such as the stucco parapet, it will not increase the building weight.
3. This concern is related to the condition of the existing elements that are hidden from view. We will identify these areas of concern with the help of our consultant architect and we will develop a set of instructions/guidelines for the contractor, should they encounter abnormal/unexpected exiting conditions. These instructions will ask the GC to report any existing and unexpected damage, and seek approval through the City, prior to continuing the work. However, it's worth mentioning it will be unlikely we will find everything.

Historic Plaque Example





City Council Report

Item: 11.
Category: Public Hearing
Date: August 16, 2016

TITLE Public Hearing to consider the application of Brian Skarbek for an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, within a Planned Development (PD) zoning district. (Resolution/Roll Call Vote)

RECOMMENDATION

The Planning Commission recommends that the City Council take the following action:

1. **Adopt the attached Resolution**, incorporating the attached findings, approving an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, subject to the attached Conditions of Approval.

DISCUSSION

Project Site: The project site comprises three properties which include 1708, 1740 & 1750 S. Winchester Boulevard, located on the east side of S. Winchester Boulevard, north of Garrison Drive (a private street), abutting an apartment community to the east and commercial properties to the north and south (reference **Attachment 2** – Location Map). The project site is zoned Planned Development (P-D), has a General Plan land use designation of Central Commercial, and is located within the boundaries of the Winchester Boulevard Master Plan (Area 3).

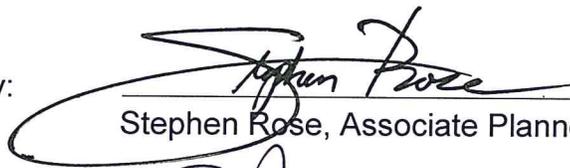
Applicant's Proposal: The applicant is requesting approval of an Administrative Planned Development Permit (PLN2015-98) and a Conditional Use Permit (PLN2015-99) to reconfigure an existing parking lot and establish a new outdoor patio with beer and wine service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan (WBMP).

Exception to WBMP: As a developed site, the applicant's proposal should adhere to the requirements of the WBMP to the extent feasible. In evaluation of these requirements, the site would comply with all of the standards of the WBMP except for a requirement to provide parking behind the building and outside of the streetscape setback –

necessitating review and approval of an exception to the WBMP by the City Council. Both the SARC and Planning Commission reviewed the exception request, concluding that the exception would be warranted in this instance as the existing building already encroaches into the required setback, and the introduction of an outdoor patio with landscaping to screen the new and existing parking stalls furthers the WBMP's objective to deemphasize parking and create a more pedestrian friendly streetscape. The applicant's proposal also provides safer ingress and egress to the site, and a greater number of parking stalls than presently exists.

Planning Commission Meeting: At its meeting of July 26, 2016, the Planning Commission held a public hearing on the project. The Commission voted unanimously to recommend approval of the project as proposed, with a revision to the first Condition of Approval to grant the flexibility of having a covered canopy, instead of umbrellas, over the proposed outdoor patio.

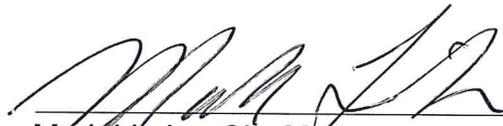
Prepared by:


Stephen Rose, Associate Planner

Reviewed by:


Paul Kermoyan, Community Development Director

Approved by:


Mark Linder, City Manager

Attachments:

1. Draft City Council Resolution
2. Location Map
3. Project Plans with Staff Clarifying Redlines
4. Planning Commission Staff Report
5. Planning Commission Meeting Minutes
6. SARC Memo
7. Property Photos
8. Parking Analysis
9. Administrative Record

RESOLUTION NO. _____

BEING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL APPROVING AN ADMINISTRATIVE PLANNED DEVELOPMENT PERMIT (PLN2015-98) AND CONDITIONAL USE PERMIT (PLN2015-99) TO ALLOW AN OUTDOOR PATIO WITH ALCOHOL SERVICE IN CONJUNCTION WITH AN EXISTING RESTAURANT (ORALE) WITH A REQUEST FOR AN EXCEPTION TO A STREETScape STANDARD CONTAINED WITHIN THE WINCHESTER BOULEVARD MASTER PLAN ON PROPERTIES LOCATED AT **1708, 1740 & 1750 S. WINCHESTER BOULEVARD.** FILE NO. PLN2015-98/99

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

The City Council finds as follows with regard to file number PLN2015-98/99:

Environmental Finding

1. The project qualifies as Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

Evidentiary Findings

1. The project site comprises three properties which include 1708, 1740 & 1750 S. Winchester Boulevard, located on the east side of S. Winchester Boulevard, north of Garrison Drive (a private street), abutting an apartment community to the east and commercial properties to the north and south.
2. The project site is zoned P-D (Planned Development) on the City of Campbell Zoning Map.
3. The project site is designated Central Commercial on the City of Campbell General Plan Land Use Map.
4. The project site is located within the Winchester Boulevard Master Plan (WBMP).
5. The proposal conforms to all requirements of the General Plan, Zoning, and Winchester Boulevard Master Plan, except that two new parking spaces are proposed within a 17-foot streetscape standard contained within the WBMP which requires approval of an exception to the WBMP to allow.
6. The request for an exception to the Winchester Boulevard Master Plan requires City Council approval.
7. The project site, as a developed site, is distinct from a new development which could more readily conform to the setbacks and development standards of the Winchester Boulevard Master Plan.

City Council Resolution

Approving an Administrative Planned Development Permit with Exception to WBMP

1708, 1740 & 1760 S. Winchester Boulevard – PLN2015-98/99

Page 2 of 3

8. The existing driveway to be removed and replaced is not long enough to warrant installation of the streetscape standard/details contained within the WBMP.
9. The existing building encroaches into the required streetscape setback of the WBMP.
10. The request for an exception to the Winchester Boulevard Master Plan is necessary for the preservation and enjoyment of a substantial property right, in that it continues to allow for minor improvements to the property until such time that a more substantive redevelopment of the site would trigger conformance with the streetscape standards.
11. The creation of an outdoor dining/patio area is responsive to the objective of the Winchester Boulevard Master Plan to create a more pedestrian friendly streetscape.
12. The requested exception to the Winchester Boulevard Master Plan is necessary to offset the parking impacts of the proposed outdoor patio and dining area.
13. The proposed project will be compatible with the underlying Central Commercial General Plan land use designation and the Winchester Boulevard Master Plan, as conditioned.
14. No substantial evidence has been presented which shows that the project, as currently presented and subject to the required Conditions of Approval, will have a significant adverse impact on the environment.
15. There is a reasonable relationship and a rough proportionality between the Conditions of Approval and the impacts of the project.
16. There is a reasonable relationship between the use of the fees imposed upon the project and the type of development project.

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

17. The proposed development or uses clearly would result in a more desirable environment and use of land than would be possible under any other zoning district classification;
18. The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area;
19. The proposed development will not result in allowing more residential units that would be allowed by other residential zoning districts which are consistent with the general plan designation of the property;

City Council Resolution

Approving an Administrative Planned Development Permit with Exception to WBMP
1708, 1740 & 1760 S. Winchester Boulevard – PLN2015-98/99

Page 3 of 3

20. The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole;
21. There are special circumstances and conditions affecting the subject property;
22. The exception is necessary for the preservation and enjoyment of a substantial property right of the developer;
23. The granted of the exception will not be detrimental to the public welfare, or injurious to other property in the area in which said property is situated; and
24. The project is Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

THEREFORE, BE IT RESOLVED that the City Council adopts a Resolution approving an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan, on property located at **1708, 1740, & 1750 S. Winchester Boulevard**, subject to the attached Conditions of Approval (attached Exhibit "A").

PASSED AND ADOPTED this _____ day of _____, 2016, by the following roll call vote:

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

APPROVED: _____
Jason T. Baker, Mayor

ATTEST: _____
Wendy Wood, City Clerk

CONDITIONS OF APPROVAL
Administrative Planned Development Permit and Conditional Use Permit
1708, 1740 & 1750 S. Winchester Blvd (PLN2015-98/99)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

1. Approved Project: Approval is granted for an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard. The project shall substantially conform to the revised project plans stamped as received by the Planning Division on May 16, 2016, and as redlined by staff to clarify the location of two additional parking spaces, except as may be modified by the conditions of approval herein. The applicant shall have the option to install a covered canopy, instead of umbrellas, over the proposed outdoor patio area.
2. Plan Revisions: The building permit submittal construction plans shall incorporate the following revisions:
 - a. Parking Space Screening: The plans submitted for building permit review shall reflect the incorporation of a green screen/living wall in front of the proposed parking spaces.
 - b. Patio Landscape Buffer: The plans submitted for building permit shall reflect the incorporation of enhanced landscaping in front of the proposed patio. The intent of this requirement is to provide buffer from the traffic on S. Winchester Boulevard and enhance the aesthetics of the outdoor dining area.
 - c. Rooftop Signs & Mechanical Equipment: The plans submitted for building permit shall reflect the incorporation of a more comprehensive (360-degree) rooftop mechanical equipment screen.
 - d. Patio Furniture: If the existing patio furniture is to be retained, please revise the plans to note as such accordingly and document the type/size of existing furniture and their proposed location on the project plans.
 - e. Trash Enclosure: The plans submitted for building permit shall reflect the incorporation of a trash enclosure behind the Jerusalem Bar and Grill. The trash enclosure shall comply with the requirements of CMC 21.18.110 and provide a sewer connection, and roof.

Compliance with these requirements and plan revisions shall be subject to the satisfaction of the Director of Community Development.

3. **Permit Expiration:** The Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) approved herein shall be valid for two years from the date of final approval. The City Council will be the final approving authority. Within this two-year period an application for a building permit must be submitted. Failure to meet this deadline will result in the Administrative Planned Development Permit and Conditional Use Permit being rendered void.
4. **Operational Standards:** Consistent with City standards, any restaurant operating pursuant to the Administrative Planned Development Permit and/or Conditional Use Permit approved herein shall conform to the following operational standards:
 - a. **Restaurant Seating:** Total seating shall be limited 52 seats (40 indoor, 12 outdoor). This seating limitation is also subject to the maximum occupancy capacities of certain rooms as determined by the California Building Code (CBC). It is the responsibility of the business owner to provide adequate entrance controls to ensure that patron occupancy is not exceeded. Maximum Occupancy signs shall be posted conspicuously within the premises.
 - b. **Bar Area:** No separate bar area, as defined by the Campbell Municipal Code, shall be permitted within the restaurant.
 - c. **Point of Sale:** No separate point of sale shall be allowed for beer and wine purchases, apart from the system used for food purchase. This restriction is intended to preclude the business from establishing a more bar like atmosphere by prioritizing or separating drink purchases from purchase of food.
 - d. **High Top Tables & Chairs:** The Community Development Director shall retain the ability to curtail the number of high top tables and chairs in the event that the subject tenant, or future tenants operating under pursuant to the Conditional Use Permit adopted herein, begin to resemble a bar atmosphere. The subject tenant shall have no more than sixty-days to replace the interior seating with new furniture subject to the review and approval of the Community Development Director. Failure to remove furniture within this time period shall be grounds to take the permit back to the Planning Commission for consideration of revocation.
 - e. **Floor Plan:** At no time shall the seating be reconfigured to create large open spaces for patrons to congregate, dance, drink, or socialize. All tables and chair shall be placed in such a manner to allow sufficient area for dining. At no time shall tables and chairs be stacked or removed from the identified dining area or placed outside.
 - f. **Maximum Occupancy Sign:** The business owner shall install a new maximum occupancy sign of a size to be determined by the Community Development Director, conspicuously posted within the premises, which shall include the maximum occupancy noted herein and include a visual depiction on the final floor plan configuration including the number of approved seats, and seat locations.

- g. **Food Service:** Full menu food service shall be provided at all times the business is in operation (i.e., the kitchen shall not be closed during the Business/Public Hours).
- h. **Live Entertainment:** No live entertainment is permitted as part of the Conditional Use Permit, including live music, disc jockey, karaoke, and dancing.
- i. **Alcohol Beverage Service:** Alcohol beverage service shall only be allowed in conjunction with food service.
- j. **Hours of Operation:** Hours of operation shall be as follows. By the end of 'Business Hours' all patrons shall have exited the restaurant. By the end of the 'Operational Hours' all employees shall be off the premises.
 - Business/Public Hours: 8:00 AM – 10:00 PM, Daily
 - Operational Hours: 7:30 AM – 10:30 PM, Daily
- k. **Liquor License:** Tenants shall obtain and maintain in good standing a Type 41 license, from the State Department of Alcoholic Beverage Control for any sale of beer and wine in conjunction with a bona fide eating establishment. The license shall include Business Hour, a limitation prohibiting the off-site sale of alcohol, premise area and other applicable restrictions consistent with the Conditional Use Permit approved herein. A copy of the issued license shall be provided to the Community Development Department prior to issuance of a Business License.
- l. **Loitering:** There shall be no loitering allowed outside the business. The business owner is responsible for monitoring the premises to prevent loitering.
- m. **Noise:** Music shall be played indoors and at a low level at all times. Unreasonable levels of noise, sounds and/or voices, including but not limited to amplified sounds, loud speakers, sounds from audio sound systems, music, and/or public address system, generated by the establishment shall not be audible to a person of normal hearing capacity from any residential property. No speakers shall be permitted to be installed outdoors.
- n. **Taxicab Service:** The establishment shall post in a conspicuous place the telephone numbers of local taxicab services.
- o. **Smoking:** "No Smoking" signs shall be posted on the premises in compliance with CMC 6.11.060.
- p. **Trash & Clean Up:** All trash, normal clean up, carpet cleaning, etc. shall occur during the approved 'Operational Hours'.
- q. **Outdoor Cooking:** No outdoor cooking (i.e., grilling, smoking, etc.) is permitted in association with the establishment.
- r. **Training:** The business shall operate in accordance with the standards pertaining to the serving of alcohol as established by the California

Restaurant Association and the California Department of Alcoholic Beverage Control.

5. Revocation of Permit: Operation of a “full service restaurant” with beverage (including beer and wine) and food sales pursuant to the Conditional Use Permit approved herein is subject to Sections 21.68.020, 21.68.030 and 21.68.040 of the Campbell Municipal Code authorizing the appropriate decision making body to modify or revoke a Conditional Use Permit, if it is determined that its operation has become a nuisance to the City’s public health, safety or welfare or for violation of the Conditional Use Permit, or any standards, codes, or ordinances of the City of Campbell. At the discretion of the Community Development Director, if the establishment generates three (3) verifiable complaints related to violations of conditions of approval and/or related to its operation within a six (6) month period, a public hearing before the Planning Commission may be scheduled to consider modifying conditions of approval or revoking its Conditional Use Permit. The Community Development Director may commence proceedings for the revocation or modification of permits upon the occurrence of less than three (3) complaints if the Community Development Director determines that the alleged violation warrants such an action. In exercising this authority, the decision making body may consider the following factors, among others:
 - a. The number and types of noise or odor complaints at or near the establishment that are reasonably determined to be a direct result of patrons actions or facility equipment;
 - b. The number of parking complaints received from residents, business owners and other citizens concerning the operation of an establishment; and
 - c. Violation of conditions of approval.
6. Alcohol Sales for Off-Site Consumption: The sale of alcohol for off-site consumption is prohibited.
7. Location of Mechanical Equipment: No roof-mounted mechanical equipment, i.e. air conditioning units, shall be located on the roof of the building without providing screening of the mechanical equipment from public view and surrounding properties. Screening material and method shall require review and approval by the Community Development Director prior to installation of such mechanical equipment screening.
8. Outdoor Storage: No outdoor storage is permitted on the property.
9. Storefront Windows & Doors: At no time shall an obscure wall or barrier (i.e. drapery, window tinting, blinds, furniture, inventory, shelving units, storage of any kind, or similar) be installed along, behind or attached to storefront windows or doorways that blocks visual access to the tenant space or blocks natural light without prior written approval of the Director of Community Development.
10. Delegation of Authority: Modifications to the site or project shall default back to the decision making body specified in the Campbell Municipal Code and not otherwise require City Council approval except where expressly required.

11. Planning Final Required: Planning Division clearance is required prior to Building Permit final. Construction not in substantial compliance with the approved project plans shall not be approved without prior authorization of the necessary approving body.
12. Parking: All parking and driveway areas shall be maintained in compliance with the standards in Chapter 21.28 (Parking & Loading) of the Campbell Municipal Code and the Winchester Boulevard Master Plan except where explicitly granted an exception by the City Council.
13. Reciprocal Parking and Access Covenant: Prior to submittal of building permits, a covenant running with the land shall be recorded by the owner of 1708 & 1740 S. Winchester Boulevard guaranteeing that one parking space and four motorcycle spaces will be maintained for the life of the use and activity served at 1750 S. Winchester Boulevard. The covenant shall include language to allow for reciprocal access between the three properties for general access and vehicular circulation, as well as flexibility to allow the required parking spaces to be reassigned or relocated within the development in the event the property is redeveloped. The covenant shall be required to be reviewed and approved by the City Attorney prior to issuance of building permits. The covenant may not be removed from the property without the prior written consent of the Director of Community Development.
14. Code Enforcement: As an active Code Enforcement case, the property owner shall submit construction plans and apply for a building permit within one month of final approval. Within two weeks of building permit issuance the work shall have commenced. Within one year of building permit issuance the work shall have been completed. Failure to meet any of these deadlines may result in citations from the Code Enforcement Department.
15. Compliance with Other Regulations: The applicant shall comply with all state, county, and city regulations and laws that pertain to the proposed project.
16. On-Site Lighting: On-site lighting shall be shielded away from adjacent properties and directed on site. The design and type of lighting fixtures and lighting intensity of any proposed exterior building lighting shall be reviewed by the Community Development Director prior to installation of the lighting for compliance with all applicable Conditions of Approval, ordinances, laws and regulations. The Director will have the authority to reject, approve or request modifications to the lighting to achieve these goals.
17. Signage: No new signage has been considered as part of this project. Future signage shall be considered pursuant to applicable City development standards and processes.
18. Construction Activities: The applicant shall abide by the following requirements during construction:
 - a. The project site shall be posted with the name and contact number of the lead contractor in a location visible from the public street prior during all periods of construction.

- b. Construction activities shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. and Saturdays between 9:00 a.m. and 4:00 p.m. No construction shall take place on Sundays or holidays unless an exception is granted by the Building Official.
- c. All construction equipment with internal combustion engines used on the project site shall be properly muffled and maintained in good working condition.
- d. Unnecessary idling of internal combustion engines shall be strictly prohibited.
- e. All stationary noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as possible from noise-sensitive receptors such as existing residences and businesses.
- f. Use standard dust and erosion control measures that comply with the adopted Best Management Practices for the City of Campbell.

Building Division

19. Permits Required: A building permit application shall be required for the proposed renovations to the (e) commercial building. The building permit shall include Electrical/Plumbing/Mechanical fees when such work is part of the permit. The building shall be made to comply with all the requirements necessary to the new buildings proposed occupancy.
20. Construction Plans: The Conditions of Approval shall be stated in full on the cover sheet of construction plans submitted for building permit.
21. Size of Plans: The minimum size of construction plans submitted for building permits shall be 24 in. X 36 in.
22. Plan Preparation: This project requires plans prepared under the direction and oversight of a California licensed Engineer or Architect. Plans submitted for building permits shall be “wet stamped” and signed by the qualifying professional person.
23. Site Plan: Application for building permit shall include a competent site plan that identifies property and proposed structures with dimensions and elevations as appropriate. Site plan shall also include site drainage details. Site address and parcel numbers shall also be clearly called out. Site parking and path of travel to public sidewalks shall be detailed.
24. Title 24 Energy Compliance: California Title 24 Energy Standards Compliance forms shall be blue-lined on the construction plans. Compliance with the Standards shall be demonstrated for conditioning of the building envelope and lighting of the building.
25. Special Inspections: When a special inspection is required by C.B.C. Chapter 17, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permits, in accordance with C.B.C Chapter 1, Section 106. Please obtain City of Campbell, Special Inspection forms from the Building Inspection Division Counter.
26. Non-Point Source Pollution: The City of Campbell, standard Santa Clara Valley Non-point Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24” X 36”) is available at the Building Division service counter.
27. Title 24 Accessibility – Commercial: On site general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include but not be limited to accessibility to building entrances from parking facilities and sidewalks.
28. Title 24 Accessibility – Commercial: this project shall comply fully with the provisions of Chapter 11B of the California Building Code 2013 ed.
29. Approvals Required: The project requires the following agency approval prior to issuance of the building permit:

- a. West Valley Sanitation District
- b. Santa Clara County Fire Department
- c. Santa Clara County Department of Environmental Health

30. P.G.&E.: Applicant is advised to contact Pacific Gas and Electric Company as early as possible in the approval process. Service installations, changes and/or relocations may require substantial scheduling time and can cause significant delays in the approval process. Applicant should also consult with P.G. and E. concerning utility easements, distribution pole locations and required conductor clearances.

31. Storm Water Requirements: Storm water run-off from impervious surface created by this permitted project shall be directed to vegetated areas on the project parcel. Storm water shall not drain onto neighboring parcels.

Public Works Department

32. The following conditions only apply if the applicant has a need to install / upgrade utility services (water, sewer, gas, etc.) in the street:

- a. Utility Encroachment Permit: Separate permits for the installation of utilities to serve the development will be required (including water, sewer, gas, electric, etc.). Applicant shall apply for and pay all necessary fees for utility permits for sanitary sewer, gas, water, electric and all other utility work.
- b. Utility Coordination Plan: Prior to issuance of building permits for the site, the applicant shall submit a utility coordination plan and schedule for approval by the City Engineer for installation and/or abandonment of all utilities. The plan shall clearly show the location and size of all existing utilities and the associated main lines; indicate which utilities and services are to remain; which utilities and services are to be abandoned, and where new utilities and services will be installed. Joint trenches for new utilities shall be used whenever possible.
- c. Pavement Restoration: Based on the utility coordination plan, the applicant shall prepare a pavement restoration plan for approval by the City Engineer prior to any utility installation or abandonment. Streets that have been reconstructed or overlaid within the previous five years will require boring and jacking for all new utility installations. Winchester Boulevard has not been reconstructed or overlaid in the last 5 years. The pavement restoration plan shall indicate how the street pavement shall be restored following the installation or abandonment of all utilities necessary for the project.

33. The following condition only applies if the alternative parking plan shown on sheet A2A, which proposes the closure of the existing driveway to Winchester Boulevard, is approved:

- a. Encroachment Permit/Fees/Deposits: The applicant shall obtain an encroachment permit (including fees, surety and insurance) for the proposed closure of the existing driveway approach within the right-of-way on Winchester Boulevard. The

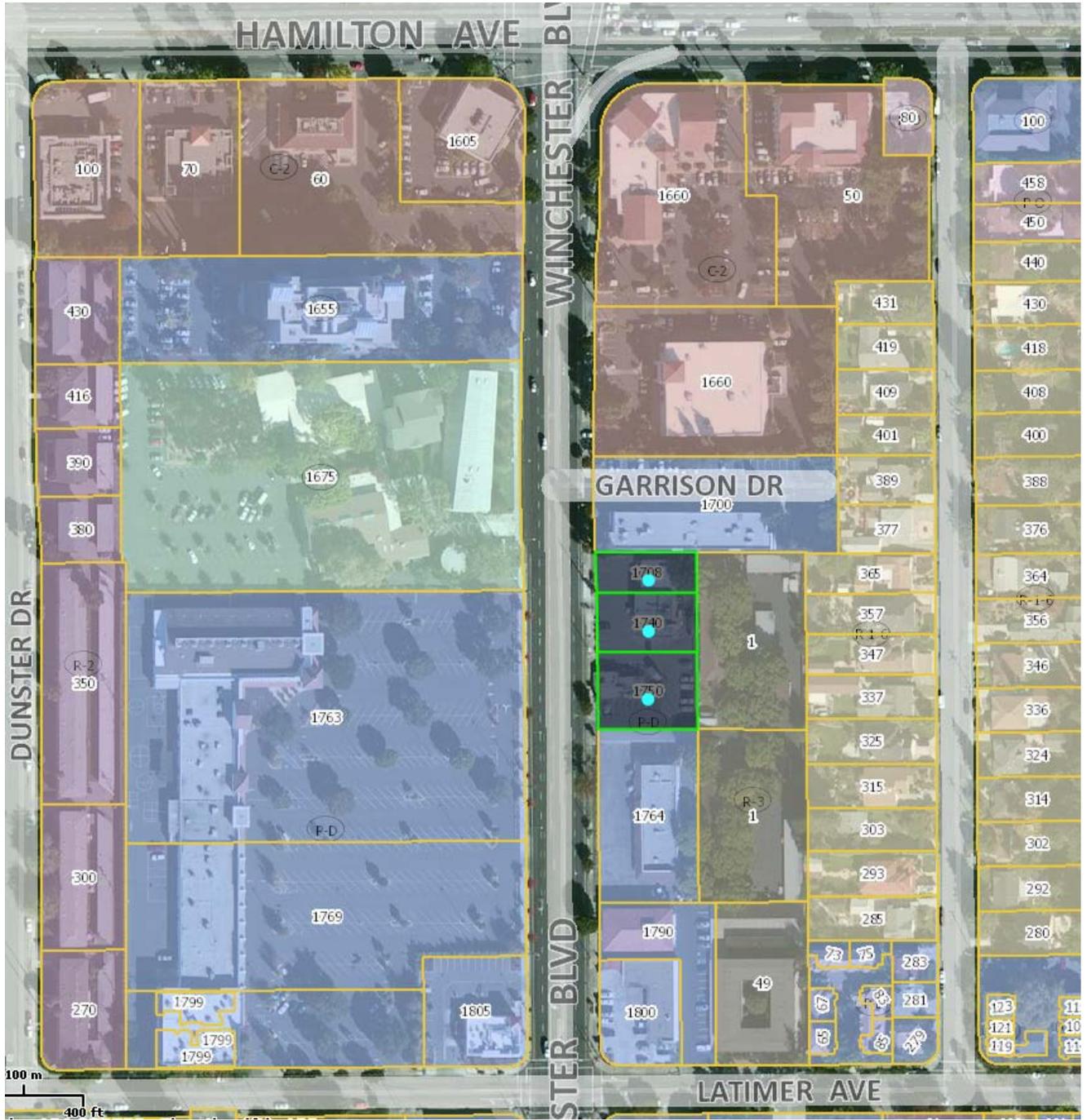
applicant shall remove the existing driveway approach and reconstruct the area with City standard curb, gutter and sidewalk.

34. Street Improvements Completed for Occupancy and Building Permit Final: Prior to allowing occupancy and/or final building permit signoff for any and/or all buildings, the applicant shall have the required street improvements installed and accepted by the City, and the design engineer shall submit as-built drawings to the City.
35. Additional Street Improvements: Should it be discovered after the approval process that new utility main lines, extra utility work or other work is required to service the development, and should those facilities or other work affect any public improvements, the City may add conditions to the development/project/permit, at the discretion of the City Engineer, to restore pavement or other public improvements to the satisfaction of the City.

Santa Clara County Fire Department

36. Comment #1: Review of this development proposal is limited to acceptability of site access and water supply as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

Location Map



ONE DESIGN GROUP

18 ROLLINGSTONE COMMON
EVERMORE, CA 94550

Sheet Title:

COVER SHEET

TENANT IMPROVEMENT:
ORALE MEXICAN RESTAURANT
1750 WINCHESTER BLVD.
CAMPBELL, CA 95008

Revisions:

Description	By	Date
PARKING REVISION	GC	8/25/15
		11-05-14
	GVC	
	GVC	
	GVC	
	AS NOTED	
		11/02/01

Sheet No.:

A1

BUILDING INFORMATION

LOCATION: 1750 WINCHESTER BLVD
CAMPBELL, CA 95008
CONSTRUCTION TYPE: TYPE II
OCCUPANCY: E (RESTAURANT)
SPRINKLER SYSTEM: N/A
NUMBER OF STORIES: ONE (1)

ALL WORK SHALL FULLY COMPLY BUT NOT BE LIMITED TO:

- A. CALIFORNIA BUILDING CODE 2013 EDITION
- B. CALIFORNIA PLUMBING CODE 2013
- C. CALIFORNIA MECHANICAL CODE 2013 EDITION
- D. CALIFORNIA ELECTRIC CODE 2013 EDITION
- E. 2013 BUILDING ENERGY EFFICIENCY STANDARDS FOR NONRESIDENTIAL BUILDINGS
- F. CALIFORNIA FIRE CODE 2013 EDITION.

CONTACT INFORMATION

TENANT: ORALE MEXICAN RESTAURANT
1750 WINCHESTER BLVD
CAMPBELL, CA 95008
LANDLORD: MARVIN CASTRO
1750 WINCHESTER BLVD.
CAMPBELL, CA 95008
PH: (408) 859-7318



ORALE MEXICAN RESTAURANT
1750 WINCHESTER BLVD.
CAMPBELL, CA 95008

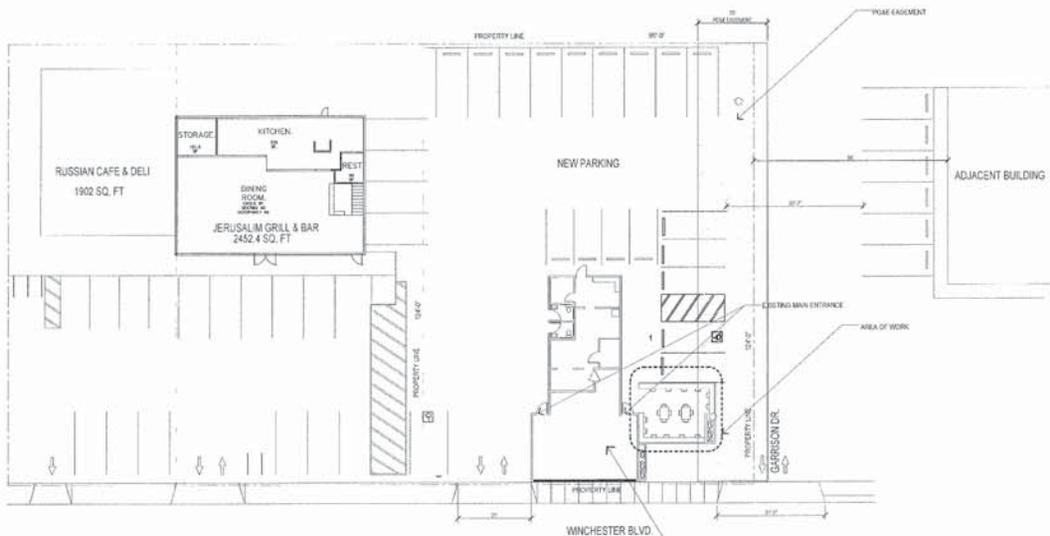
VICINITY MAP

NOTES TO PLAN CHECK

- A. SCOPE OF WORK: THIS SCOPE OF WORK INCLUDES CONSTRUCTION OF A NEW TENANT IMPROVEMENT OUTDOOR 20'0" x 20'0" OUTDOOR OPEN AIR PATIO DRIVING AREA TO AN EXISTING BLACKTOP SPACE FOR A SMALL RESTAURANT BUSINESS IMPROVEMENT. SCOPE OF WORK INCLUDES, REINSTALL 42 HIGH PORTY WALLS WITH COURTESY TOPS THAT WILL ALLOW SEATING ALONG THE PERIMETER, 4 TABLES FOR DINING, AND RELOCATE ACCESSIBLE PARKING AND REMOVING PARKING STALLS ALONG WITH SIDE TO ALLOW DRIVEWAY ACCESS.
- B. OCCUPANCY: THIS PROJECT IS A MIXED OCCUPANCY OF PRIMARILY BUSINESS TYPE USE WITH DRIVING AREA.
- C. NON-INTRUSION STATEMENTS:
1. THE PROPOSED CONSTRUCTION SHALL BE IN COMPLIANCE WITH APPLICABLE STATE LAWS AND LOCAL ORDINANCES.
- D. ACCESSIBILITY COMPLIANCE: CBC CHAPTER 11
THIS TENANT IMPROVEMENT IS THE FIRST IN AN EXISTING RECENTLY CONSTRUCTED BUILDING HAS THE PATH OF TRAVEL, PARKING SPACES, BUILDING ENTRANCES, AND SIGNS.

EXISTING OCCUPANCY LOAD			
USE	SF	SF/OCC	NO. OCC.
KITCHEN		SF/OCC	4
STORAGE		SF/OCC	
EXISTING DINING	SF/S		37
ACCESSORY	SF/A		
TOTAL			41
NEW OCCUPANCY LOAD			
USE	SF	SF/OCC	NO. OCC.
KITCHEN		SF/OCC	4
STORAGE		SF/OCC	
DINING	SF/S		61
ACCESSORY	SF/A		
TOTAL			65

RECEIVED
MAY 16 2016
CITY OF CAMPBELL
PLANNING DEPT.



ORALE MEXICAN RESTAURANT
1750 WINCHESTER BLVD.
CAMPBELL, CA

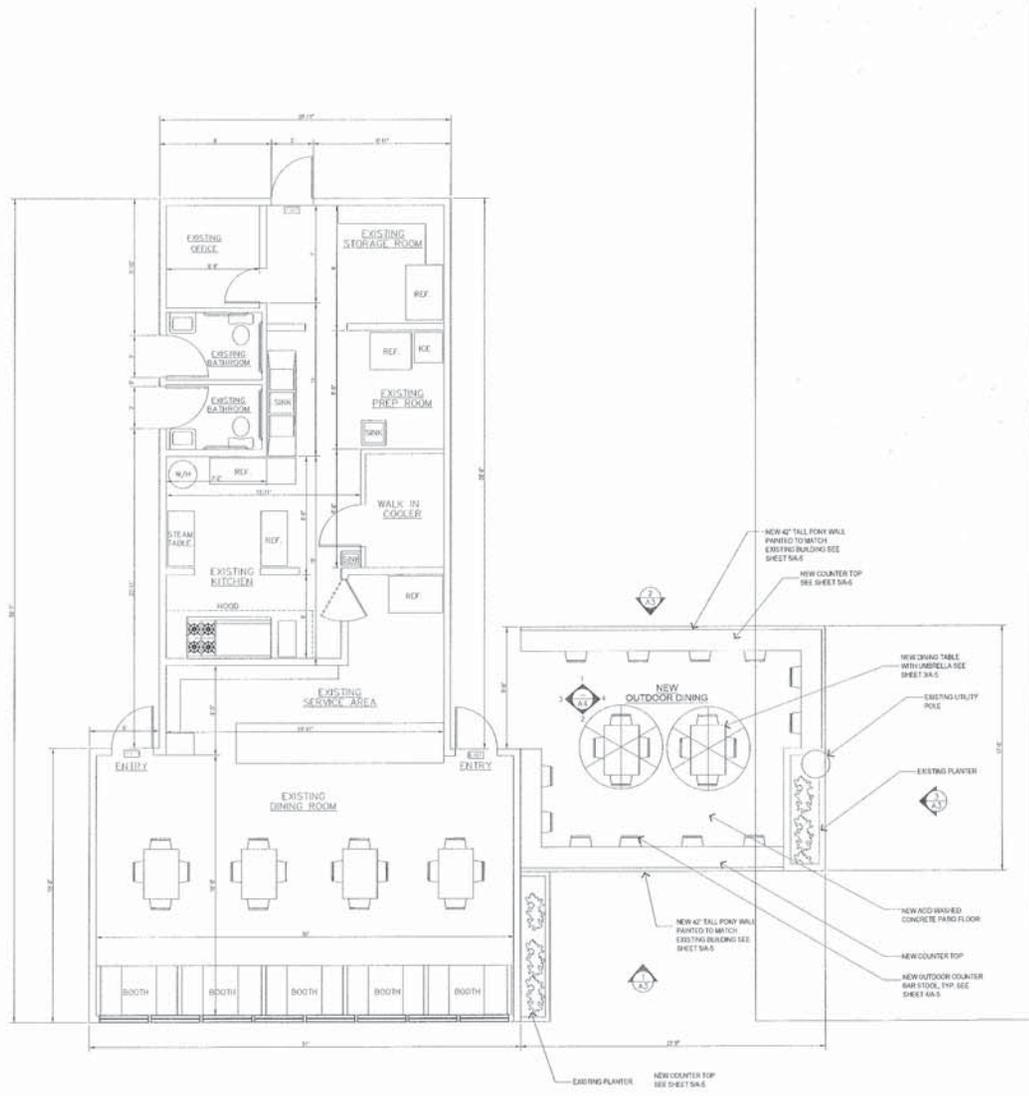
ONE DESIGN GROUP

18 ROLLINGSTONE COMMON
EVERMORE, CA 94550

Sheet Title:

FLOOR PLAN

TENANT IMPROVEMENT:
ORALE MEXICAN RESTAURANT
1750 WINCHESTER BLVD.
CAMPBELL, CA 95008

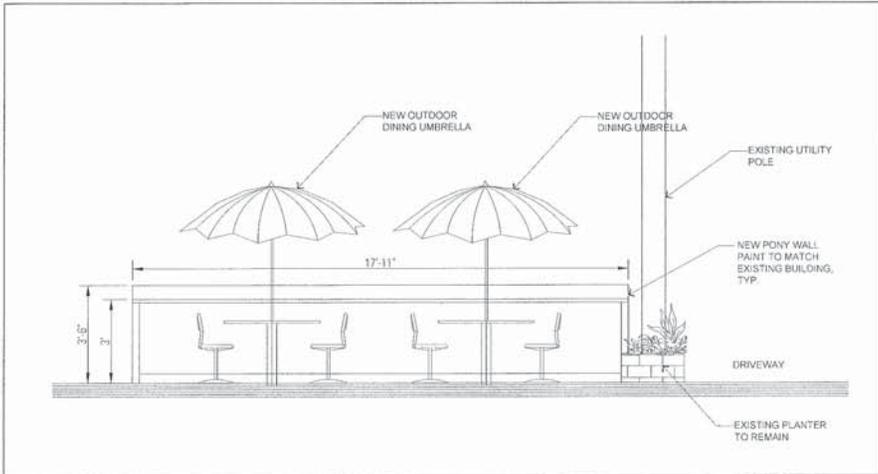


Revisions:

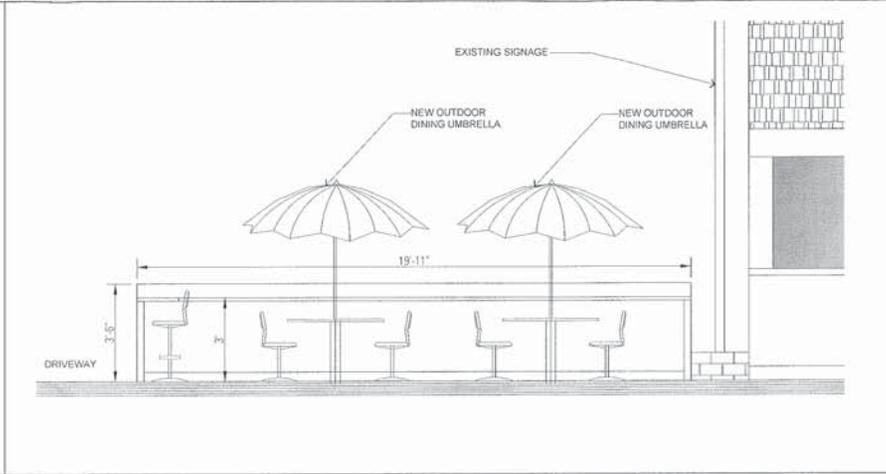
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		11-05-14
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	GVC	
	GVC	
	AS NOTED	
		1102.01

Sheet No.:

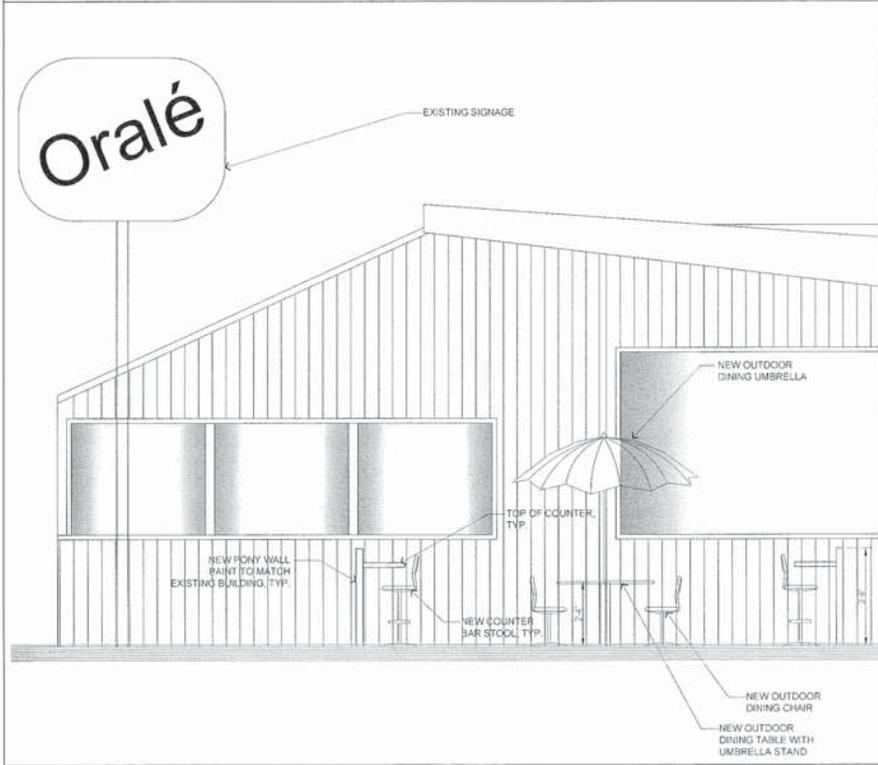
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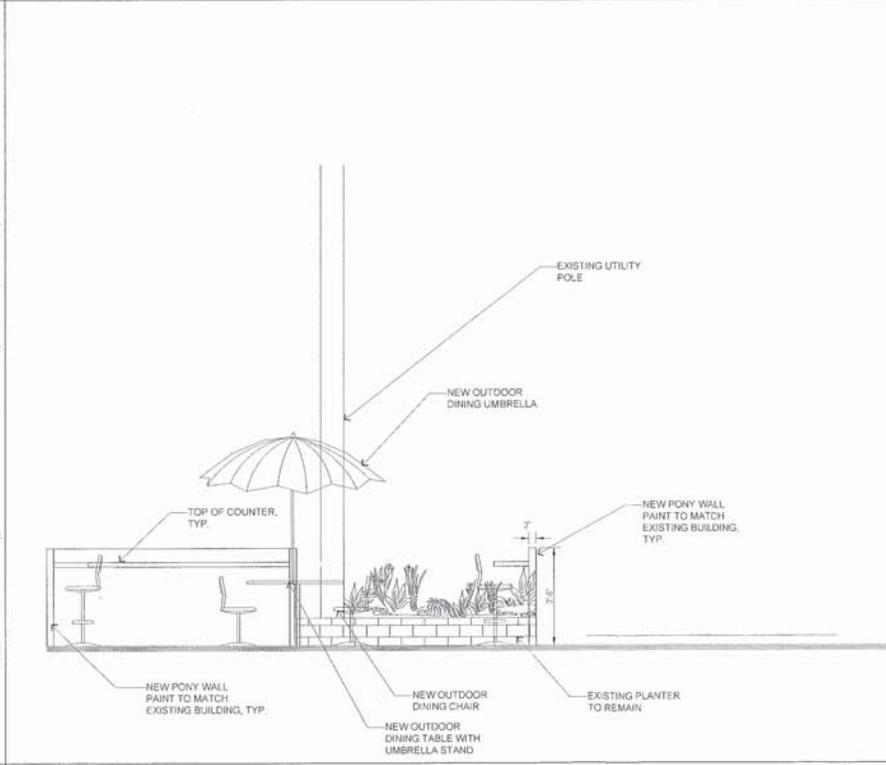
1 OUTDOOR PATIO ELEVATION
10/11/14



2 OUTDOOR PATIO ELEVATION
10/11/14



3 OUTDOOR PATIO ELEVATION
10/11/14



4 OUTDOOR PATIO ELEVATION
10/11/14

ONE DESIGN GROUP

18 ROLLINGSTONE COMMONS
LIVERMORE, CA 94550

Sheet Title:

PATIO ELEVATIONS

TENANT IMPROVEMENT:
ORALE MEXICAN RESTAURANT
1750 WINCHESTER BLVD.
CAMPBELL, CA 95008

Revisions:

Description	By	Date
PARKING REVISIONS	GVC	8/25/13
	GVC	11-05-14
	GVC	
	AS NOTED	
		1102.01

Sheet No.:

A4



CITY OF CAMPBELL • PLANNING COMMISSION
Staff Report • July 28, 2016

PLN2015-98
PLN2015-99
Skarbek, B.

Public Hearing to consider the application of Brian Skarbek for an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, within a Planned Development (PD) zoning district.

STAFF RECOMMENDATION

That the Planning Commission take the following action:

1. **Adopt a Resolution**, incorporating the attached findings, recommending that the City Council approve an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, subject to the attached Conditions of Approval.

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find that this project is Categorically Exempt under Section 15301 Class 1 of the California Environmental Quality Act (CEQA) pertaining to minor alterations to an existing private structure, involving negligible or no expansion of use.

PROJECT DATA

Zoning: P-D (Planned Development)
 General Plan: *Central Commercial* (Winchester Boulevard Master Plan - Area 3)

1750 S. Winchester Blvd

Net Lot Area: 11,875 square feet (.27 acre)
 Gross Lot Area: 16,150 square feet (.37 acre)
 Existing Building Area: 1,390 sq. ft.
 New Patio Area: 380 sq. ft.

	<u>Existing/Proposed</u>	<u>Required</u>
Building Setback:	0 feet (existing)	15 feet from R.O.W. rec. (7' min.)
Streetscape Standard:	0 feet – City Standard ¹	17 feet (planting 10' / sidewalk 7')
Proposed Parking Setback:	0 feet; In front of building	Behind building; Outside streetscape

¹ The Public Works Department is not requiring conformance with WBMP streetscape standards allowing a monolithic/attached sidewalk where the WBMP would typically require a detached sidewalk with park strip.

Project Site: The project site comprises three properties which include 1708, 1740 & 1750² S. Winchester Boulevard, located on the east side of S. Winchester Boulevard, north of Garrison Drive (a private street), abutting an apartment community to the east and commercial properties to the north and south (reference **Attachment 3** – Location Map). The project site is located within the Planned Development (P-D) Zoning District, has a General Plan land use designation of *Central Commercial*, and is located within the boundaries of the Winchester Boulevard Master Plan (Area 3).

DISCUSSION

In review of the applicant's proposal, the Planning Commission must consider the findings contained in CMC 21.12.030.6 (Approval Criteria) as well as the findings required for an exception to the Winchester Boulevard Master Plan (reference [Winchester Boulevard Master Plan; Page 37 – Exceptions](#)). These findings generally require the development to clearly result in a more desirable environment and use of land, and not be detrimental to the health, safety, or welfare of the neighborhood or the city as a whole. The findings required for an exception to the Winchester Boulevard Master Plan, require that the Planning Commission to also determine that there are 'special circumstances' which would warrant the request, and that the request is 'necessary for the preservation and enjoyment of a substantial property right'. As such, a summary of the applicant's proposal, applicable code requirements, and recommendations from the Site and Architectural Review Committee have been included for review and consideration.

Applicant's Proposal: The applicant is requesting approval of an Administrative Planned Development Permit (PLN2015-98) and a Conditional Use Permit (PLN2015-99) to reconfigure an existing parking lot³ and establish a new outdoor patio⁴ with beer and wine service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan.

Administrative Procedure: In the Planned Development (P-D) Zoning District, an Administrative Planned Development Permit is required for minor building and site improvements. Typically, "Administrative" permits are reviewed and approved by the Community Development Director, but may be forwarded to the Planning Commission and City Council when project specific circumstances warrant such consideration. As the applicant's proposal includes a request for an exception to the Winchester Boulevard Master Plan (WBMP), it requires review and approval by the City Council. While modifications to an entitlement approved by the City Council would typically require review and approval by the decision making body (i.e. the City Council), staff has included a condition of approval which would allow minor changes to default back to the otherwise appropriate decision making body (e.g. Community Development Director or Planning Commission).

Background: In early 2014, it came to the attention of the City and the Department of Alcohol Beverage Control (ABC) that Orale Mex-Grill had expanded an outdoor patio area on the south side of their building, over and across accessible parking spaces. As the patio area was outside ABC's licensed 'premise area' for serving alcohol and did not have City approval, the City

² Orale's, the site of the proposed outdoor patio, is located at 1750 S. Winchester Boulevard.

³ The subject parking lot spans three properties under common ownership, which includes 1708, 1740 & 1750 S. Winchester Boulevard. A reciprocal egress/ingress and parking agreement would be recorded across adjoining lots to formalize the parking arrangement.

⁴ The existing patio is unpermitted. Please refer to the Administrative Record (reference Attachment 5) for a detailed background on the project.

attempted to work with the business to apply for permits to consider the improvements. After meeting with the property owner to explain the situation, and continued attempts to encourage an application submittal, the City created a Code Enforcement Case to compel the property owner to either remove the patio within a timely manner or apply for a permit. While an application was ultimately submitted in time to avoid penalties, it was found to lack sufficient information to evaluate the proposal, resulting in several delays in the permit processing. For a more detailed summary of the property history, please refer to the Administrative Record (reference **Attachment 7** – Administrative Record).

Parking: The proposed outside patio location results in the elimination of two parking stalls. The addition of 12 new outside dining seats results in the need to provide three new parking stalls. Given the need to plan for a total of 5 stalls, staff identified parking locations as illustrated on Sheet A2A of the Project Plans (reference **Attachment 4**). Two of these stalls would be located within a driveway aisle which would have to be abandoned in order to accommodate their placement. The location of these stalls may be found inconsistent with the WBMP (see discussion on WBMP provided later in this report) but could be permitted through an exception.

Planned Development Zoning District: The P-D Zoning District is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow for a superior development, particularly related to the development's design and provision of open space. To aid in achieving this goal, the Zoning Code provides a listing of considerations that should be taken into account in review of this project which can be found in the Campbell Municipal Code and online as follows: [CMC 21.12.030.H.12](#).

Winchester Boulevard Master Plan: Review of physical characteristics of this project is largely governed by the Winchester Boulevard Master Plan⁵ ("WBMP"). As envisioned by the General Plan, the goal of the WBMP is to transform Winchester Boulevard into a vibrant mixed-use, pedestrian-oriented district that can function as an extension of the Downtown. To this end, the WBMP encourages mixed-use development that fronts the street to provide a walkable atmosphere (the creation of an outdoor patio could be considered to further this objective).

Recognizing the differences in the land use pattern along the Winchester Boulevard corridor, the WBMP defines three distinct planning areas. The project site is located within Area 2, "Neighborhood Commercial Boulevard", which is subject to development standards that consider the proximity of single-family residences, including a maximum 45-foot (3-story) building height, a rear setback/height ratio defined by a 2:1 slope, 5-foot setbacks along Winchester Boulevard and side streets, no interior side setbacks, and an 17-foot streetscape setback as depicted by the following illustrations:

⁵ The Winchester Boulevard Master Plan may be viewed online at <http://www.cityofcampbell.com/DocumentCenter/View/177>

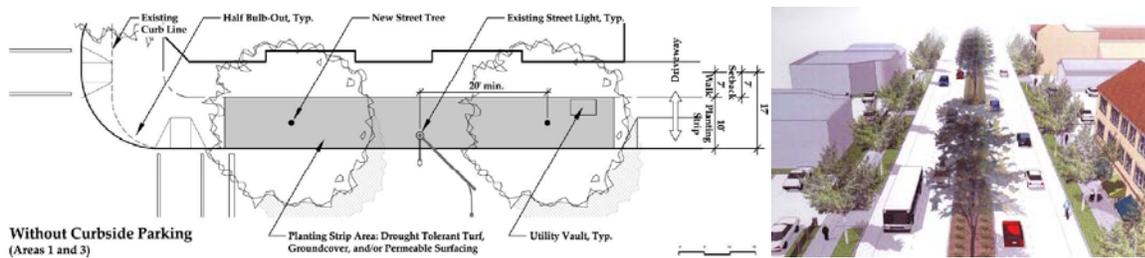


Figure 1 & 2 – WBMP Streetscape Improvements (10 foot landscape strip & 7 foot walk)

In consideration of the short segment of frontage (i.e. the driveway) to be reconstructed, the Public Works Department requested the applicant to install a standard curb/gutter/sidewalk, postponing the requirement to comply with the WBMP Streetscape Improvement requirements to a later date, such as when a more comprehensive redevelopment of the property occurs. As the Public Works Department is not requiring a dedication at this time, the applicant is requesting an exception to the Winchester Boulevard Master Plan to allow for two new parking spaces within the required streetscape standard to offset the parking impacts of the new outdoor patio seating.

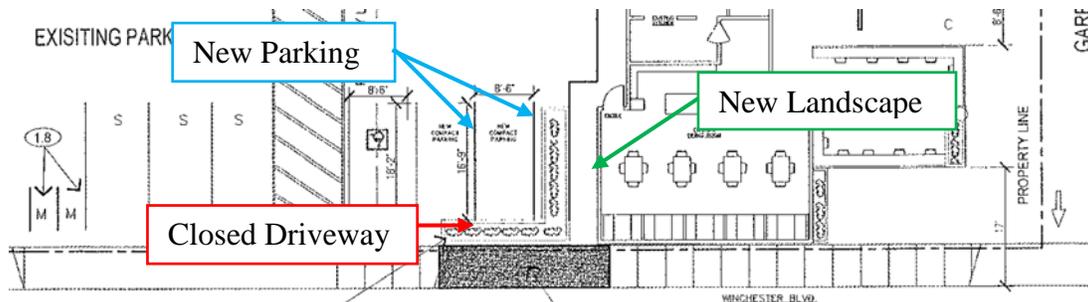


Figure 3 – Proposed Parking Stalls within Required Streetscape Setback

In consideration of the request, the Planning Commission must find that special circumstances exist which would warrant the request (e.g. the driveway segment to be replaced is not long enough to warrant full public improvements at this time; the existing building already encroaches into the required streetscape setback) and that the request is necessary for the preservation and enjoyment of a substantial property right (e.g. it continues to allow for minor improvements to the property until such time streetscape standards are required). While these findings in support of the request have been provided, the Planning Commission may consider alternative findings or consider denial of the applicant's proposal should findings in support of the request are unable to be satisfied.

Site and Architectural Review Committee: The Site and Architectural Review Committee (SARC) reviewed this application at its meeting of June 12, 2016. The Committee was supportive of the project with the following recommendations (staff and applicant responses to these recommendations has been provided in *italics* below each item):

- **Parking Space Screening:** Consider adding new landscaping, such as a green screen/living wall in front of the proposed parking spaces. This feature is intended to screen vehicles from view and create a more pedestrian friendly streetscape.

The applicant has agreed to install a landscape screen in front of the parking spaces and intends to provide a revised site plan and elevation reflecting this comment as a desk item at or in advance of the Planning Commission meeting. Staff has included Conditions of Approval to reflect this requirement.

- It should be noted that staff suggested a more physically developed feature (e.g. solid masonry wall) to screen the parking stalls involving minor maintenance and immediate screening. As illustrated in the following exhibit, a planter wall would more effectively screen the stalls, it would complement the building restaurant theme, it could potentially serve as a monument for signage, and it will achieve greater compliance with the WBMP by de-emphasizing the parking. The Planning Commission should consider both options in forming a decision.



Figure 4 – Potential Masonry Screen Wall/Planter & Existing Turquoise Brick Planter

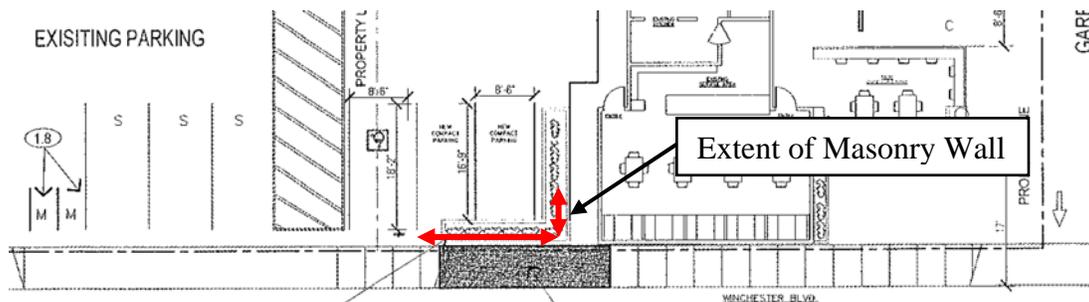


Figure 5 – Extent of Masonry Wall with Short Return

- **Patio Landscape Buffer:** Consider adding drought tolerant landscaping in front of the new patio area (where parking spaces are to be removed) to provide a buffer from the traffic on S. Winchester Boulevard and enhance the aesthetics of the outdoor dining area.

The applicant has agreed to provide enhanced landscaping in front of the patio area and intends to provide a revised site plan reflecting this comment as a desk item at or in advance of the Planning Commission meeting. Staff has included Conditions of Approval to reflect this requirement.

- **Rooftop Signs & Mechanical Equipment Screen:** A more comprehensive rooftop mechanical equipment screen should be considered. The rooftop signs must be removed.

The applicant has agreed to remove the rooftop signs. The applicant intends to provide a revised elevation reflecting this comment as a desk item at or in advance of the Planning Commission meeting.

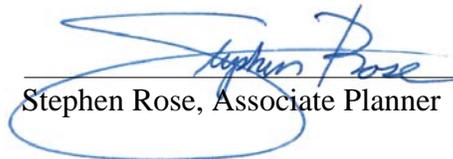
- **Trash Enclosure:** A new trash enclosure should be provided behind the Jerusalem Bar & Grill.

The applicant has agreed to install a new trash enclosure. The applicant intends to provide a revised site plan reflecting this comment as a desk item at or in advance of the Planning Commission meeting.

Attachments:

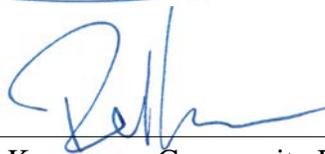
1. Findings for Approval
2. Conditions of Approval
3. Location Map
4. Project Plans with Staff Clarifying Redlines
5. Property Photos
6. Parking Analysis
7. Administrative Record

Prepared by:



Stephen Rose, Associate Planner

Approved by:



Paul Kermoyan, Community Development Director

- Stated that this is overall a great plan.

Acting Chair Kendall cautioned that the sign is just an example. She added that she is pretty sure that landscaping (living wall) is being proposed for both sides.

Commissioner Finch said that this restaurant is an institution and should be there.

Commissioner Reynolds asked staff if SARC had discussed the potential for use of umbrellas versus a canopy.

Commissioner Rich replied no.

Commissioner Reynolds:

- Advised that he spoke with Marvin and discussed the overhang. It is existing and from many years back. They propose for the overhang to remain.
- Said he has experienced outdoor dining in the Downtown where umbrellas are used. It can be a challenge to dine when the sun starts to move. As a result diners start to move as well to avoid the sun.
- Admitted that he prefers canopies to umbrellas.
- Reminded that this canopy already exists.

Commissioner Rich suggested leaving that to the applicant. It could be a matter of customer preference versus cost.

Planner Stephen Rose explained that the existing canopy, while an existing feature, was never permitted. It is placed over previously designated ADA parking spaces. If it is to remain it would have to be legalized.

Commissioner Rich said that the current proposal has the canopy being moved back 17 feet.

Planner Stephen Rose reminded that the outdoor patio seating is proposed for 12 seats. The existing canopy is overly large.

Brian Skarbek said that the canopy is preferable. They will comply as the City wants and will move it back as required.

Acting Chair Kendall closed the Public Hearing for Agenda Item No. 6.

Commissioner Young:

- Pointed out that often something constructed without permits may be more costly to modify than to take down and rebuild.
- Added that he has no issue with it.
- Said he may disagree with Finding 10.
- Admitted that he prefers umbrellas to canopy.

Commissioner Reynolds said he wanted to address the lack of permit comment on the existing canopy. He asked if the canopy was installed at the time that the building was built, could it not be considered grandfathered in?

Planner Stephen Rose:

- Explained that this existing canopy was not old.
- Added that it also may not be fire rated and/or the building permit may require stronger support brackets so the canopy does not fall over.

Director Paul Kermoyan said that use of umbrellas is not being recommended by staff. Staff recommends that the patio be moved back.

Commissioner Reynolds suggested leaving that option to bring the canopy up to Code open to the applicant.

Commissioner Rich:

- Concurred with Commissioner Reynolds to leave the option for the applicant to bring the existing canopy to Code.
- Asked if it would have to be brought back to the Commission.

Planner Stephen Rose replied no. The approval is broad enough. Either the canopy or umbrellas can be used subject to the approval of the Community Development Director.

Motion: **Upon motion of Commissioner Reynolds, seconded by Commissioner Rich, the Planning Commission Adopted Resolution No. 4315 approving an Administrative Planned Development Permit (PLN2015-98) and Conditional Use Permit (PLN2015-99) to allow an outdoor patio with alcohol service in conjunction with an existing restaurant (Orale) with a request for an exception to a streetscape standard contained within the Winchester Boulevard Master Plan on properties located at 1708, 1740 & 1750 S. Winchester Boulevard, subject to the conditions of approval, by the following roll call vote:**

AYES: **Finch, Kendall, Reynolds, Rich and Young**

NOES: **None**

ABSENT: **Bonhagen and Dodd,**

ABSTAIN: **None**

Acting Chair Kendall advised that this item would be considered by the City Council at its meeting on August 16, 2016.

REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

Director Paul Kermoyan had no additions to his written report.

MEMORANDUM



Community Development Department
Planning Division

To: Site and Architectural Review Committee **Date:** July 12, 2016
From: Stephen Rose, Associate Planner
Via: Paul Kermoyan, Community Development Director
Application: Administrative Planned Development Permit (PLN2015-98)
 Conditional Use Permit (PLN2015-99)

Project Site: 1708, 1740 & 1750 S. Winchester Blvd.

PROPOSAL

The applicant is requesting approval of an Administrative Planned Development Permit (PLN2015-98) and a Conditional Use Permit (PLN2015-99) to reconfigure an existing parking lot¹ and establish a new outdoor patio² with beer and wine service. Whereas the applicant's proposal technically spans three properties, for discussion purposes the 'project site' refers exclusively to 1750 S. Winchester Blvd., the site of the patio expansion and Orale Mex-Grill (a Mexican Food Restaurant).

As the applicant's proposal will alter the on-site parking and circulation³ of three properties, close an existing driveway on S. Winchester Boulevard, and includes a request for an exception to the Winchester Boulevard Plan (WBMP), in order to place two new parking spaces within a required streetscape setback, the applicant's proposal will require review and approval by the City Council.

PROJECT SITE

The project site is a single parcel, comprising approximately 11,875 square-feet, located on the east side of S. Winchester Boulevard, north of Garrison Drive (a private street), abutting an apartment community to the east and commercial properties to the north and south (reference **Attachment 1** – Location Map). The project site is located within the Planned Development (P-D) Zoning District, has a General Plan land use designation of *Central Commercial*, and is located within the boundaries of the Winchester Boulevard Master Plan (Area 3).

PROJECT DATA

Existing Net Lot Area:	11,875 square feet (.27 acre)
Gross Lot Area:	16,150 square feet (.37 acre)
Zoning:	P-D (Planned Development)
General Plan:	<i>Central Commercial</i> (Winchester Boulevard Master Plan - Area 3)
Existing Building Area:	1,390 sq. ft.
New Patio Area:	380 sq. ft.

¹ The subject parking lot spans three properties under common ownership, which includes 1708, 1740 & 1750 S. Winchester Boulevard. A reciprocal egress/ingress and parking agreement would be recorded across adjoining lots to formalize the parking arrangement.

² The existing patio is unpermitted. Please refer to the Administrative Record (reference Attachment 5) for a detailed background on the project.

³ Off-street parking spaces are generally to be provided on the same site as the use outside of any public right-of-way, except that the Planning Commission may approve parking for nonresidential uses on a parcel directly abutting the parcel subject to the recordation of a covenant running with the land recorded by the owner of the parking area guaranteeing that the required parking will be maintained for the life of the use or activity served.

Proposed Building Height:	No change; 16 foot tall existing one-story building
Maximum Height Allowed:	45 feet (Winchester Boulevard Master Plan)
Proposed Building Setbacks:	No change; new outdoor patio
Maximum Allowed:	2:1 height to setback ratio on rear 5 feet setback from Winchester Blvd. & side streets No interior side setbacks
Proposed Streetscape:	No setback for new parking stalls
Streetscape Setback:	17 feet (planting strip 10' / sidewalk 7')
Existing Parking:	40 Parking Spaces
Proposed Parking:	44 Parking Spaces (43 vehicle, 4 motorcycle ⁴)
Existing Seats:	40 (indoor only)
Proposed Seats:	52 (36 indoor, 16 outdoor)

SCOPE OF REVIEW

As a developed site, conformance with applicable development standards (setbacks, building height, floor area ratio), and landscaping requirements (area, type, and size) should be provided to the greatest extent feasible. Where complete conformance cannot be achieved due to conflicting requirements or existing buildings/site conditions, the SARC should seek to identify a 'best fit' plan based on the site constraints.

DISCUSSION

Planned Development Zoning District: The P-D Zoning District is intended to provide a degree of flexibility that is not available in other zoning districts so as to allow for a superior development, particularly related to the development's design and provision of open space. To aid in achieving this goal, the Zoning Code provides a listing of considerations that should be taken into account in review of this project which can be found in the in the Campbell Municipal Code and online as follows: [CMC 21.12.030.H.12](#).

Winchester Boulevard Master Plan: Review of physical characteristics of this project is largely governed by the Winchester Boulevard Master Plan⁵ ("WBMP"). As envisioned by the General Plan, the goal of the WBMP is to transform Winchester Boulevard into a vibrant mixed-use, pedestrian-oriented district that can function as an extension of the Downtown. To this end, the WBMP encourages mixed-use development that fronts the street to provide a walkable atmosphere.

Recognizing the differences in the land use pattern along the Winchester Boulevard corridor, the WBMP defines three distinct planning areas. The project site is located within Area 3, "Neighborhood Commercial Boulevard", which is subject to development standards that consider the proximity of single-family residences, including a maximum 45-foot (3-story) building height, a rear setback/height ratio defined by a 2:1 slope, 5-foot setbacks along Winchester Boulevard and side streets, no interior side setbacks, and an 8-foot setback from the rear parking lot as depicted by Figure 1 as follows:

⁴ One parking space is credited for every four motorcycle spaces.

⁵ The Winchester Boulevard Master Plan may be viewed online at <http://www.cityofcampbell.com/DocumentCenter/View/177>

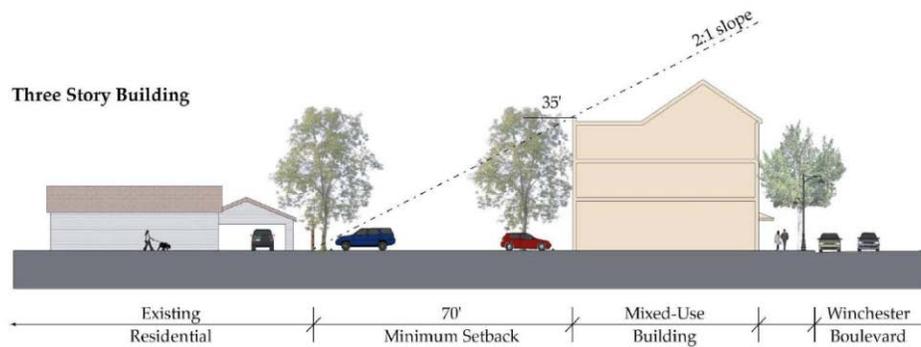


Figure 1: WBMP Development Standards

As a developed site, the applicant’s proposal should adhere to the requirements of the WBMP to the extent feasible. In evaluation of these requirements, the applicant’s proposal would comply with all of the standards of the WBMP except for a request to place two new parking spaces within the required 17-foot streetscape setback. A discussion on this requirement has been provided in greater detail under the discussion on Offsite Improvements.

Architectural Design: The WBMP does not prescribe or preclude any particular architectural style (e.g., Spanish, modern, etc.). Instead, it provides design guidelines (Pg. 29) with reference to the 'ground level treatment' and 'façade treatment and massing', that are intended to address a building's "pedestrian’s range of experience" as well as its "character and scale" as considered in context of the urban fabric of the Winchester Boulevard corridor.

As a developed site, the applicant intends to retain the appearance of the existing building, which has a combination of vertical wood siding (front and rear), and yellow brick walls (center), turquoise trim on windows, eaves and doors, and grey & brown composition shingle roofing. On the south side of the building, the applicant has proposed to build a patio, with a 3 ½ foot tall wall/patio bar, with vertical wood siding intended to match the front and rear half of the building. Inside the patio area, the majority of the seats would circle the inside of the patio area and face out. The furniture selected includes synthetic wicker seats (tall and short), and rectangular mesh metal tables with umbrellas.



Figure 2: Proposed Patio Siding & Existing Patio Fencing

As the proposed design would include “high top” seating, and effectively ‘wall in’ the patio area, a discussion point has been raised to determine if lower tables would be more appropriate in this area and/or a more open or decorative fencing.

Parking & Circulation: The applicant’s proposal includes a request to close an existing driveway on S. Winchester Blvd. to accommodate two new parking spaces onsite. By closing the existing driveway, vehicle access to the site would be maintained over an existing driveway at 1708 S. Winchester Blvd. and over Garrison Drive. As the applicant’s proposal (for both parking and access) would span

multiple properties, a reciprocal ingress and egress agreement would be required. Typically, such agreements are discouraged as they have the possibility to encumber future development, but in this instance a reciprocal ingress/egress and parking agreement had already been required over the three properties but never recorded⁶ (reference **Attachment 5** – Administrative Record).

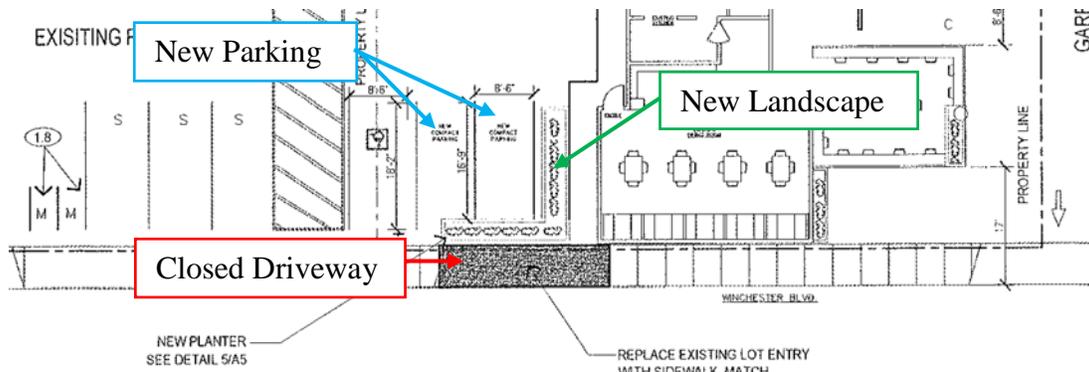


Figure 3: New Parking, Closed Driveway & New Landscaping

Off-Site Improvements: The WBMP calls for a 17-foot right of way, comprised of a 10-foot landscape strip and a 7-foot walk. In consideration of the short segment of frontage to be reconstructed, the Public Works Department requested the applicant to install a standard curb/gutter/sidewalk, and agree to a deferred improvement agreement which require the improvements to occur at a later date and time, such as when a more significant redevelopment of the property occurs.

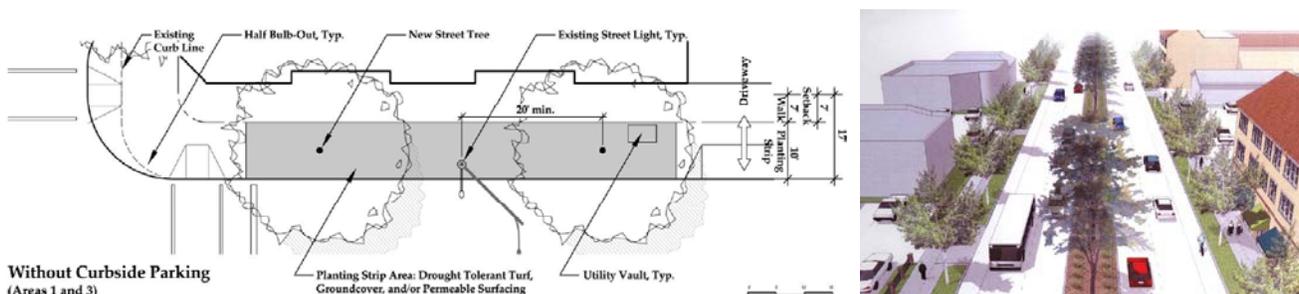


Figure 4 & 5: Winchester Boulevard Master Plan Streetscape Standards



Figure 6: Decorative Wall & Gateway Examples (discussion purposes only)

As the Public Works Department would not be requiring a dedication at this time, the applicant is requesting an exception to the Winchester Boulevard Master Plan to allow for two new parking spaces within the required setback to allow new outdoor patio seats. As the Winchester Boulevard Master Plan provides direction for new parking spaces to be located behind new buildings, whereas the

⁶ Recordation of the reciprocal ingress/egress and parking agreement shall be required as a condition of approval on the application.

applicant's proposal is to the side of an existing building, a discussion point has been raised to determine if a small decorative wall should also be installed to screen the new parking spaces from view.

Signage & Rooftop Screening: While no new signs are proposed, the project site has several unpermitted signs, including two rooftop signs advertising "Fish Tacos" which are required to be removed because rooftop signs are prohibited within the Sign Ordinance (CMC21.30.050.E – Prohibited Signs). As these signs serve to screen the rooftop mechanical equipment from the street, a discussion point has been raised to determine if the existing signs should be simply painted over or if they should be replaced with a new mechanical equipment screen designed to screen the equipment on all sides.



Figure 7: Unpermitted Roof Signs & Mechanical Equipment

Trash Enclosure: The subject property does not have a trash enclosure. With the expansion of the restaurant dining area, a new trash enclosure can be requested. A discussion point has been raised to determine if a new trash enclosure should be required as part of the permit request.

Lighting: New site lighting is subject to the City's Lighting Design Standards (CMC 21.18.090). The most pertinent standard is the requirement for lighting fixtures to be shielded and for lighting not to emit across property lines. Whereas the applicant is not proposing new light fixtures, a discussion point has been raised to evaluate if additional lighting for the parking lot should be required.

SUMMARY

If the SARC believes that the applicant has adequately addressed the considerations for review of a Planned Development Permit, as specified by CMC 21.12.030.5, it could recommend approval to the Planning Commission as proposed or subject to revisions. The following questions are meant to facilitate the SARC's discussion of the application:

- **Patio Furniture & Wall:** Should different furniture be proposed? Should the patio wall be more decorative or transparent?
- **Parking Space Screening:** In addition to landscaping, should a short pony wall be required to screen the new parking spaces from view? Should an archway be required over the pedestrian walkway area, or should this area be left open?
- **Rooftop Signs & Mechanical Equipment Screen:** Should the rooftop signs be painted over? Should a more comprehensive rooftop mechanical equipment screen (which surrounds the equipment on all sides) be required?
- **Trash Enclosure:** Should a new trash enclosure be required? If so, where should it be located? (i.e. behind the Jerusalem Bar & Grill)
- **Parking Lot Lighting:** Should any additional parking lot lighting be required?

Attachments:

1. Location Map
2. Project Plans with Staff Clarifying Redlines
3. Property Photos
4. Parking Analysis
5. Administrative Record









Parking Analysis						
Address	Tenant	Classification	Area / Seats	Parking Required per Table 3-1	Req. Parking	Parking Provided
1708 S. Winchester	Russian Café & Deli	Deli	1,902 / None	1:250 sq. ft.	Prorated (7.6)	40 shared
1740 S. Winchester	Jerusalem Bar & Grill**	Restaurant	2,100 / 60 seats	1:3 seats	Prorated (20)	40 shared
		Office	2,452	1:225 sq. ft.	Prorated (10.89)	40 shared
1750 S. Winchester	Orale Mex-Grill	Existing Restaurant	1,590 / 40 seats (800 sq. ft. non-dining)	1:3 seats & 1/200 sq. ft. of non-dining	Prorated (17.3)	40 shared
		With Proposed Patio	+12 seats	1:3 seats	4	4 new (1 relocated)
				Total Parking Required	44	
				Total Parking Provided (shared)	44	
				Deficit/Surplus	0*	

*: The subject property shares parking with 1708 & 1740 S. Winchester Blvd. All existing uses were established with 40 shared parking spaces on site. Pursuant to CMC 21.28.040.D.2, when a legally established structure or use is enlarged or increased in capacity, only the difference in the required number of parking spaces for the existing use and the new use or increased capacity needs to be provided.

** : UP99-01 approved a parking deficit of 11 spaces for this use.

Administrative Record

In 1984, the restaurant operating at 1750 S. Winchester Blvd. changed its name from Hot Dog Heaven to Ricardo's Fast Food.

On July 24, 1984 the Planning Commission approved a Conditional Use Permit (UP84-09) for Ricardo's Fast Food, allowing a liquor license to permit on-sale beer and wine in association with a full service restaurant. The approval specified a limit on hours of operation from 8 a.m. to 10 p.m., but did not specify a limit on seating.

On April 27, 1999, the Planning Commission approved a Conditional Use Permit (UP99-01) for allow for an on-sale general liquor license, live entertainment and operational hours beyond 11 p.m. for Red Square Restaurant (now Jerusalem Bar & Grill) located at 1740 S. Winchester Boulevard. As part of the permit conditions of approval, a reciprocal parking and egress/ingress agreement had been required between 1708, 1740 & 1750 S. Winchester Boulevard but had never been recorded.

On May 16, 2002 the Planning Division reviewed a proposal for an outdoor patio area by Ricardo's Fast Food at 1750 S. Winchester Boulevard. The feedback from staff at the time indicated the necessity for a Conditional Use Permit and review and approval by the SARC & Planning Commission. In response to staff's feedback at the time, Ricardo's Fast Food elected to not proceed with the permit request for the outdoor patio.

On June 17, 2009 Ricardo's Fast Food changed to Orale Mex-Grill (a Mexican food restaurant).

In 2014, it came to the City's attention that the Orale Mex-Grill had expanded an outdoor patio area on the east side of their building and over a parking lot. As the seating area had not been reviewed or approved by the City, staff encouraged the applicant to submit permits for review.

On April 10, 2015 an inspection of the property was conducted by Planning and Public Works Department staff. At the time of inspection, 40 seats were observed inside the building.

On October 2, 2014 a warning notice was sent from the Code Enforcement Department to the property owner directing them to apply for the permits, or remove the outdoor patio.

On January 27, 2015 a notice of intent to cite was sent from the Code Enforcement Department to the property owner.

On March 19, 2015 the applicant submitted an incomplete application as an effort to show progress and avoid penalties by the Code Enforcement Department.

Between March 19, 2015 through June 15, 2016, staff sent five 'incomplete' (correction) letters on the subject permit in an attempt to ready the permit for review and consideration by the Site and Architectural Review Committee and Planning Commission.



*City
Council
Report*

Item: 12.
Category: New Business
Meeting Date: August 16, 2016

TITLE: Designation of Voting Delegate and Alternate for 2016 League of California Cities Annual Conference

RECOMMENDATION

That the City Council designate a Voting Delegate and Alternate(s) for the League of California Cities Annual Conference General Business Meeting to be held on October 7, 2016.

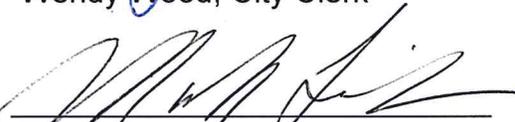
BACKGROUND

The League of California Cities Annual Conference is scheduled for October 5 – 7, 2016 in Long Beach, California. The General Business Meeting is scheduled for noon on Friday, October 7, 2016. To expedite the conduct of business at this policy-making meeting, each City Council should designate a voting representative and up to two alternates who will be present at the business Meeting, one of whom may vote in the event the designated voting delegate is unable to serve in that capacity.

Prepared by:


Wendy Wood, City Clerk

Approved by:


Mark Linder, City Manager

Attachment: Annual Conference Voting Procedures

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



City Council Report

Item: 13.
Category: Council Committee Reports
Meeting Date: August 16, 2016

TITLE: Approve Appointments to Civic Improvement Commission, Rental Increase Fact Finding Committee, and Parks and Recreation Commission.

RECOMMENDATION

It is recommended that the City Council approve the recommendation of the Advisory Commissioner Appointment Interview Subcommittee regarding appointments to:

Civic Improvement Commission – two four-year terms expiring August 2020;

Rental Increase Fact Finding Committee (Tenant) – one four-year term expiring August 2020;

Parks and Recreation Commission – one short term expiring December 2017.

BACKGROUND

Pursuant to Council Policy #1.9b regarding Advisory Commission Reappointments, current commissioners were notified of their term expiration and notices of the upcoming vacancies were posted at City Hall, the Campbell Library and the City's website.

Civic Improvement Commission: The terms of Commissioners Anne Castleton, and Traci Mitchell will expire August 31, 2016. Commissioner Castleton was appointed in October 2010, and Commissioner Mitchell was appointed in November 2008. Commissioner both commissioners are requesting reappointment to an additional four-year term and five additional applications were received.

Rental Increase Fact Finding Committee: The term Tenant Representative Phil Doetsch will expire August 31, 2016. Committee Member Doetsch was appointed in January 2010 and no request for reappointment was received. Two applications were received.

Parks and Recreation Commission: An unscheduled vacancy occurred for the resignation of Commissioner Scott Johnson in June. Four applications were received.

DISCUSSION

The Advisory Commissioner Appointment Interview Subcommittee (Vice Mayor Gibbons and Councilmember Resnikoff) met on August 1, 2016 to interview three applicants to fill one short term for the Parks and Recreation Commission (applicant Lisa Rezowalli withdrew her application) and two applicants to fill one four year term for the Rental Increase Fact Finding Committee. The Advisory Commissioner Appointment Interview Subcommittee also met on August 3, 2016, to interview seven applicants to fill two four-year terms for the Civic Improvement Commission. The Council Subcommittee will report on the interviews and make recommendations regarding the appointment of two members to Civic Improvement to four year terms expiring August 2020; one member to the Rental Increase Fact Finding Committee to a term expiring August 2020; and one member to the Parks and Recreation Commission to a short term expiring December 2017.

FISCAL IMPACT

There is no fiscal impact.

Prepared by:


Wendy Wood, City Clerk

Approved by:


Mark Linder, City Manager

Attachments: Applications

MEMORANDUM



City Clerk's Office

To: Vice Mayor Liz Gibbons
Councilmember Paul Resnikoff

Date: August 1, 2016

From: Wendy Wood, City Clerk

Subject: Advisory Commission Interviews

Advisory Commission interviews have been scheduled for **Monday, August 1, 2016** as follows:

Parks and Recreation Commission: One – short term expires December 2017. An unscheduled vacancy for the resignation of Scott Johnson occurred in June. Four applications were received for your consideration.

Rental Increase Fact Finding Committee: One - Tenant term expiring August 2016. The term of Committee member Phil Doetsch will expire August 31, 2016. Two applications were received.

Interviews are scheduled as follows:

Parks and Recreation Commission:

6:00 p.m. Sherrie Doherty
6:15 p.m. Lisa Rezowalli
6:30 p.m. Sanhita Ghosal
6:45 p.m. Michael Levy

Rental Increase Fact Finding Committee:

7:00 p.m. Kevin Kelleher
7:15 p.m. Jennifer Dooley

Attached are copies of the applications. I have reserved the Doetsch Conference Room for the interviews. Please let me know if you have any questions.

APPLICATION FOR APPOINTMENT AS

JUL 14 2016

Parks & Recreation Commission CITY CLERK'S OFFICE

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Sherrice L. Doherty

Address [REDACTED]

Telephone No: Home [REDACTED] Work [REDACTED] Email [REDACTED]

Have you served in a similar capacity previously? Yes No X

If "Yes", give name of City or other jurisdiction:

Present Occupation Retired Executive Assistant
(Give Title)

Name and Address of Present Employer (If employed)

Education: High School Westmont High School
College
Degree(s) Obtained

What is your specific interest in this appointment?

Having been a longtime Campbell resident (40+ years) and a City of Campbell employee, I would like to give back to this, my community in this special way.
As a mom & grandmother of children that have used Campbell facilities, parks, and programs throughout the years I feel that I have a unique insight and a lot to offer.

Signature Sherrice L. Doherty Date July 14, 2016

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED
JUL 15 2016
CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Lisa Rezowalli

Address [REDACTED]

Telephone No: Home [REDACTED] Work [REDACTED] Cell [REDACTED] Email [REDACTED]

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

Whittier, Los Angeles County

Present Occupation Retired- TV- Photojournalist
(Give Title)

Name and Address of Present Employer (If employed)

Retired- I was a TV photojournalist for ABC-TV News for 35 years.

Education: High School Del Mar High School, San Jose, CA

College San Jose State University

Degree(s) Obtained _____

What is your specific interest in this appointment?

I am very interested in the Recreation Activity for 50+, adding classes to educate Adult caring for their parents and the Special Events Committee.

My past experience include:

Whittier Conservancy- Board Member

League of Women (Whittier Chapter)- Voter Service Chair

Signature Lisa Rezowalli Date 7/15/2016

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUL 15 2016

CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

COMMISSIONER, PARKS AND RECREATION IMPROVEMENT
COMMISSION

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name SANHITA GHOSAL

Address [REDACTED]

Telephone No: Home [REDACTED] Cell [REDACTED] Work [REDACTED] Email [REDACTED]

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

Present Occupation PLANNER II
(Give Title)

Name and Address of Present Employer (If employed)

CITY OF SAN JOSE
200 E SANTA CLARA ST
SAN JOSE CA 95113

Education: High School } See attached resume'
College _____
Degree(s) Obtained _____

What is your specific interest in this appointment?

See attached sheet.

Signature Sanhita Ghosal Date 7/15/16

SANHITA GHOSAL

Email: [REDACTED]
[REDACTED]
[REDACTED]

EDUCATION

Masters in Urban Planning, San José State University, CA. 2010.

Masters in Engineering (Architecture), The University of Tokyo, Institute of Industrial Science, Tokyo, Japan. 1998.

Bachelor of Architecture, Bengali Engineering and Science University; Howrah, India, 1992.

PROFESSIONAL EXPERIENCE

Planner II, City of San José, Planning Department (July 2015 till date, September 2004 – July 2009)

Environmental Services Specialist, City of San José Environmental Services Department (July 2009 - July 2015)

PREVIOUS EXPERIENCE

Urban Planning Intern, Community Development, City of Campbell, CA, 2004.

Student Assistant, Mineta Transportation Institute, 2003-2004.

Innovative Programs Intern, Transportation & Land Use Coalition, Oakland, 2003.

CEO, Bengalnet Communications (<http://www.bengalnet.com>), Calcutta, India, 1998-2000.

Architect at various organizations in Calcutta, India 1992, 1998, 2000 preparing architectural and structural drawings for residences and commercial buildings.

PROFESSIONAL TRAINING

- Certified Planner, American Institute of Certified Planners.
- ArcGIS III: Basic Workflow by ESRI (October, 2012)
- UC Davies Extension Training on Implementing the Clean Water Act (April 2013).
- City of San José, Leadership and Coaching Academy (June 2013); Seven Habits of Highly Effective People (April 2014)
- Various City-organized trainings on leadership and management skills such as Conflict Resolution, Project Management, Emotional Intelligence, Delegation.

OTHER ACTIVITIES AND SKILLS

- A Holistic Approach to Landscape IPM: Promoting Sustainable Landscaping as a Basic Urban Pesticide Management Tool in San José: Talk at CASQA 2012 Conference.
- Brown Bag Presentation at the Department of Pesticide Regulation, Sacramento on Sustainable Landscaping (20011)
- Topic of research for the Masters in Urban Planning final thesis: Stylistic changes in architectural façades of San José's Bungalows of early 21st century.
- Teaching assistant, and guest lecturer in architecture and urban Planning at various educational institutions, 2000-2006.
- Several publications on Urban Planning and Architecture.
- Editor, *Shatopura* a monthly Internet Magazine, 1997-1998 (<http://www.shatorupa.com>).
- Languages: Speak, read and write Japanese, Hindi, and Bengali.

Attachment to Application for Parks & Civic Improvement Commission Appointments

To,

The City Clerk, City of Campbell

Dear Madam.

I am a resident of Campbell for 13 years. Our family is invested in the community of Campbell in many ways. Parks and open space is at the heart of our family activities. My two children go to Campbell schools and use Campbell's parks and recreation facilities and programs extensively. After the Community Center was upgraded in early 2000's, we have been enjoying the center in various ways. In addition, civic improvements such as roads, is a reality that touches our lives in various ways. Campbell has excellent facilities that we are proud of. After enjoying those for a while, I would like to give back to the community by taking up the role of a Commissioner at the Parks Commission or the Civic Improvement commission.

I am trained as an architect and an urban planner. In addition, I have worked in a public agency for 12 years, for both development review of private properties and improvement/maintenance of public facilities. I have extensive knowledge of public decision-making processes, relevant state and Federal laws, public contracting, community coordination and outreach etc. This experience, in conjunction to my passion for community service, makes me an ideal candidate for any of these two board positions.

Thank you for considering my application.



SANHITA GHOSAL

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUL 15 2016

APPLICATION FOR APPOINTMENT AS

CITY CLERK'S OFFICE

Parks & Recreation Commission

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Michael Lev

Address

Telephone No:

Cell

Home

Work

Email

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

N/A

Present Occupation

Special Education Specialist, ESUHSO
(Give Title)

Name and Address of Present Employer (If employed)

Calera Post Secondary Program
420 Calera Ave
San Jose, CA 95123

Education:

High School

(BA)
College

Degree(s) Obtained

Bullard High, Fresno, CA
UCSC; Humboldt State (MA)
J.D.; Education Specialist

What is your specific interest in this appointment?

I would like to be involved with
civic governance where I live; to
contribute to the community.

I have lived here for 3 years & plan
to be here long-term.

The Parks & Rec Commission would
be an enjoyable area for me to
participate in.

Thank you!

Signature

M. Lev

Date

7/15/16

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUN 08 2016

CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

Rental Increase Fact Finding Committee

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Kevin R. Kelleher

Address [REDACTED]

Telephone No: Home none Work [REDACTED] Email [REDACTED]

Have you served in a similar capacity previously? Yes No X

If "Yes", give name of City or other jurisdiction:

Present Occupation Software Development Manager
(Give Title)

Name and Address of Present Employer (If employed)
Apple Inc, 1 Infinite Loop, Cupertino, CA 95014

Education: High School Cupertino HS
College San Jose State University, Santa Rosa JC
Degree(s) Obtained BS Physics, AS Fire Technology

What is your specific interest in this appointment?

I am currently a tenant in Campbell and have previously been a landlord of a single family dwelling in Cupertino. My experience being on both sides of the tenant/landlord relationship gives me valuable insight which I would like to contribute to the community by being a member of the Rental Increase Fact Finding Committee.

Signature [Signature] Date June 8, 2016

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUN 24 2016

CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

Rental Increase Fact Finding - Tenant

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Jennifer Doolay

Address [REDACTED]

Telephone No: Home [REDACTED] Work [REDACTED] Email [REDACTED]

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

Present Occupation Executive Director
(Give Title)

Name and Address of Present Employer (If employed)
Support Systems Homes, Inc.
1925 S. Winchester Blvd.
Campbell, CA 95008

Education: High School Blackford High School

College Blackstone Institute / West Valley College

Degree(s) Obtained paralegal - certified

What is your specific interest in this appointment?

As a long time Campbell resident, and
renting tenant, I have a strong
desire to be involved in the local
city government. I have a long,
exemplary track record as a tenant
and believe my personal dedication
to the city, it's residents and communities
would be an asset to this committee.

Thank you

Signature J Doolay Date 6/21/16

MEMORANDUM



City Clerk's Office

To: Vice Mayor Liz Gibbons
Councilmember Paul Resnikoff

Date: August 3, 2016

From: Wendy Wood, City Clerk

Subject: **Advisory Commission Interviews**

Advisory Commission interviews have been scheduled for **Wednesday, August 3, 2016** as follows:

Civic Improvement Commission: 2 terms expiring August 2017. The terms of Commissioner Traci Mitchell and Anne Castleton will expire August 31, 2016. Commissioner Mitchell was appointed in November 2008 and Commissioner Castleton was appointed in October 2015; both are requesting reappointment to a four-year term. Four additional applications were accepted.

Interviews are scheduled as follows:

Civic Improvement Commission:

6:00 p.m. Amy Carpenter
6:15 p.m. Carole Lin
6:30 p.m. Robert Young
6:45 p.m. Jennifer Dooley
7:00 p.m. Kitten Russell
7:15 p.m. Anne Castleton
7:30 p.m. Traci Mitchell

Attached are copies of the applications. I have reserved the Doetsch Conference Room for the interviews. Please let me know if you have any questions.

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUN 10 2016

CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS
Civic Improvement Commissioner

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Amy Carpenter

Address [REDACTED]

Telephone No: Home [REDACTED] Work n/a Email [REDACTED]

Have you served in a similar capacity previously? Yes No X

If "Yes", give name of City or other jurisdiction:

N/A

Present Occupation Executive Assistant to Managing Partner at KPMG
(Give Title)

Name and Address of Present Employer (If employed)

KPMG

3975 Freedom Circle, Santa Clara, CA 95054

Education: High School Branham High School

College UC Santa Barbara

Degree(s) Obtained B.A. Business Economics and B.A. Communications

What is your specific interest in this appointment?

I have owned my home in Campbell for the past 3.5 years, and grew up in the San Jose/ Almaden area so I know the area well. I have a great love and appreciation for our city and would love to be more involved in the continued development of Campbell. I want to continue to see the city thrive through community events, building development, and be a loved city by those living here, and a idealized destination for those that are not lucky enough to live here.

In my job, I work directly with the managing partner of KPMG Silicon Valley to run our office. This ranges from employee relations to business development. I also work closely with other leaders in our office and the firm to implement projects directed towards our people or our marketplace to keep the firm thriving. I see this role translating well into me being an effective member of this commission with the city of Campbell. Thank you for considering my application.

Signature *Amy Carpenter* Date 6/8/16

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUN 10 2016

APPLICATION FOR APPOINTMENT AS

CITY CLERK'S OFFICE

Civic Improvement Commissioner

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Carole Lin

Address [REDACTED]

Telephone No: Home [REDACTED] rk Email [REDACTED]

Have you served in a similar capacity previously? Yes ___ No X

If "Yes", give name of City or other jurisdiction:

Present Occupation NA
(Give Title)

Name and Address of Present Employer (If employed)

Education: High School _____
College CUNY, Baruch College.
Degree(s) Obtained MBA

What is your specific interest in this appointment?
Help out Campbell community more attractive in SF Bay Area. Love to make neighborhood looked nice. Enjoy all the artistic improvement projects, community events to welcome more families settling at Campbell.

I have been travelling for works for years and finally settled at this cute little town and I'd like to keep it that way & even better.

Signature Carole Lin Date 6.10.2016

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUN 16 2016

CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

Civic Improvement Commissioner

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name ROBERT YOUNG

Address [REDACTED]

Telephone No: Home [REDACTED] Work [REDACTED] Email [REDACTED]

Have you served in a similar capacity previously? Yes ___ No X

If "Yes", give name of City or other jurisdiction:

Present Occupation PROBATION MANAGER, Santa Clara County
(Give Title)

Name and Address of Present Employer (If employed)
Santa Clara County
840 GUADALUPE PKWY
SAN JOSE, CA 95110

Education: High School Leigh High School
College Cal Poly Pomona
Degree(s) Obtained BS - Behavioral Science

What is your specific interest in this appointment?

- See Attached -

Signature R Young Date 6-17-16
Rev. 12/10

I respectfully request an appointment to the position for the following reasons:

First, I have been in civil service for my entire career. Upon graduating from college, I began working with both disadvantaged youth and troubled youth. This included locations such as the boy's ranch, Juvenile Hall and group homes. In doing so, I have created change on a personal level and helped to better youth's lives in my own way.

I eventually promoted through the ranks and am now on an administrative level. Not only do I create change for youth, but now also for my staff. This change is on a more global level. With my requested appointment to serve as a Civic Improvement Commissioner, I may once more effect change, but this time for the community in which I reside.

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUN 24 2016

CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

Civic Improvement Comm.

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Jennifer Dooley

Address [Redacted]

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

Present Occupation Executive Director
(Give Title)

Name and Address of Present Employer (If employed)
Support Systems Home, LLC.
1925 S. Winchester Blvd
Campbell, CA 95008

Education: High School Blackford High School
College Blackstone Institute / West Valley College
Degree(s) Obtained Paralegal - certified

What is your specific interest in this appointment?
As a long time Campbell resident, I
have a personal, vested interest in
public places and local services. I
have a strong desire to be a part of
the local Campbell government and
believe that my personal dedication to
this city and its communities will be an
asset to the commission. Thank you.

Signature J Dooley Date 6/21/16

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED

JUL 01 2016

CITY CLERK'S OFFICE

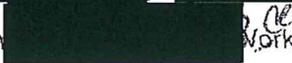
APPLICATION FOR APPOINTMENT AS

Civic Improvement Commission

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Kitten Russell

Address 

Telephone No: Home  Cell  Work 

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

Present Occupation Program Manager @ Cisco
(Give Title)

Name and Address of Present Employer (If employed)
Talent Space
2570 N First St, Ste 400
San Jose, CA 95131

Education: High School Los Gatos HS
College SJSU
Degree(s) Obtained BA

What is your specific interest in this appointment?
I want to get involved in my
community and give back. This
seems like a great place to start.

Reference: Cynthia Dodd

Signature Kitten Russell Date 7/1/2016
Rev. 12/10

RECEIVED

JUN 21 2016

CITY CLERK'S OFFICE

To Campbell City Council,

I am requesting a reappointment as a Civic Improvement Commissioner. I was appointed in October 2015 to fill a vacancy left by a commissioner's passing. It didn't take long for me to learn the ropes and find where I could contribute to the commission. The information on my first application is still the same, except that I will be changing my last name to Souza after I get married on September 5, 2016.

One of the areas in which I helped was the 5th grade poster contest. I delivered the contest packets to schools and collected donations for prizes. The night of the awards the original outline of presenting awards seemed chaotic so I came up with a plan on the spot to simplify the process that the other commissioners liked.

Every Friday morning for the past 5 weeks I have helped with the preparations for the "art outside the box" project. Working with the other commissioners on this project has been so rewarding. I drive by the electrical boxes, even when it is a bit out of my way, to see the progress of the artwork. It gives me such Campbell pride.

I have read several other City's Art Policies so I could contribute ideas to the City of Campbell's Art Policy that the council passed this year. I also have participated in the study sessions on the beautification grants and hope to get that program off to a fantastic start.

One of my ideas for next year, Youth Job Fair, has been put on the work calendar for the CIC. I am on the advisory board for the Campbell Union High School District Work Experience Program. I hope for the CIC and the work experience program to work together to help bring both students and businesses together. I look forward to engaging the Youth Commission to help with this event.

Another idea I have in the future is to start a program called "Campbell Cares" to make resources and education for suicide prevention easily accessible. I would like to schedule a series of events partnering with the American Foundation for Suicide Prevention. Some of the events could include a team from Campbell to participate in a community walk, a mental health first aid class, and a few "talk saves lives" presentations targeted towards youth and seniors.

As a single mom, widow, renter and former teacher, I have experiences and situations in life that give me a unique perspective with the issues presented to the CIC.

Sincerely,


Anne Ososkie Castleton

AUG 20 2015

CITY OF CAMPBELL
CITY MANAGER'S OFFICE

APPLICATION FOR APPOINTMENT AS

Civic Improvement Commission

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name Anne Castleton

Address _____

Telephone No: Home _____ Work _____ Email _____

Have you served in a similar capacity previously? Yes _____ No

If "Yes", give name of City or other jurisdiction:

Present Occupation Manager / Gymnastics Coach
(Give Title)

Name and Address of Present Employer (If employed)

California Sports Center
1975 Cambrianna Drive
San Jose, Ca 95124

Education: High School St. Francis - Mt. View

College UCLA

Degree(s) Obtained BA in dance

What is your specific interest in this appointment?

After attending the city council meeting on Tuesday, August 18th I was inspired to volunteer my time to help the city of Campbell. I am currently on the board of my neighborhood Association. I have extensive background working with youth. I have volunteered to work in Juvenile hall as an after school sponsor. I am on the Campbell Union High School Advisory board for work experience. I manage a gymnastics/dance facility that has 800 youth enrolled and I employ 20 high school student at this facility.

Signature A. Castleton

Date 8/20/15

Wendy Wood

From: Traci Mitchell [REDACTED]
Sent: Monday, June 27, 2016 12:42 PM
To: Traci Mitchell - Offsite; Wendy Wood
Subject: RE: Reappointed for CIC
Attachments: CIC Application for re-appointment_Traci Mitchell.pdf

RECEIVED
JUN 27 2016
CITY CLERK'S OFFICE

Wendy-

Attached is my revised application. I added my current employer information.

FYI-I will be out of the country from June 28th to July 29th.

Thank you, Traci

On Wed, 6/15/16, Wendy Wood <wendyw@cityofcampbell.com> wrote:

Subject: RE: Reappointed for CIC
To: "Traci Mitchell - Offsite" [REDACTED]
Date: Wednesday, June 15, 2016, 3:13 PM

Ok great thank you!

-----Original Message-----

From: Traci Mitchell [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: Wednesday, June 15, 2016 2:40 PM
To: Wendy Wood
Cc: Al Bito
Subject: Re: Reappointed for CIC

Thank you! I will review my application and resubmit if any updates are necessary.

Sent from my iPhone

> On Jun 15, 2016, at 2:22 PM, Wendy Wood <wendyw@cityofcampbell.com> wrote:

>

> Traci,

>

> I can use this email

as your formal request for reappointment unless you would like a more formal request. If you have updates to your application I will attach that. If you don't have any updates then I can just use the application we have on file.

>

> Thank you,

>
>
> Wendy Wood, CMC, City Clerk
> 70 N. First Street, Campbell, CA 95008 > (408) 866-2116 > wendyw@cityofcampbell.com > > > > -----Original
Message----- > From: Traci Mitchell [REDACTED]

> Sent: Wednesday, June 15, 2016 2:08

PM
> To: Wendy Wood
>
> Cc: Al Bito; Traci Mitchell -Offsite
>
> Subject: Reappointed for CIC
>
> Wendy-
>
> I have decided that I would like the
opportunity to be reappointed to the CIC. I am traveling from June 28-July 30th. > > Besides updating my application,
is there anything else you need from me?
>
> Let me know.
>
> Thank you, Traci
>
> Sent from my iPhone

CITY OF CAMPBELL
70 N. FIRST STREET
CAMPBELL, CA 95008-1423

RECEIVED
AUG 26 2008
CITY CLERK'S OFFICE

APPLICATION FOR APPOINTMENT AS

CIVIC IMPROVEMENT COMMISSION

REQUIREMENTS:- Campbell resident and at least 18 years of age.

Name TRACI MITCHELL

Address [REDACTED]

Telephone No: Home [REDACTED] Work [REDACTED]

Have you served in a similar capacity previously? Yes No

If "Yes", give name of City or other jurisdiction:

CIVIC IMPROVEMENT COMMISSION - SERVED AS CHAIRMAN FOR TWO CONSECUTIVE YEARS

Present Occupation CONSULTANT (CPA) - ACCOUNTING & FINANCE
(Give Title)

Name and Address of Present Employer (If employed)

TM CONSULTING - SELF-EMPLOYED
KEYSSA, INC 655 CAMPBELL TECHNOLOGY PARKWAY, SUITE 275
CAMPBELL CA 95008

Education: High School WILLOW GLEN HIGH SCHOOL

College SAN JOSE STATE UNIVERSITY

Degree(s) Obtained BS ACCOUNTING

What is your specific interest in this appointment?

AS A PARENT OF FOURTH GENERATION CAMPBELL RESIDENTS, I WOULD LIKE TO BE A DIRECT PARTICIPANT IN THE CONTINUED EFFORTS OF THE CITY'S IMPROVEMENTS. I TRULY BELIEVE THAT WE ARE PRODUCTS OF OUR ENVIRONMENT. THE CULTURE AND PEOPLE WE SURROUND OURSELVES WITH WILL HAVE A DIRECT IMPACT ON OUR LIVES. I LOVE THE CITY OF CAMPBELL AND HOPE TO HAVE THE OPPORTUNITY TO HELP PRESERVE WHAT THE CITY IS TODAY AND PROVIDE INPUT INTO ITS FUTURE WITH MY CHILDREN PROUD TO GROW UP IN THE CITY OF CAMPBELL.

Signature Traci Mitchell Date 8/26/08

6/4/2012
6/27/2016



City Council Report

Item: 14.
Category: Council Committee Reports
Meeting Date: August 16, 2016

DISCUSSION

This is the section of the City Council Agenda that allows the City Councilmembers to report on items of interest and the work of City Council Committees.

MAYOR BAKER

Cities Association of Santa Clara County:
Board of Directors
Selection Committee
City Atty. Performance/Comp. Subcommittee
City Clerk Performance/Comp. Subcommittee
City Mgr. Performance/Comp. Subcommittee
County Expressway Policy Advisory Board
County Library District JPA Board of Dir.
*Metropolitan Transportation Commission***
Bay Area Toll Authority
Santa Clara County Operational Area
*Council (Chair)***
*VTA Board of Directors***
West Valley Cities Representative to Silicon
*Valley Interoperability Authority ***
West Valley Mayors and Managers

VICE MAYOR GIBBONS:

Advisory Commissioner Appointment Interview Subcommittee
Campbell Historical Museum & Ainsley House Foundation Liaison
City Atty. Performance/Comp. Subcommittee
City Clerk Performance/Comp. Subcommittee
City Mgr. Performance/Comp. Subcommittee
CDBG Program Committee (County) (Alt.)
Cities Association of Santa Clara County:
Board of Directors (Alt.)
Selection Committee (Alt.)
County Expressway Policy Adv. Board (Alt.)
County Library District JPA Board of Dir. (Alt.)
Downtown Subcommittee
Education Liaison Subcommittee
Finance Subcommittee
Friends of the Heritage Theatre Liaison (Alt.)
Housing Rehabilitation Loan Committee
Legislative Subcommittee
State Route (SR) 85 Corridor Policy Advisory Board (Alt.)
Silicon Valley Clean Energy Authority Board of Directors
Santa Clara Valley Water District:
County Water Commission (Alt.)
20% Housing Committee (Successor Agency)
West Valley Mayors and Managers (Alt.)

COUNCILMEMBER CRISTINA:

Assn. of Bay Area Governments
Cities Association of Santa Clara County:
ABAG Representative (Alternate)
Economic Development Subcommittee
Santa Clara Valley Water District:
County Water Commission
Silicon Valley Clean Energy Authority Board of Directors (Alt.)

COUNCILMEMBER KOTOWSKI:

Assn. of Bay Area Governments (Alt.)
CDBG Program Committee (County)
Education Liaison Subcommittee
Friends of the Heritage Theatre Liaison
Housing Rehab Loan Committee (Alt.)
*Recycling Waste Reduction Commission***
Legislative Subcommittee
Silicon Valley Animal Control Authority Board (SVACA) (Alt.)
Valley Transportation Authority Policy Advisory Committee (Alt.)
West Valley Sanitation District
West Valley Solid Waste Authority JPA (Alt.)

COUNCILMEMBER RESNIKOFF:

Advisory Commissioner Appointment Interview Subcommittee
Campbell Historical Museum & Ainsley House Foundation Liaison (Alt.)
Downtown Subcommittee
Economic Development Subcommittee
Education Subcommittee (Alt.)
Finance Subcommittee
State Route (SR) 85 Corridor Policy Advisory Board
Silicon Valley Animal Control Authority Board (SVACA)
20% Housing Committee (Successor Agency)
Valley Transportation Authority Policy Advisory Committee
West Valley Sanitation District (Alt.)
West Valley Solid Waste Authority JPA

****appointed by other agencies**