



MEETING DATE: 03/16/09

ITEM NO.

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## COUNCIL/AGENCY AGENDA REPORT

DATE: March 12, 2009

TO: MAYOR AND TOWN COUNCIL/  
CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GREG LARSON, TOWN MANAGER/EXECUTIVE DIRECTOR 

SUBJECT: ENVIRONMENTAL REVIEW FOR NEW LIBRARY  
ADOPT A RESOLUTION AUTHORIZING THE TOWN MANAGER TO  
DIRECT GEIER & GEIER CONSULTING, INC. TO CONDUCT  
ENVIRONMENTAL REVIEW FOR THE NEW LIBRARY PROJECT IN AN  
AMOUNT NOT TO EXCEED \$100,758.

### RECOMMENDATION:

Adopt a resolution authorizing the Town Manager to direct Geier & Geier Consulting to conduct environmental review for the new library project in an amount not to exceed \$100,758.

### BACKGROUND:

In November and December 2008 the Town Council considered the conceptual design for the new Town library. The conceptual design defines the project for the environmental review and land use approvals. On January 20, 2009 Council authorized the Town Manager to execute an agreement with Noll & Tam Architects for schematic design through construction administration services for the library project. Commencement of the environmental review represents the beginning of the Planned Development process for the Library project.

### DISCUSSION:

The Town's environmental consultant, Geier & Geier Consulting, submitted a proposal and cost estimate for preparation of a focused EIR. The draft scope of work is described in Attachment 1. The existing contract with the consultant covers the work that will be done and a new agreement is not needed.

  
PREPARED BY: PAMELA S. JACOBS  
ASSISTANT TOWN MANAGER

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Reviewed by: PSJ Assistant Town Manager/Deputy Director            Town Attorney/General  
Counsel            Clerk Administrator/Secretary            Finance JT for SC  
           Community Development

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MAYOR AND TOWN COUNCIL

SUBJECT: APPROVAL OF PREPARATION OF EIR FOR NEW LIBRARY

*March 16, 2009*

FISCAL IMPACT:

The cost of the focused EIR is estimated to be \$100,758 (see Exhibit 1 to Resolution). This includes the cost of several contractors for preparation of studies relative to aesthetics, hazardous materials, and historical and cultural resources. Funds are available in the library project budget.

CONCLUSION:

Staff recommends that the Council adopt the resolution (Attachment 1) authorizing the Town Manager to direct Geier & Geier Consulting to commence with the environmental review for the new library.

Attachments:

1. Resolution with proposal for preparation of library EIR (Exhibit A)

Distribution:

Geier & Geier Consulting, P. O. Box 5054, Berkeley, CA 94705-5054

BNL:SD

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**RESOLUTION 2009 -**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AUTHORIZING THE TOWN MANAGER TO DIRECT  
GEIER & GEIER CONSULTING TO CONDUCT  
ENVIRONMENTAL REVIEW FOR THE LIBRARY PROJECT**

**RESOLVED**, that the Town of Los Gatos Town Council has reviewed conceptual plans for the new Town Library; and

**RESOLVED**, that the Council has authorized the Town Manager to execute and agreement with Noll & Tam Architects for schematic design through construction administration services for the project; and

**RESOLVED**, that the next step in the process is to commence with environmental review of the project; and

**RESOLVED**, that the Town has a contract with Geier & Geier Consulting (GGC) for environmental assessment services; and

**RESOLVED**, that project managers Valerie and Frederick Geier of GGC have submitted a proposal and cost estimate for preparation of a Focused Environmental Impact Report (EIR); and

**RESOLVED**, by the Town Council that the TOWN OF LOS GATOS enter into an agreement for services by the environmental consultant.

**FURTHER RESOLVED**, by the Town Council that the Town Manager is authorized to direct the consultant to conduct the environmental review, consistent with the scope of work attached hereto as Exhibit 1, on behalf of the TOWN OF LOS GATOS.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 16th day of March, 2009, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

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GEIER & GEIER CONSULTING, INC.

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## Memorandum

**To:** Ms. Suzanne Davis **Date:** March 12, 2009  
**From:** Valerie Geier and Frederick Geier  
**Subject:** Proposal to Prepare an EIR: Los Gatos Library

Geier and Geier Consulting, Inc. (GGC) is pleased to submit this proposal to prepare the Environmental Impact Report (EIR) for the proposed Los Gatos Library, which is to be adjacent to Civic Center on Villa Avenue. As indicated on the site plan dated 12/8/08, project development would include the removal of five existing residences, followed by construction of a two-story library building and two surface parking lots. Based on the parking report, the library would be approximately 40,000 square feet. No subsurface facilities are proposed. The existing Fiesta Way and the west end of Villa Avenue would be eliminated and incorporated into surface parking lots. Project access would be from East Main Street via aiseways in these surface parking lots, which would extend from East Main Street to the south side of Villa Avenue. Since the existing library space will be vacated when the proposed library is completed, use of the vacated space will need to be defined by the Town and considered in the CEQA impact analysis.

For this project, Frederick Geier will serve as Project Manager, while Valerie Geier will be Technical Director for this project. Our in-house capabilities will be complemented by the expertise of the following subconsultants: William Kanemoto & Associates (WKA) will complete the aesthetics/visual analysis, Carey & Company will evaluate the historical significance of existing homes on the project site, Holman & Associates will be responsible for the archaeological resources evaluation, and PIERS Environmental Services, Inc. will complete the Phase I ESA for the hazards evaluation. WKA completed the visual simulations for the Old Town EIR, while Holman & Associates has completed archaeological studies for numerous projects (including the Highlands of Los Gatos EIR). PIERS was retained by the Town in 2002 to complete the Phase I studies for the two residential properties on Fiesta Way.

### Scope of Work

Upon authorization by the Town, GGC will proceed with field studies to supplement technical studies already completed by the Town for the project. The following tasks will be performed to complete the environmental documentation process for the project.

**Task 1: Initial Study (IS), Notice of Preparation (NOP), and Administrative Draft  
Environmental Impact Report (ADEIR)**

GGC will prepare the IS and NOP in accordance with CEQA Guidelines. The IS will include a project description and evaluation of all environmental topics. For any impacts determined to be potentially significant, the IS will include explanatory discussions identifying the environmental issues that will need to be addressed in the EIR (providing justification for a focused EIR). The decision to include an environmental topic in the focused EIR will be based on whether the impact would be less than significant and/or whether there is sufficient information to make a determination. For example, if a detailed technical study is required to make an impact determination (such as traffic and parking), this topic will be deferred to the EIR so as not to delay completion of the Initial Study and NOP and to keep the environmental review process moving forward. This scope of work assumes that the Town will distribute the NOP as required by CEQA.

Under each environmental topic of the focused EIR, the EIR will describe the existing environmental setting, outline significance thresholds, describe methodologies employed to assess impacts, identify significant impacts based on these thresholds, identify mitigation measures proposed as part of the project or recommended by the EIR, and then define whether or not the measures have mitigated significant impacts to a less than significant level. The EIR will conform to all of the requirements identified by CEQA.

Based on preliminary discussions with Town staff, the Town will provide a number of technical studies that will be required for the EIR, as indicated below. While the IS and focused EIR will address all environmental topics required by CEQA, it is expected that detailed analysis will be required under the following topics:

- **Aesthetics:** A detailed visual analysis will be required in the EIR due to the visual sensitivity of this area. The visual impacts are typically defined by visual impacts on public viewing areas such as parks, schools, roads, etc. Given the project's location adjacent to the Civic Center and East Main Street, both public viewing areas, it will be important to evaluate the project's visual impact from these two key viewpoints. Nighttime illumination could also be an issue depending on the design option ultimately selected by the Town.

William Kanemoto & Associates (WKA) will be responsible for completing the visual analysis. WKA will consult with Town staff to determine two key viewpoint locations. Visual simulations of the proposed library and parking lots will be prepared by WKA from these two viewpoints. WKA will prepare an accurate and realistic 3D computer model of the proposed library and associated facilities based on plans and elevations to be provided by the City. The model would then be used to produce realistic computer-generated simulations from viewpoints to be selected in consultation with the City. The level of detail and realism of the simulation would reflect the level of design detail and other information available, and will include proposed streetscape, people and vehicles. For purposes of cost estimation, we assume that two simulations would be required.

The visual analysis will focus on CEQA significance criteria: (1) changes in visual character due to proposed removal of existing homes and landscape trees, as well as development of the library building and surface parking lot (including consistency of building mass and design with surrounding/adjacent development); (2) light and glare impacts; and (3) consistency with pertinent Town General Plan policies. The analysis will not address architectural issues since the Town will address these during the project review process.

- **Air Quality and Climate Change:** GGC will estimate the project's air pollutant emissions and compare them to BAAQMD significance thresholds for criteria air pollutants. GGC will also complete an evaluation of the project's impact on climate change. This analysis will entail an estimate of greenhouse gas emissions associated with the project (construction and operation) as well as a discussion of project's consistency with AB32 (Global Warming Solutions Act) goals. The significance determination for this impact will largely depend on the extent of green building measures that are incorporated into the project design (e.g., LEED standards).
- **Biological Resources:** The Town's consulting arborist, Arbor Resources, will provide a tree evaluation that evaluates the direct and indirect impacts of project construction on the long-term health and vigor of existing trees on the site. Preliminary review of the site indicates no other sensitive biological resources on the project site. Therefore, this analysis will focus on proposed tree removal impacts and tree replacement.
- **Cultural Resources:** Carey & Co. Inc. will evaluate the historical significance of the five existing homes on the project site, and determine the impacts of proposed demolition/removal of these homes. Carey & Co. will provide all necessary documentation (e.g. DPR Forms) in the event any of these homes are determined to be historically significant.

Holman & Associates will evaluate the project's potential effect on archaeological resources (including historical archaeology). Holman will complete a records search at the Archaeological Clearinghouse at Sonoma State University and conduct a field reconnaissance to determine the potential to encounter archaeological resources. Recommendations will be provided to ensure that any known and unknown resources are adequately protected.

- **Geology, Seismicity, and Soils:** In 1990, the Town retained Terratech, Inc. to complete a preliminary geologic and geotechnical survey of the library site. This survey included subsurface trenching to determine the potential for surface fault rupture and only included the portion of the project site located south of Villa Avenue. The portion of the site located north of Villa Avenue is traversed by a trace of the Berrocal Fault, but the fault location was not confirmed by this study. In addition, the Terratech study only confirmed the absence of the fault in the area south of the existing sidewalks that extends along the south side of Villa Avenue. The preliminary site plan indicates that the proposed library would extend over Villa

Avenue, and the area under Villa Avenue was not explored by Terratech. Terratech also identified two possible landslides on the hill located south of the site as well as a mine tunnel entrance. Exploratory trenching will need to be completed in the vicinity of Villa Avenue to confirm that the proposed library footprint would not be located on a fault trace. Additional detailed geotechnical investigations will be required to determine the potential for other hazards such as landslides, expansive soils, slope instability hazards associated with the mine tunnel, and groundshaking. GGC will summarize findings of these investigations.

- **Hazards:** The project site is comprised of six residential lots, and there are currently five residential structures that would be removed as part of project development. Past land uses on the project site need to be confirmed in order to determine the potential to encounter hazardous materials. Records indicated that Phase 1 Environmental Site Assessments (ESA) have been completed on some or all of these six lots. However, some or all were completed more than six months ago and will need to be updated. PIERS Environmental Services will update and complete a Phase I ESA for the entire project site. GGC files indicate that a Building Conditions Assessment (including inspection for asbestos) may have been done on some or all of these homes. While surveys for asbestos and lead-based paints will need to be done prior to construction, these surveys are not required for the CEQA analysis. CEQA documentation will include recommendations to ensure these hazards are properly surveyed and abated prior to building demolition/removal.

The General Plan's Fire Hazard Area Map indicates the project site is located within the Fire Hazard Area. GGC will address wildfire hazards and review the project design for consistency with applicable General Plan policies.

- **Hydrology and Water Quality:** Since the project possibly involves disturbance of more than one acre, GGC will identify jurisdictional agencies and possible requirements, such as a storm water pollution prevention plan (SWPPP) and non-point source measures to minimize or eliminate pollutant discharges from construction activities and from developed areas after construction (pursuant to C.3 requirements). GGC will complete this analysis, but will rely on Town Engineering to evaluate the adequacy of existing storm drain capacity to accommodate increased runoff associated with the proposed project.
- **Land Use:** The project site is currently designated by the General Plan as Medium-Density Residential, while the site is zoned Multi-Family Residential (RM:5-12). It appears that the project site will require a General Plan amendment and rezoning, although such amendments are not considered to a significant environmental impacts. Nevertheless, the EIR will examine the project's consistency with existing General Plan policies and zoning requirements that pertain to the proposed project. In addition, this analysis will examine existing surrounding public, residential, and commercial land uses, and evaluate compatibility of the proposed project with these uses. Land use compatibility criteria will include consideration of the combined or cumulative effect of project-related noise, aesthetics/visual, and traffic impacts. GGC will rely on Town staff's evaluation of the



project's consistency with General Plan, Zoning Ordinance and applicable design guidelines to complete this analysis.

- **Noise:** The proposed library use is considered a noise-sensitive use. Therefore, a 24-hour noise measurement will be conducted at the project site to ensure that the proposed use is compatible with existing and future noise levels at the site. In addition to noise compatibility, the noise analysis will identify project-related operational noise impacts due to increased traffic and parking activities as well as operation of mechanical equipment associated with the proposed new library building. Specifically, the noise analysis will evaluate potential changes in the local noise environment from the proposed expansion of surface parking on the project site as well as traffic circulation changes on local streets that could result from the proposed project. Project-related mechanical equipment will be reviewed for conformance with the Town's Noise Ordinance. The noise analysis will also evaluate short-term noise impacts resulting from project-related construction activities including operation of construction equipment on-site and increased truck traffic on local streets. Potential impacts on any identified sensitive receptors will be assessed, and measures to reduce the impacts of construction and operational noise will be recommended as necessary.
- **Traffic, Circulation, and Parking:** The Town's consulting traffic engineer, TJKM, will be responsible for preparing the detailed traffic and parking analysis. TJKM's findings and recommendations will be presented in the EIR. GGC assumes that TJKM will adequately address project-related and cumulative traffic impacts on local roadways and intersection operations (including CMP intersections) as well as traffic safety impacts associated with project-related increases on local roadways. While the Town has provided a calculation of the existing parking supply and the number of spaces that will be required, an evaluation of the adequacy of the proposed parking supply will need to be completed by TJKM.
- **Topical Issues Required by CEQA:** The EIR will include topics required by CEQA including Effects Not Found to be Significant, Growth-inducing Impacts, Cumulative Impacts, and Significant Unavoidable Adverse Impacts. It is anticipated that the following topics will be determined to have less-than-significant impacts and will not require detailed impact analysis: Agriculture Resources, Air Quality, Climate Change, Mineral Resources, Population and Housing, Public Services/Utilities, and Recreation.

Early in the process, GGC will work with Town staff to develop up to four alternatives for the project. The following possible alternatives could be evaluated in the EIR: No Project Alternative, Reduced Project Alternative, Off-site Project Alternative (only if there are other suitable sites on Town-owned properties), and Modified Design Alternative. The latter alternative would represent an alternative design that incorporates all the design-related mitigation measures recommended in the EIR. Alternatives will be evaluated at a more general level of detail than the project, and the degree of impact will be compared to project impacts.

Deliverables: 5 Copies of the Draft IS and NOP  
25 Copies of the Final IS and NOP  
5 Copies of the Administrative Draft EIR

**Task 2: Prepare Draft EIR**

After Town comments are received, GGC will incorporate requested changes and prepare the Draft EIR. It is assumed the Town will be responsible for distributing the Draft EIR to all agencies and individuals included on the distribution list, as well as preparation and distribution of the Notice of Completion for the EIR.

Deliverables: 60 Copies of the Draft EIR

**Task 3: Final EIR (Responses to Comments Document) and Mitigation Monitoring and Reporting Program**

After all written and oral comments are received, GGC will respond to all relevant comments and prepare the Responses to Comments document (RTC), or Final EIR, consistent with CEQA Section 15132. This document will include a summary of comments received at the Planning Commission public hearing, copies of all written comments, and responses to all CEQA-relevant comments. GGC assumes that the Town will provide transcripts of the public hearings.

In accordance with AB 3180, a Mitigation Monitoring and Reporting Program (MMRP) will be prepared. The MMRP will specify the timing and issues that need to be adequately addressed in this program. The MMRP will be provided as an attachment to the Responses to Comments document.

Deliverables: 5 Copies of Draft Response to Comments document  
40 Copies of the Response to Comments document

**Task 4: Attend Public Hearings**

Under the terms of this proposal, GGC (Frederick and Valerie Geier) will attend up to three public hearings: two meetings before the Planning Commission and one before the Town Council. Attendance at any additional meetings or hearings, or attendance by other specialist subcontractors will be on an extra-service basis.

## Schedule

GGC will be able to commence work upon authorization by the Town. We estimate the following schedule for completion of the work program:

<b>Task</b>	<b>Duration</b>
Receive Authorization to Proceed	March 16, 2009
Task 1: IS, NOP, ADEIR	April 13 (4 Weeks)
Staff Review	April 20 (1 Week)
Complete Final IS	April 27 (1 Week)
IS/NOP Comment Period	April 28 to May 28 (30 Days)
Prepare Administrative Draft EIR	May 28 to July 23 (8 Weeks)
Staff Review	July 23 to August 6 (2 Weeks)
Task 2: Prepare Draft EIR	August 6 to August 20 (2 Weeks)
Public Review Period	August 21 to October 2 (45 Days)
Task 3: Prepare Response to Comments Document and Mitigation Monitoring and Reporting Program	October 2 to October 30 (4 Weeks)
Public Review	October 30 to November 13 (15 Days)
Task 4: Attend Public Hearings	According to Town Hearing Schedules

The amount of time required by Town staff for document review is assumed and subject to variation at the discretion of the Town. The schedule for the ADEIR assumes responses to the NOP do not raise any substantial new issues and that technical studies are provided by May 28<sup>th</sup>, when the ADEIR is scheduled to begin. This schedule also assumes that comments are typical in volume and do not require any new technical studies in addition to those already anticipated.

## Costs

GGC proposes to undertake the scope of work described above, including the preparation of administrative and public review environmental documents and attendance at up to three public hearings for a fee of labor and expenses not to exceed \$100,758. Services beyond those specified in this proposal will be billed on a time-plus-expenses basis or negotiated under a separate contract. Fees will be billed on a monthly basis. A breakdown of costs by personnel, time, and expenditures for each of the tasks identified in this proposal is provided as follows:

Tasks	Hours							Total Hours
	F. Geier	V. Geier	Staff	WKA	PIERS	Holman	Carey	
<b>1. Initial Study (Needed to focus out topics)</b>								
Prepare Initial Study	24	10						34
<b>2. Administrative Draft EIR</b>								
Project Management/Editing	60	30						90
Word Processing			40					40
Graphics			30					30
Introduction	4							4
Summary	6							6
Project Description	6							6
<b>Environmental Setting/Impacts/ Mitigation</b>								
Aesthetics		4		\$11,840				
Air Quality and Climate Change		16						16
Biological Resources	12							12
Cultural Resources	16					\$1,500	\$8,910	16
Geology and Seismicity		12						12
Hazards and Hazardous Materials	8				\$2,500			8
Hydrology and Water Quality	20							20
Land Use and Planning	16							16
Population and Housing	16							
Traffic, Circulation, and Parking		16						16
Noise		24						24
Public Services and Utilities	4							4
Required Considerations	12	8						20
<b>3. Draft EIR</b>								
Prepare Draft EIR	16	16	8	\$944				40
<b>4. Responses to Comments Document and Mitigation Monitoring Program</b>								
Prepare Responses to Comments	40	40	16					96
<b>5. Public Hearings</b>								
Attend Three Hearings	20	20						40
<b>Total Hours</b>	280	196	94					570
Hourly Rate	\$135	\$135	\$65					
Labor Costs	\$37,800	\$26,460	\$6,110	\$12,784	\$2,500	\$1,500	\$8,910	\$96,064
Direct Expenses	\$4,694			Inclusive	Inclusive	Inclusive	Inclusive	\$4,694
<b>Total Cost</b>			\$75,064	\$12,784	\$2,500	\$1,500	\$8,910	\$100,758

NOTES: Printing and distribution costs include 5 Draft ISs, 25 ISs, 5 ADEIRs, 60 DEIRs, 5 Draft RTCs, and 40 Final RTCs. Labor estimate for Task 3 assumes about 75 comments are received and require responses. If an excessive number of comments are received or additional analysis is required, there may be additional costs.

## Client Responsibilities

GGC assumes that the Town will provide the following information:

- Two hard copy sets of project plans (including a grading and drainage plan) and electronic files, and one CD/DVD with electronic files containing project plans in pdf format
- Detailed studies as outlined in the above scope of work, which includes:
  - Arborist's Report (Arbor Resources)
  - Updated Detailed Geotechnical Investigation (addressing proposed building footprint and surface fault rupture hazards)

Memo to Suzanne Davis  
March 12, 2009  
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- Traffic and Parking Study (TJKM)
- Staff Evaluation of General Plan, Zoning Ordinance and applicable design guidelines

Items #1 and #2 should be provided at least six weeks prior to completion of the EIR.  
Remaining items should be provided at least four weeks prior to completion of the  
Administrative Draft EIR.