



MEETING DATE: 5/18/09

ITEM NO:

CONSENT

7

COUNCIL AGENDA REPORT

DATE: April 27, 2009

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

A handwritten signature in black ink, appearing to be "GL", written over the name "GREG LARSON".

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AMEND AN AGREEMENT WITH DESIGN, COMMUNITY AND ENVIRONMENT TO INCLUDE THE NORTH 40 SPECIFIC PLAN UPDATE AND A GENERAL PLAN OVERLAY.

RECOMMENDATION:

Adopt a Resolution (Attachment 1) authorizing the Town Manager to amend an agreement with Design, Community and Environment (DC&E) to update the North 40 Specific Plan and create a North 40 overlay designation in the Land Use Element of the General Plan.

BACKGROUND:

On August 25, 2008, the Council held a Study Session to provide direction on how to proceed with finalizing the North 40 Specific Plan in light of prospective development proposals in the North 40 area. Specifically, the question was what process to follow:

- Complete the North 40 Specific Plan; and/or
- Consider specific development proposals in advance of completion of the North 40 Specific Plan.

The Town Council voted 5-0 directing staff to finalize the Specific Plan. The Council indicated the draft Specific Plan be used as the foundation for an updated Plan. The Council also specified that the areas of focus for the update would be the following:

- How to fund and maintain infrastructure
- Review the design standards in the Draft N40SP to address concerns that the design guidelines and images contained in the draft do not clearly reflect the character of Los Gatos.

PREPARED BY: BUD N. LORTZ
DEPUTY TOWN MANAGER

Reviewed by: PSJ Assistant Town Manager OK Town Attorney
____ Clerk Administrator SC Finance ____ Community Development

- Determine appropriate land use mix that does not compete with the Downtown, including a residential and recreation component. The evaluation of residential uses should include an analysis of potential impacts to schools.
- Review the development standards, which includes a development cap, up to roughly 500,000 square feet of commercial mixed-use development, limits the size of any single use to a maximum of 70,000 square feet and states the average size of retail uses and structures should not exceed 30,000 square feet, and establishes a maximum building height of 35 feet. (exceptions can be granted through the Planned Development process to permit building up to 45 feet).

Current Proposal:

Staff has received a proposal from DC&E to prepare the update. Their proposed scope of work is attached (Attachment 2) and would include updating the North 40 Specific Plan and creating a North 40 overlay designation in the Land Use Element of the General Plan.

DC&E has knowledge of the Town having prepared the Open Space, Parks and Trails Inventory and through their current work preparing the Housing Element and General Plan Update for the Town. DC&E is able to offer joint management for preparation of the North 40 overlay designation, updated Specific Plan and its required environmental documentation, which allows efficiency in production and effective coordination between the two documents.

The estimated cost to complete the proposed scope of work described in this proposal is \$105,196. A contingency fee of \$5,260 is included to fund any unanticipated services. Additionally, an optional Alternatives Task fee of \$40,963 is included. This would only be necessary if there is no clear consensus on the selection of a preferred alternative after the first stakeholder meeting, community workshop, and General Plan Committee (GPC) meeting. The base amount plus contingencies and Alternatives Task totals \$151,419. The proposed budget includes attendance by DC&E's staff at two Stakeholder meetings, two Community Workshops, and two GPC meetings. Additional meetings would cost an additional \$1,575 per meeting. The Alternatives Task fee will only be utilized if necessary as determined by the Town Council. The contingency funding has been included to allow the Town Manager to authorize limited additional costs in order to complete the project within the proposed schedule.

The combined total of DC&E's contract is \$920,001, which includes the General Plan Update and finalizing the North Forty study.

CONCLUSION:

Staff has concluded that DC&E provides the best fit, capacity and professional expertise to finalize the Specific Plan Update within the established time frame. During preparation of the Recreation Inventory, Housing Element and General Plan update, DC&E repeatedly proved their ability to produce a quality product within challenging time constraints.

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MAYOR AND TOWN COUNCIL

SUBJECT: DC&E CONTRACT AMENDMENT

May 18, 2009

ENVIRONMENTAL ASSESSMENT:

Approval of the DC&E contract amendment is not a project as defined by CEQA. An environmental assessment will be conducted for the update and will be presented to the Planning Commission and Town Council with the Draft General Plan.

FISCAL IMPACT:

Funding for the North 40 Specific Plan will come from the General Plan Update Fund. Sufficient funds are available in this account.

Attachments:

1. Resolution
2. Scope of Work
3. Agreement

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RESOLUTION

RESOLUTION AUTHORIZING THE TOWN MANAGER TO AMEND AN AGREEMENT WITH DESIGN, COMMUNITY AND ENVIRONMENT TO INCLUDE PREPARATION OF A NORTH 40 SPECIFIC PLAN AND A NORTH 40 GENERAL PLAN OVERLAY

WHEREAS, the Town of Los Gatos desires to complete the North 40 Specific Plan and create a North 40 General Plan overlay designation in the Land Use Element of the General Plan; and

WHEREAS, Design, Community and Environment is the most qualified firm to prepare the North 40 Specific Plan and the North 40 overlay designation in the Land Use Element of the General Plan because of their extensive experience preparing Specific Plans and General Plans for jurisdictions throughout California; and

WHEREAS, David Early, Design, Community and Environment's Principal-in-Charge for this project, has extensive applicable experience preparing Specific Plans and General Plan Updates for jurisdictions throughout California.

WHEREAS, Design, Community and Environment, is currently preparing the Town's General Plan Update.

RESOLVED, by the Town Council that the Town Manager is authorized to execute an amendment to an agreement with Design, Community and Environment for preparation of the General Plan Update, North 40 Specific Plan and North 40 overlay designation in the Land Use Element of the General Plan to increase total compensation for all services to an amount not to exceed \$920,001.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the ____

day of May, 2009, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

/s/ Mike Wasserman
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Jackie Rose
CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

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1625 SHATTUCK AVENUE
SUITE 300
BERKELEY, CA 94709
TEL: 510 848 3815
FAX: 510 848 4315
www.dceplanning.com

March 27, 2009

Bud Lortz, Deputy Town Manager
Town of Los Gatos
1110 East Main Street
Los Gatos, CA 95031

Re: North Forty Specific Plan Update and General Plan Overlay

Dear Bud:

Please accept this proposed scope of work and cost estimate to incorporate a planning process for the North Forty area into the Town of Los Gatos General Plan Update as a separate but parallel effort. This planning process will build off the existing 1999 Public Review Draft North Forty Specific Plan, which has never been adopted, and will focus on integrating land use, urban design, and circulation concepts for the North Forty area into the overall General Plan.

DC&E suggests that the clearest and most effective way to plan for the North Forty area is to create a new North Forty Overlay designation in the updated Land Use Element. This overlay designation will include the basic parameters for development on the site. It will be supported by a more detailed Specific Plan. The existing draft Specific Plan will be finalized and adopted under the scope below.

Our proposed approach offers several advantages:

- ♦ A plan for the North Forty area will be completed more quickly than if a Specific Plan is prepared and adopted outside the General Plan process;
- ♦ Land uses and policies in the area will be thoroughly integrated into and consistent with the General Plan as a whole.
- ♦ There will be no need for a separate CEQA review process. Because the North Forty Overlay designation will be a part of the General Plan Land Use Element, buildout allowed under the updated Specific Plan and corresponding Overlay designation will be analyzed as part of the General Plan EIR.
- ♦ Town staff and the property owners will have flexibility in implementing the concepts of the overlay designation within the maximum envelopes it establishes.

North Forty Specific Plan Area Background

The North Forty area is generally located west of Los Gatos Boulevard, east of Highway 17, north of Lark Avenue and south of Highway 85. The area consists of approximately 44 acres, which is predominantly in agricultural use. The existing vision statement for the Plan Area calls for a mix of commercial uses, allowing retail commercial, office, entertainment, restaurants, lodging, and public and civic uses, targeting primarily town residents. The Specific Plan's objective is for the proposed uses to complement, not directly compete with, the town's downtown. The Specific Plan states that Level of Service (LOS) D is the minimum LOS acceptable on roadways and intersections surrounding the Plan Area. The area is envisioned to have a unique, pedestrian-oriented "sense of place."

The planning concept for the North Forty area shown in the existing Draft Specific Plan accommodates approximately 500,000 square feet of commercial mixed-use development, with the majority as destination retail. Neighborhood (convenience) retail is limited to 100,000 square feet of the total. Office use, excluding medical-related offices and use, is also limited to 100,000 square feet of the total. These development parameters will be confirmed and refined as necessary through the scope of work below.

Proposed Scope of Work

The following scope of work outlines the tasks DC&E would add to our existing scope of work for the General Plan Update and EIR to incorporate the North Forty area into the General Plan and update the 1999 North Forty Specific Plan.

Task A. Understand Existing Conditions

DC&E staff will conduct a site visit of the North Forty area to document existing conditions through maps and photographs. During this visit, we will also meet with Town staff to review the existing 1999 Specific Plan, discuss the history of the site, and understand current views on the future of the area.

Task B. Refine Specific Plan Concepts

DC&E will review and refine the concepts in the 1999 Draft Specific Plan with the property owners, community members, and the General Plan Committee.

1. Stakeholder Meeting #1

First, DC&E will meet with key property owners whose participation in the North Forty planning process is particularly important to discuss what changes, if any, are needed to the concepts in the 1999 North Forty Specific Plan. This meeting may be attended by as many as 10 individual stakeholders. We assume that Town staff will assist with identifying appropriate stakeholders to interview and obtaining contact information.

2. Community Workshop #1

Next, my staff and I will facilitate a community workshop focusing on the North Forty area. Preliminarily, we expect that this first workshop will be used to review the existing 1999 North Forty Specific Plan and discuss what, if any, changes are needed. Some possible changes to consider are:

- ♦ Including housing, which is currently not allowed in the Plan Area
- ♦ Revising the development cap
- ♦ Including a recreation component in the Plan Area
- ♦ Revising land use distribution to locate smaller buildings along the Los Gatos Boulevard frontage, and office and lodging uses away from Los Gatos Boulevard
- ♦ Adding suggestions or requirements for pedestrian orientation and linkages

Following the workshop, DC&E will prepare a brief two-page summary.

3. General Plan Committee Meeting #1

The Town Council has directed the General Plan Committee (GPC) to discuss the North Forty area and determine whether changes should be made to the 1999 Draft Specific Plan. DC&E will attend one GPC meeting to report the feedback received at the stakeholder meeting and community workshop and discuss any potential changes suggested by the GPC. The GPC may also offer guidance on more technical Specific Plan issues, such as adjusting requirements for projects on parcels of 40,000 square feet and larger, which currently require approval of a zone change to Planned Development

4. Town Staff Input

To supplement the input received from stakeholders, the public, and the GPC, Town staff will review and provide direction for revisions to:

- ♦ Location of gateway features and nodes
- ♦ Design of frontage access drive, currently envisioned adjacent and parallel to Los Gatos Boulevard

5. Revise Specific Plan

Based on the four sources of input described above, DC&E will revise the following sections of the Specific Plan as needed to reflect the updated vision for the Plan Area:

- ♦ Goals and Policies (Chapter 2 Section C)
- ♦ Planning Concepts (Chapter 2 Section D), including:
 - Exhibit 2-1 Master Concept Development Plan
 - Exhibit 2-2 Urban Design Concept Plan
- ♦ Site Planning Guidelines (Chapter 3 Section D), including:
 - Exhibit 3-1 Main Access Road Setback
 - Exhibit 3-2 Secondary Access Road Setback
 - Exhibit 3-3 Building Setbacks
 - Exhibit 3-4 Frontage Road Building Setbacks
 - Exhibit 3-5 Orchard-style Planting Design

Optional Task: Develop Alternatives and Select a Preferred Alternative

if no clear consensus emerges from the stakeholder meeting, community workshop and GPC meeting in Task B, the following optional task could be implemented.

DC&E would prepare three conceptual land use and circulation diagrams identifying alternative scenarios for future development in the North Forty area. These diagrams would identify land uses and development intensity envisioned for the three alternatives. The

illustrative plans would also identify potential streetscape and circulation improvements for each alternative. The cost estimate assumes that DC&E would not prepare any three dimensional models or perspective drawings for the alternatives. DC&E would facilitate an Alternatives Public Workshop to receive public input on the alternatives.

DC&E would then facilitate separate study sessions with the General Plan Committee and the Planning Commission to present the results of the Alternatives Workshop and receive input on a preferred alternative. DC&E would subsequently facilitate one study session with the Town Council to present the results of the Alternatives Workshop, GPC study session and Planning Commission study session. Based on this input, the Town Council would be asked to provide direction on a preferred alternative for the planning area.

If the Town decides to proceed with this optional alternatives process for the North Forty area, it would be coordinated with the Town-wide General Plan alternatives process, which is currently scheduled to occur in the summer and fall of 2009.

Task C. Create Photosimulations

DC&E will create a total of four photosimulations of views from Highway 17, looking over the North Forty area towards the hills. We will show what future development would look like from two different locations, with development at two different heights (two stories and three stories). The photosimulations will portray building height and massing, showing potential building envelopes and not architectural details of the buildings.

Task D. Update Infrastructure Information

DC&E will update the information related to existing infrastructure capacity, future capacity, any plans for infrastructure expansion and funding opportunities. DC&E will also update the figures to show the new connections that have been made in the North Forty area. This includes the Infrastructure Concept Plan (Chapter 2 Section G) and the following:

- ♦ Exhibit 2-10 Existing Water Lines
- ♦ Exhibit 2-11 Existing Sewer Mains
- ♦ Exhibit 2-12 Existing Storm Drainage

Task E. Reformat Specific Plan

DC&E will reformat the entire Specific Plan for an up-to-date look.

DC&E will submit an Administrative Draft Specific Plan for Town staff to review. Based on staff comments, DC&E will produce a Draft Specific Plan for GPC and public review.

I. Text

This scope assumes that DC&E will create an editable Word version of the 1999 Draft Specific Plan.

2. Graphics

As described above, DC&E will re-create all of the graphics in the 1999 Draft Specific Plan, revising the content and format to be consistent with the updated concepts. In addition, DC&E will update the photos in the current Specific Plan document with similar, full-color photos.

3. Development Standards and Design Guidelines

DC&E will coordinate with the architect contracted separately by the Town and incorporate the text and photographs submitted by the architect in the Building Design section (Chapter 3 Section F, pages 3-20 through 3-30). We assume that the Town-contracted architect will provide DC&E with text in Word and graphics in Adobe Illustrator or another editable format for easy incorporation into the document.

Task F. Create North Forty Overlay Designation

DC&E will create a North Forty Overlay designation that will be incorporated into the updated General Plan Land Use Element. The overlay designation will be a unique designation applied to all parcels within the North Forty area. It will require that these parcels are developed in a cohesive manner that is consistent with the goals of the updated General Plan and the outcomes of the North Forty planning process. It will establish the appropriate mix and type of uses in the area, maximum permissible densities and maximum buildout for each land use type in either number of dwelling units or square feet of non-residential space.

Because the North Forty Overlay designation will be a part of the General Plan Land Use Element, buildout allowed under the North Forty Overlay designation will be analyzed, along with buildout allowed under all other General Plan designations and policies, in the General Plan EIR. The final provisions of the North Forty Overlay designation will be reviewed by the public and elected officials as part of the Draft General Plan and will be adopted by the Town Council as part of the final General Plan adoption.

Task G. Present the Updated Specific Plan

DC&E will present the updated North Forty Specific Plan and corresponding North Forty Overlay designation to property owners, community members, and the General Plan Committee.

1. Stakeholder Meeting #2

DC&E will meet with the property owners to review the Draft Specific Plan and accept their input. DC&E will summarize stakeholder input in a memo.

2. Community Workshop #2

My staff and I will facilitate a second community workshop to give the public an overview of the North Forty planning process and the resulting Specific Plan and overlay designation. We will accept public comments on the Draft Specific Plan and summarize the comments in a memo.

3. General Plan Committee Meeting #2

DC&E will attend one GPC meeting to review the Draft Specific Plan and overlay designation. We will also present the summaries of stakeholder and community input on the Draft Specific Plan and ask the GPC to give direction on what revisions are needed, if any. We will not revise the Draft Specific Plan prior to the GPC meeting.

Task H. Final Revisions

Based on direction from GPC Meeting #2 and Town staff, DC&E will make any needed revisions and produce a Final Specific Plan for Town Council approval. This scope of work does not include DC&E attendance at any special Specific Plan adoption hearings since we assume that adoption will occur with the General Plan.

Deliverables

DC&E will deliver the following products to Town staff:

- ♦ Agenda, handouts, maps and other materials for two stakeholder meetings, two GPC meetings and two community workshops (delivered electronically)
- ♦ Summary notes from two stakeholder meetings, two GPC meetings and two community workshops (delivered electronically)
- ♦ Administrative Draft Specific Plan, including photosimulations, for internal review (delivered electronically)
- ♦ Draft Specific Plan, including revised photosimulations, for GPC review (5 paper copies)
- ♦ Memorandum summarizing stakeholder input on Draft Specific Plan (delivered electronically)
- ♦ Memorandum summarizing community workshop input on Draft Specific Plan (delivered electronically)
- ♦ Final Specific Plan for Council adoption (10 paper copies)
- ♦ Administrative Draft Overlay text for internal review (delivered electronically)

The public review draft Overlay designation will be included in the public review draft General Plan.

Schedule

The General Plan alternatives process is currently scheduled to begin in May 2009. General Plan Community Workshop #3, at which participants will be asked to begin formulating alternatives for opportunity sites, is scheduled for June 6. In order to have the option of conducting the North Forty alternatives process at the same time as the General Plan alternatives process, stakeholder interview #1, community workshop #1 and GPC meeting #1 will need to be held in April or May.

Assuming that we attain this schedule, we will submit an administrative draft conceptual land use and circulation diagram no later than September 2009 so that it can be reviewed by Town staff and incorporated into the General Plan EIR project description, due in October 2009.

As noted above, the North Forty Overlay designation will then be integrated into the Administrative Draft General Plan, due to the Town in December 2009, and Public Review Draft General Plans, due in March 2010.

Cost Estimate

DC&E can complete the scope of work described in this proposal for \$105,196.

The cost for the optional Alternatives Development and Selection Task would be an additional \$40,963.

The proposed budget includes preparation of materials and attendance by David Early and DC&E's Project Manager at two GPC meetings. We are available for additional meetings for \$1,575 per meeting.

Please don't hesitate to contact me if you have any questions about this proposal. DC&E enjoys working with the Town on the General Plan Update and Housing Element and is very excited about expanding that work to encompass the North Forty planning effort.

Sincerely,

DESIGN, COMMUNITY & ENVIRONMENT, INC.

David Early
Founding Principal

Table I
Design, Community & Environment
North Forty Specific Plan Update and General Plan Overlay Designation
Cost Estimate

Hours per Task	Founding Principal	Associate Principal	Associate/ Project Manager	Project Planner	Graphics/ WP	Urban Designer	Graphics Tech
A. Existing Conditions	2	2	8	8	-	8	-
B. Refine Specific Plan Concepts	16	22	46	58	-	40	-
C. Create Photosimulations	1	1	4	-	-	88	-
D. Update Infrastructure Information		1	2	6	-	6	-
E. Reformat Specific Plan	2	8	40	70	18	74	63
F. North Forty Overlay Designation	2	4	12	24	-	4	-
G. Present Updated Specific Plan	15	22	32	48	-	-	-
H. Final Revisions	4	12	32	40	8	24	12
Total Hours	42	72	176	254	26	244	75
Billing Rate	\$225	\$175	\$135	\$105	\$90	\$85	\$80
Labor Cost	\$9,450	\$12,600	\$23,760	\$26,670	\$2,340	\$20,740	\$6,000
Total Firm Labor Cost							\$101,560
EXPENSES							
Mileage (@ \$0.55 per mile)							605
Reprographics and Mapping							300
Specific Plan Printing							250
Deliveries							50
Workshop Supplies & Refreshments							400
Office Expenses (Phone, Fax, Copies, etc)							2,031
Total Expenses							3,636
TOTAL DC&E							\$105,196
Contingency Fee							\$5,260
Cost for Optional Alternatives Task							\$40,963

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT is entered into this ___ day of May 2009, by and between the Town of Los Gatos, State of California, herein called the "Town" and, Design, Community and Environment, herein called the "Consultant".

RECITALS

- A. Town and Consultant entered into an agreement to prepare the General Plan Update on June 18, 2008 (Agreement), a copy of which is attached hereto as Attachment 1 and incorporated herein by reference.
- B. Town desires to amend the Agreement to include finalizing the North 40 Specific Plan,

AMENDMENT

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

- 1. Scope of Services. The Consultant shall provide additional services described in the attached scope of work (Exhibit A).
- 2. Compensation. Compensation for Consultant's professional services (Attachment 1 and Exhibit A) shall be nine hundred twenty thousand and one dollars (\$920,001). Payment shall be based upon Town approval of each task.
- 3. All other terms and conditions of the Agreement dated June 18, 2008, remain in full force and effect.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on page one.

Consultant, by:

David Early, Principal

Date: _____

Town of Los Gatos by:

Greg Larson, Town Manager

Date: _____

Department Approval by:

Bud N. Lortz, Deputy Town Manager

Date: _____

Approved as to Form by:

Orry P. Korb, Town Attorney

Date: _____

ATTEST:

Town of Los Gatos, Los Gatos, California, by

Jackie Rose, Clerk Administrator

Date: _____

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AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT is entered into this 18th day of June 2008, by and between the Town of Los Gatos, State of California, herein called the "Town" and, Design, Community and Environment, herein called the "Consultant".

RECITALS

- A. The Town is updating the General Plan.
- B. The Town desires to engage a Consultant to prepare the General Plan Update, because of Consultant's experience and qualifications to perform the desired work.
- C. The Consultant represents and affirms that it is qualified and willing to perform the desired work pursuant to this Agreement.

AGREEMENTS

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. Scope of Services. The Consultant shall provide the following services described in the attached scope of work (Exhibit "A").
2. Time of Performance. The services of the Consultant are to commence upon the Notice to Proceed of this Agreement and issuance of a Town purchase order with completion by December 2010.
3. Compliance with Laws. The Consultant shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Consultant represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
4. Sole Responsibility. Consultant shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.
5. Information/Report Handling. All documents furnished to Consultant by the Town and all reports and supportive data prepared by the Consultant under this Agreement are the Town's property and shall be delivered to the Town upon the completion of Consultant's services or at the Town written request. All reports, information, data, and exhibits prepared or assembled by Consultant in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Consultant shall not make any of the these documents or information available to any individual or organization not employed by the Consultant or the Town without the

written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Consultant pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Consultant in connection with other projects shall be solely at Town's risk, unless Consultant expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Consultant which is and has been confirmed in writing by Consultant to be a trade secret of Consultant.

6. Compensation. Compensation for Consultant's professional services shall be seven hundred eleven thousand two hundred forty seven dollars (\$711,247). Payment shall be based upon Town approval of each task.
7. Billing. Billing shall be accompanied by a detailed explanation of the work performed by billing category for the specified period at the standard billing rates. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall reference the Town's purchase order number and be addressed as follows:

Invoices:
Town of Los Gatos
Attn: Accounts Payable
P.O. Box 655
Los Gatos, CA 95030

Statements:
Town of Los Gatos
Attn: Finance Department
P.O. Box 655
Los Gatos, CA 95030

8. Availability of Records. Consultant shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Consultant shall make these records available to authorized personnel of the Town at the Consultant's offices during business hours upon written request of the Town.
9. Project Manager. The Project Manager for the Town for the work under this Agreement shall be Curtis Banks. The Project Manager for the Consultant for the work under this Agreement shall be Ben Noble.
10. Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Consultant. No portion of these services shall be assigned or subcontracted without the written consent of the Town.

11. Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

To Town:

Curtis Banks
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

To Consultant:

David Early
Design, Community & Environment
1625 Shattuck Avenue, Suite 300
Berkeley, CA 94709

or personally delivered to Consultant to such address or such other address as Consultant designates in writing to Town.

12. Independent Contractor. It is understood that the Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Consultant may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement.

Consultant agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Consultant shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Consultant or is based on allegations of Consultant's negligent performance or wrongdoing.

13. Conflict of Interest. Consultant understands that its professional responsibilities is solely to the Town. The Consultant has and shall not obtain any holding or interest within the Town of Los Gatos. Consultant has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Consultant warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest should it discover it has done so and shall, at the Town sole discretion, divest itself of such interest. Consultant shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person, Consultant discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement, Consultant shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

14. Equal Employment Opportunity. Consultant warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Consultant nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.
15. Insurance.
- A. Minimum Scope of Insurance:
- i. Consultant agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
 - ii. Consultant agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
 - iii. Consultant shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Consultant agrees that all certificates and endorsements are to be received and approved by the Town before work commences.
 - iv. Consultant agrees to have and maintain, for the duration of the contract, professional liability insurance in amounts not less than one million dollars \$1,000,000 which is sufficient to insure Consultant for professional errors or omissions in the performance of the particular scope of work under this agreement.
- B. General Liability:
- i. The Town, its officers, officials, employees and volunteers are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Consultant; products and completed operations of Consultant, premises owned or used by the Consultant. This requirement does not apply to the professional liability insurance required for professional errors and omissions.
 - ii. The Consultant's insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurances maintained by the Town, its officers, officials,

employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
- iv. The Consultant's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.

C. All Coverages: Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.

D. In addition to these policies, Consultant shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Consultant shall ensure that all subcontractors employed by Consultant provide the required Workers' Compensation insurance for their respective employees.

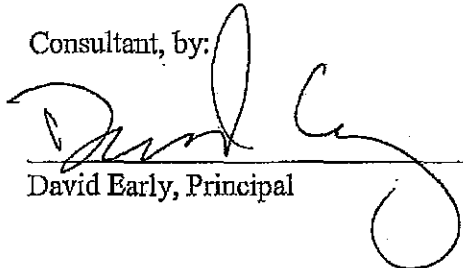
16. Indemnification. The Consultant shall save, keep and hold harmless indemnify and defend the Town its officers, agent, employees and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by willful misconduct or negligent act or omissions of the Consultant, or any of the Consultant's officers, employees, or agents or any subconsultant.
17. Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
18. Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
19. Termination of Agreement. The Town and the Consultant shall have the right to terminate this agreement with or without cause by giving not less than fifteen days written notice of termination. In the event of termination, the Consultant shall deliver to the Town all plans, files, documents, reports, performed to date by the Consultant. In the

event of such termination, Town shall pay Consultant an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement pursuant to paragraph 6 hereto, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

20. Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Consultant.
21. Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
22. Entire Agreement. This Agreement, including Exhibit A, constitutes the complete and exclusive statement of the Agreement between the Town and Consultant. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Consultant have executed this Agreement as of the date indicated on page one.

Consultant, by:



David Early, Principal

Date: 7/21/08


Town of Los Gatos by:



Greg Larson, Town Manager

Date: 7/22/08

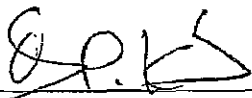
Department Approval by:



Bud N. Lortz Director of Community
Development

Date: 7/22/08

Approved as to Form by:

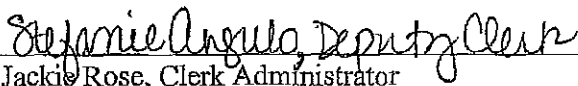


Orny P. Korb, Town Attorney

Date: 7.23.08

ATTEST:

Town of Los Gatos, Los Gatos, California, by


for Jackie Rose, Clerk Administrator

Date: 7.25.08

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EXHIBIT A: WORK SCOPE AND COSTS

This exhibit describes the scope of services, schedule, products and meetings for the Town of Los Gatos General Plan Update and EIR to be conducted by Design, Community & Environment, Inc. for the Town of Los Gatos in cooperation with RBF Consulting, Kimley-Horn Associates, Inc. and LSA Associates, Inc.

I. SCOPE OF SERVICES

Task A. Project Initiation

In this task, the DC&E team, working with Town staff, will lay the foundation that will ensure a focused work program, effective coordination and a smooth work flow throughout the General Plan Update and EIR process.

1. Start-Up Meeting

The DC&E team will conduct a start-up meeting with Town staff to review the work program, data needs, schedule, public outreach and participation strategy, and coordination with the Housing Element Update process. DC&E and Town staff will also clarify expectations and establish protocols for clear communication.

2. Base Map

DC&E will use ArcView version 9.2-compatible shapefiles and/or geodatabases provided by the Town to develop the project base map and thematic maps. DC&E will provide a preliminary version of the base map to the Town for approval before using it for subsequent mapping work. At the conclusion of the project, DC&E will provide a disk to the Town containing all original data as well as project-specific data layers modified or created by DC&E, along with pertinent metadata documentation.

3. GPAC Meeting #1: Project Start-Up

DC&E will facilitate the first meeting of the General Plan Advisory Committee (GPAC) to introduce Committee members to the project and

consultant team, discuss the role of the Committee in the General Plan update process, review the project schedule, and discuss goals and expectations for the project. We will also gather initial comments from Committee members on key issues and concerns for the General Plan update.

4. Collect and Review Background Information

DC&E will collect and review relevant planning and regulatory documents, including the current General Plan in Microsoft Word, Zoning Ordinance, vision and principles statements, specific plans, master plans, redevelopment projects, design guidelines, historical resources inventories, pending development applications and "pipeline" projects, recent CEQA environmental documents, relevant technical studies and reports, Municipal Service Reviews and economic development strategies. We expect Town staff to provide editable electronic versions of existing Background Reports and the current General Plan.

5. Develop Public Participation Strategy

The scope of work includes the following participation committees, meetings and workshops as suggested in the Town's Request for Proposals. After receiving input from Town staff and the GPAC at the start-up meetings, DC&E will provide the Town with a memorandum detailing the components of the public outreach and participation strategy for the General Plan update.

a. Public Outreach

DC&E will work with Town staff to craft an outreach strategy that generates enthusiasm for the General Plan update process and achieves broad participation and attendance at public meetings. DC&E has found that the following outreach tasks are very successful.

- ◆ **Invitation Letter to Community Leaders and Stakeholders.** DC&E will draft an invitation letter to engage local leaders and stakeholders in the General Plan Update.

GENERAL PLAN UPDATE A EIR
TOWN OF LOS GATOS
EXHIBIT A: SCOPE OF WORK AND COSTS

TABLE I **WORK PROGRAM SUMMARY**

Task A: Project Initiation

- | | |
|--|--|
| 1. Start-up Meeting | 5. Develop Public Participation Strategy |
| 2. Base Map | 6. Develop General Plan Update Website |
| 3. GPAC Meeting #1: Project Start-up | 7. Community Workshop #1: Project Start-up and General Plan Review |
| 4. Collect and Review Background Information | |

Task B: Existing Conditions Background Report Update

- | | |
|---|--|
| 1. Air Quality and Climate Change | 10. Infrastructure |
| 2. Biological Resources | 11. Land Use |
| 3. Carbon Footprint | 12. Noise |
| 4. Community Design | 13. Population and Housing |
| 5. Cultural Resources and SB18 Compliance | 14. Public Services |
| 6. Employment and Economics | 15. Transportation and Circulation |
| 7. Geology | 16. Existing Conditions Report |
| 8. Hazards and Safety | 17. TAC Meeting #1: Existing Conditions |
| 9. Hydrology and Water Quality | 18. GPAC Meeting #2: Existing Conditions |

Task C: Issues, Opportunities and Constraints

- | | |
|--|---|
| 1. Community Workshop #2: Issues Identification | 5. Community Panel #4: Environment and Sustainability |
| 2. Community Panel #1: Recreation and Open Space | 6. TAC Meeting #2: Key Issues |
| 3. Community Panel #2: Youth Needs | 7. Key Issues Working Papers |
| 4. Community Panel #3: Senior Needs | 8. GPAC Meeting #3: Issues Refinement |

Task D: Alternatives Development

- | | |
|--|---|
| 1. Community Workshop #3: Alternatives Development | 7. Community Workshop #4: Preferred Alternative Development |
| 2. Design Draft Alternatives | 8. Draft Preferred Alternative |
| 3. TAC Meeting #3: Alternatives Refinement | 9. GPAC Meeting #5: Preferred Alternative Review |
| 4. Evaluate Land Use Alternatives | 10. Joint Planning Commission and Town Council Study Meeting #1: Preferred Alternative Refinement |
| 5. Alternatives Workbook | |
| 6. GPAC Meeting #4: Alternatives Evaluation | |

GENERAL PLAN UPDATE AND EIR
TOWN OF LOS GATOS
EXHIBIT A: SCOPE OF WORK AND COSTS

Task E: Goals and Policies Development

- | | |
|--|--|
| 1. Review Existing Goals and Policies | 4. GPAC Meetings #6 and #7: Goals and Policies Refinement |
| 2. Goals and Policies Recommendations | 5. Joint Planning Commission and Town Council Study Meeting #2: Goals and Policies |
| 3. TAC Meeting #4: Goals and Policies Refinement | |

Task F: Draft General Plan

- | | |
|---|--|
| 1. Administrative Draft General Plan | 4. Draft General Plan |
| 2. TAC Meeting #5: Administrative Draft General Plan | 5. Community Workshop #5: Draft General Plan |
| 3. GPAC Meeting #8: Administrative Draft General Plan | |

Task G: Draft EIR

- | | |
|-----------------------------|------------------------------------|
| 1. Notice of Preparation | 5. TAC Meeting #6: Admin Draft EIR |
| 2. Scoping Session | 6. Draft EIR |
| 3. Environmental Review | 7. Public Review |
| 4. Administrative Draft EIR | 8. GPAC Meeting #9: Draft EIR |

Task H: Final General Plan and EIR

- | | |
|--|--|
| 1. Response to Comments | 4. Final EIR and Mitigation Monitoring Program |
| 2. Memorandum of Revisions to Draft General Plan | 5. Certification and Adoption Hearings |
| 3. Administrative Draft Final EIR | 6. Final General Plan |

♦ **Newsletters.** DC&E will prepare newsletters at four points during the General Plan Update process. The newsletters will inform residents of upcoming events and how to participate, and educate the community on the issues, choices and outcomes as the Town works through the process. The Town will be responsible for reproducing and distributing the newsletters.

♦ **Newspaper Noticing.** DC&E will design a public service announcement for Town staff to distribute to the local newspapers.

- ♦ **Postcards.** DC&E will develop five color 5" x 7" postcards to inform residents of each of the community workshops. DC&E will provide the postcards for mailing by Town staff.
- ♦ **Posters.** DC&E will design five 11" by 17" flyers to announce each community workshop. DC&E will provide the posters for Town staff to distribute. The postcards and posters will have a similar design and will convey similar information.
- ♦ **Website.** DC&E will design and host a General Plan Update website, as described below.

b. Public Participation

DC&E will work with the General Plan Advisory Committee (GPAC) and a Technical Advisory Committee (TAC) to help guide the General Plan update process, provide feedback and ensure accurate information. The general public will be invited to community workshops, while a more focused group of people will be specially invited to participate in community panels. The public will also have the opportunity to speak at meetings of the Planning Commission and Town Council.

- ♦ **General Plan Advisory Committee Meetings.** DC&E will facilitate up to nine GPAC meetings, to review progress and provide direction at critical decision points. The GPAC will be composed of the nine existing General Plan Advisory Committee members plus 10 new "at-large" members appointed by the Town Council, representing a cross-section of the community. Upon written approval by the Town, DC&E will facilitate additional GPAC meetings. The approved contingency fee will be utilized to fund these additional meetings.
- ♦ **Technical Advisory Committee Meetings.** DC&E will facilitate six TAC meetings to get input and feedback from stakeholders with particular technical expertise and interests. The TAC will consist of Town staff and outside agencies, such as PG&E, the Water Company, school districts and the County Fire Department.

- ♦ **Community Panels.** DC&E will facilitate four community panels; one each focusing on the key issue areas of recreation and open space, youth, seniors, and the environment and sustainability. For each Community Panel, DC&E will recruit a specific population or anyone interested in a particular topic, including residents, representatives of relevant organizations, service providers and appropriate Town and County staff. The goal is to focus discussion on a particular current topic. Regarding senior and youth needs specifically, we hope to hear about issues from the targeted community and to host a discussion between residents and service providers about this community's needs and ideas for potential solutions.
- ♦ **Community Workshops.** This scope of work includes five community workshops that DC&E will organize, announce and facilitate: (1) Project Start-up and General Plan Review; (2) Issues Identification; (3) Alternatives Development; (4) Preferred Alternative Development; and (5) Draft General Plan. David Early will facilitate the community workshops. DC&E will provide up to five small group facilitators as necessary. Additional facilitators, when needed, will be provided by the Town and undergo training by DC&E.
- ♦ **Joint Planning Commission and Town Council Study Meetings.** David Early will lead two joint meetings of the Planning Commission and Town Council. One meeting will focus on goals and policies development; the other meeting will focus on refining the preferred alternative.
- ♦ **Planning Commission and Town Council Public Hearings.** DC&E will attend up to three public hearings on adoption of the General Plan and certification of the EIR, two with the Planning Commission and two with the Town Council.

Before each GPAC and TAC meeting, DC&E will prepare an agenda and other materials for Committee members. Following each meeting, DC&E will prepare a summary. The Town will be responsible for meeting logistics, and for reproducing and distributing materials to Committee members.

6. Develop General Plan Update Website

As part of the public outreach strategy, DC&E will design and host a General Plan Update website or a General Plan Update linked section on the Town's website for the duration of the project and for a period of time after General Plan adoption. The website will be maintained by DC&E on a regular basis as key milestones are reached. The website will contain background on the current General Plan, explain the General Plan Update process and opportunities for involvement, identify workshop and meeting dates, and present news updates as the project progresses. The website will also offer agendas, meeting handouts and PowerPoint presentations in a PDF format for easy downloading and printing.

7. Community Workshop #1: Project Start-Up and General Plan Review

DC&E will facilitate Community Workshop #1, which will educate community members on the General Plan Update process, and provide a review of the existing General Plan as an opportunity to identify the issues that should be addressed in the Update.

Task A: Project Initiation

Meetings

- ♦ Project Start-Up Meeting and General Plan Review
- ♦ GPAC Meeting #1: Project Start-Up
- ♦ Community Workshop #1: Project Start-Up and General Plan Review

Deliverables

- ♦ Refined Scope of Work (if needed)
- ♦ Base Map
- ♦ Public Outreach and Participation Strategy Memorandum
- ♦ General Plan Update Website

Task B. Existing Conditions Background Report Update

In this task, the DC&E team will update the information contained in the existing conditions reports prepared for the 2000 General Plan Update and prepare an updated Existing Conditions Report. While the background update will be thorough and complete, we will focus particular attention on the four key issue areas directed by the Town Council: youth, seniors, the environment and sustainability, and recreation. We will make full use of data collected for the Parks, Open Space and Trails Inventory and the Housing Element Update that are currently underway by DC&E under separate contracts. The updated existing conditions information will be used as the existing settings for the Draft EIR. This data could be used in the Housing Element Update CEQA document, depending on the timing of that document.

1. Air Quality and Climate Change

RBF will update existing air quality conditions, including the regulatory framework related to air quality and greenhouse gas emissions, meteorological conditions, and the ambient air quality monitoring data collected for the nearest monitoring station. The regulatory setting will reference California's Global Warming Solutions Act (AB 32), Senate Bill 97 and Executive Order S-3-05. RBF will identify and map significant sources of air pollution or odors, such as Route 85, that could affect future development or sensitive receptors.

2. Biological Resources

LSA Associates (LSA) will update biological resources background information, including vegetation types, wildlife habitats, and known occurrences of special-status species, sensitive natural communities and wetland features. LSA will prepare a map of existing vegetative cover and important biological features. The firm will also review the previous background report, CEQA documents and technical reports, National Wetland Inventory wetland mapping, the California Natural Diversity Data Base, and agency records, and may consult informally with California Department of Fish and Game and U.S. Fish and Wildlife Service staff. LSA

will perform one reconnaissance-level field survey if necessary to confirm the presence or absence of sensitive resources at specific locations; however, no detailed field surveys are proposed or necessary.

LSA Associates will analyze and interpret the data to identify any specific issues, opportunities and constraints that could affect the development of land use and circulation alternatives. A primary focus will be on special-status species and regulated habitats. The assessment will also review urban biodiversity, riparian and other wildlife movement corridors, open space areas, habitat buffers, trees, landscaping and other factors that contribute to a healthy, diverse, interconnected and resilient urban ecological community.

3. Carbon Footprint

The DC&E team will coordinate with Joint Venture: Silicon Valley Network's Climate Protection Task Force to estimate the current greenhouse gas (GHG) emissions in Los Gatos and present this information in a way that is accessible and relevant to the community. One popular concept is as a "Carbon Footprint," which would show the Town's impact on the environment from GHG emissions, in carbon dioxide equivalent units. DC&E will compile background information on global warming and explain the range of methods for calculating a carbon footprint, which can be a useful tool for public education and awareness, and a positive motivator for community action. To develop the carbon footprint, RBF will estimate GHG emissions from the Town's existing mobile sources (motor vehicles) and area sources (energy use by land use type) using the URBEMIS2007 model to develop an inventory of current emissions levels.

4. Community Design

Although not identified in the RFP, DC&E will review and update the community design background, considering overall urban form and small-town character, as well as issues specific to neighborhoods, districts, corridors and opportunity sites. This update will focus on potential future housing sites and the transitions between new residential development and existing neighborhoods. Other urban and community design topics will be updated,

as necessary, to reflect changes that may have occurred since the previous General Plan.

5. Cultural Resources

LSA Associates will update the cultural resources background based on current archival records search, a fossil locality search and cultural resources data provided by the Town. This scope assumes that the Town will conduct the initial tribal list request and invitations to consult, in compliance with Senate Bill 18 (SB 18). However, LSA will create a boilerplate letter for the Town to use. In addition, LSA will perform the following specific tasks:

- ♦ **Describe Relevant Laws, Regulations and Policies.** LSA will summarize relevant cultural and paleontological resources laws, regulations and policies, including the Town's Municipal Code.
- ♦ **Conduct NWIC Records Search.** LSA will search the records at the NWIC of the California Historical Resources Information System at Sonoma State University to identify recorded cultural resources within the Planning Area. Identified resources will be listed in a table.
- ♦ **Review Inventories, Directories and Literature.** LSA will review cultural resources inventories, including the *California Inventory of Historic Resources* (California Department of Parks and Recreation 1976), the Office of Historic Preservation's *Five Views: An Ethnic Historic Site Survey for California* (1988), *California Historical Landmarks* (1996), *California Points of Historical Interest* (1992), and the Directory of Properties in the Historic Property Data File (which contains the listings of the National Register of Historic Places, National Historic Landmarks, California Register of Historic Resources, California Historical Landmarks, and California Points of Historical Interest). Any listings maintained by the Town will also be reviewed.
- ♦ **Contact Interested Parties.** LSA will contact the Native American Heritage Commission to review their Sacred Lands File to determine the presence of any cultural resources or areas of Native American concern. LSA will also contact the History Museum of Los Gatos.

- ◆ **Conduct a Fossil Locality Search.** LSA will conduct a fossil locality search of the University of California Museum of Paleontology collection to update recorded paleontological resources information.

6. Employment and Economic

DC&E will update the background information on Los Gatos' employment and economy. We will update employment characteristics, trends and projections, relying primarily on data from ABAG and the State Departments of Finance and Employment Development, as well as the U.S. Census and other governmental data sources. No private vendor data will be obtained.

7. Geology

DC&E will update the regulatory and environmental setting pertaining to geology, soils and seismic activity. If needed, we will update maps of the local geology and soil types, with an emphasis on the suitability for and potential risks to development, including erosion hazards, shrink-swell potential, strength characteristics, and settlement. We will identify earthquake faults and expected levels of ground shaking and potential for ground rupture, liquefaction and other earthquake hazards.

8. Hazards and Safety

RBF will summarize current conditions related to hazardous materials and other hazards such as airports, dam inundation areas, floodplains and wildland fire risk areas. RBF will review existing hazardous materials database records, present and historic land uses, and will conduct limited visual inspection from public rights-of-way and personal interviews.

9. Hydrology and Water Quality

RBF will update background data on drainage, flooding and water quality. The firm will update information regarding existing hydrological features, any planned major improvements, and water quality throughout the county.

10. Infrastructure

RBF will update existing conditions related to water, wastewater and stormwater system infrastructure. The firm will update information regarding existing facilities, service demands and any planned major improvements.

11. Land Use

DC&E will analyze existing land use, plans and policies in Los Gatos, including:

- ◆ Existing land uses at a parcel level
- ◆ General Plan land use designations
- ◆ Zoning designations
- ◆ Major "pipeline" private development projects
- ◆ Public improvement projects planned or underway
- ◆ Vacant and underutilized parcels, including parcels designated for residential uses in the Housing Element Update

This scope assumes that the Town has adequate and accurate existing data to complete this analysis.

12. Noise

RBF will update background information related to noise. RBF will identify noise sensitive receptors in consultation with Town staff, including housing, schools, hospitals, rest homes, long-term medical or mental care facilities, or any other land uses deemed noise sensitive.

RBF will conduct noise measurements at up to 12 sites, including ten short-term measurements for a minimum of 10 minutes per site, and up to two long-term, 24-hour measurements. Noise monitoring equipment will consist of a Brüel & Kjær model 2250 sound level meter equipped with Brüel & Kjær pre-polarized freefield microphone. The results of the noise measurements will be post-processed and graphically illustrated with the Brüel & Kjær Noise Explorer software.

The noise measurement sites will be selected in coordination with Town staff to ensure they cover the full spectrum of noise exposure in the Town. The Town will be divided into Acoustical Impact Zones (based upon the General Plan Buildout land use map), which are areas that would have similar acoustical conditions. A noise measurement will be taken in each of these zones.

Additionally, this section will present background information on noise, the health effects of noise, measurement and analysis methodologies, monitoring results, and data used to project noise contours.

13. Population and Housing

DC&E will analyze Los Gatos' population and housing characteristics, patterns, trends and projections, using data collected for the Housing Element Update. The analysis will identify demographic characteristics such as household income distribution, age, household type and tenure. When available, this portion of the analysis will use updated data from ABAG, the State Departments of Finance and Employment Development, the U.S. Census and other governmental data sources. No private vendor data will be obtained.

14. Public Services

DC&E will update existing conditions for parks and recreation, senior services, youth services, police, fire, schools, libraries and solid waste. This information will inform the update of the Human Services Element. DC&E will revise descriptions of jurisdictions, responsibilities, facilities, equipment and staff, as well as trends and issues, as needed. We will describe level of service standards, current levels of service, and dedication and impact fee requirements, as available.

A key focus of this subtask will be recreation, sports fields, parks, open space and trail resources. DC&E will make full use of the Parks, Open Space and Trails Inventory we are currently preparing for the Town, relying on the information we collected regarding existing public and privately-owned,

publicly-accessible parks, recreational facilities, trails and open space resources within and directly serving the Town. This information will be the basis for the Community Panels and Key Issues Work Paper on recreation needs described in the next task.

The needs of the town's youth and seniors are also important components of this subtask. DC&E will summarize demographic data relevant to seniors and youth, describe the Town's existing senior and youth services, report on senior and youth needs from existing published sources, and integrate this information into a set of preliminary issues and options. This updated information will be the basis for the Community Panels and Key Issues Work Papers on senior needs and youth needs described in the next task.

15. Transportation and Circulation

Kimley-Horn will update and supplement the background information related to transportation, including data from the following sources:

- ♦ Existing traffic data/counts
- ♦ Regional documents (e.g. the RTP)
- ♦ Recent traffic studies for development projects
- ♦ Town roadway design standards and recent construction unit costs
- ♦ Current VTA land use projections

Kimley-Horn will develop and submit a Transportation Assumptions Memorandum, an evolving document that will guide the technical work and track key decisions throughout the General Plan update process.

The existing conditions (Baseline Scenario) will be updated to 2008 conditions. Kimley-Horn will rely on data they are collecting for the Housing Element Update to the extent possible. Assuming the Town wants to update the 37 intersections included in the current Transportation Element, and considering that peak hour volume counts at 24 intersections will be conducted as part of the Housing Element update, Kimley-Horn will collect traffic data at up to 13 additional intersections for both the weekday

AM peak period (7:00 AM to 9:00 AM) and PM peak period (4:00 PM to 6:00 PM).

Kimley-Horn will use the TRAFFIX computer model to determine current levels of service at the study intersections, providing current baseline traffic operations, regardless of the proposed alternatives. All intersections will be evaluated using the Operations Method from the 2000 Highway Capacity Manual as applied by the TRAFFIX software program. Existing signal timings will be used for existing intersections, as provided by Town staff. Construction of the TRAFFIX model will allow the Town to use this analysis tool for other studies in the near future.

Kimley-Horn will update the background information on public transit, rail, pedestrian and bicycle transportation, roadway level of service standards, policies, and planned and funded transportation improvements.

16. Existing Conditions Report

DC&E will present the updated data and analysis in an Existing Conditions Report that will provide a comprehensive and concise overview of existing conditions and will draw preliminary conclusions to begin discussions regarding issues, opportunities and constraints. The Existing Conditions Report will contain a variety of thematic maps, tables, charts and diagrams, with supporting text highlighting important patterns and trends in the data. The Existing Conditions Report will have an accessible, easy-to-read format that will make a handy reference. A strategic rather than encyclopedic presentation of data will be cost- and time-efficient and focus decision makers and the public on the salient issues. This task will also yield a sufficient level of background information for completing the Existing Setting sections of the EIR.

One Administrative Draft and one Screencheck Draft of the Existing Conditions Report will be provided electronically for Town staff review and approval. DC&E will provide ten copies and an electronic file of the Final Existing Conditions Report to the Town, who will be responsible for

distributing the Report. We will post a pdf of the Report on the General Plan Update website for community members to access.

17. TAC Meeting #1: Existing Conditions

DC&E will facilitate TAC Meeting #1 to verify the accuracy and completeness of the technical data presented in the Existing Conditions Report, and receive technical expert feedback on the issues. DC&E suggests this meeting be held to review the Administrative Draft report.

18. GPAC Meeting #2: Existing Conditions

DC&E will facilitate GPAC Meeting #2 as a sounding board regarding the technical data and issues analysis presented in the public review draft of the Existing Conditions Report.

Task B: Existing Conditions Background Report Update

Meetings

- ♦ TAC Meeting #1: Existing Conditions
- ♦ GPAC Meeting #2: Existing Conditions

Deliverables

- ♦ Transportation Assumptions Memorandum
- ♦ Administrative Draft Existing Conditions Report
- ♦ Screencheck Draft Existing Conditions Report
- ♦ Final Existing Conditions Report

Task C. Issues, Opportunities and Constraints

In this task, the DC&E team will examine the key issues and potential solutions in more detail, with an objective to update the Framework and Guiding Principles.

1. Community Workshop #2: Issues Identification

DC&E will facilitate a workshop that will be in an "open house" format for the first hour, and then take the shape of a conventional workshop with both large and small group discussions. DC&E will create poster boards portraying background data, and the issues, constraints and opportunities identified so far, using both text and graphics. During the open house portion of the event, the community will informally circulate the meeting room, reviewing the poster boards, and talking with members of the DC&E team and Town staff who will be available for questions at each open house topic station.

David Early will then call participants together to present an overview of the major ideas and key information in the Existing Conditions Report. After the presentation, participants will break into small groups, each with a small group facilitator, to identify the key issues for the group and discuss how they might best be addressed. DC&E will prepare a memorandum summarizing public input received at the workshop.

2. Community Panel #1: Recreation and Open Space

DC&E will facilitate Community Panel #1 to identify issues related to recreation opportunities in the area, such as soccer fields, a skate park and access to open space, for example. A summary of public input on this issue will be included in the appropriate Key Issue Working Paper.

3. Community Panel #2: Youth Needs

DC&E will facilitate Community Panel #2, focused on youth needs, to understand the issues that matter to Los Gatos youth and what they think should be done about it. Potential topics include recreational opportunities such as a skate park, creative pursuits, relations between youth and adults, businesses and police, and mentoring opportunities. We will work with the Youth Commission, high school clubs, the Venue Teen Center, teachers, parents and other youth-related groups to plan and organize this event. A summary of public input on this issue will be included in the appropriate Key Issue Working Paper.

4. Community Panel #3: Senior Needs

DC&E will facilitate Community Panel #3, focused on senior needs, to identify issues that are important to Los Gatos seniors. We will work with the Senior Center and relevant programs and groups, such as Operation Brown Bag, Operation C.A.R.E., and Friendly Drivers Helping Seniors, to plan and organize this event. We will solicit feedback on the successes and shortcomings of the Town's existing senior services and on what additional needs and suggestions seniors have. A summary of public input on this issue will be included in the appropriate Key Issue Working Paper.

5. Community Panel #4: Environment and Sustainability

DC&E will facilitate Community Panel #4 to identify issues related to the environment and sustainability. We will invite representatives from partner and member agencies such as Sustainable Silicon Valley, Cities for Climate Protection, Joint Venture Silicon Valley Climate Protection Task Force, and the Silicon Valley Energy Program for a discussion about actions the Town and the community can take to further goals related to sustainability. A summary of public input on this issue will be included in the appropriate Key Issue Working Paper.

6. TAC Meeting #2: Key Issues

DC&E will lead a second TAC meeting to review the issues brought into focus by the Existing Conditions Report, community workshop and panels. We will solicit feedback on the public input received, and for any additional or emerging issues in need of attention.

7. Key Issues Working Papers

Based on work to date, DC&E will prepare a set of Key Issues Working Papers that examine the four topics discussed in the Community Panels. For each issue, DC&E will summarize existing and projected future conditions, Town policies that address the issue, and potential new policies or approaches. The Working Papers will inform and provide a common basis

for stakeholders, decision makers and the community to come together to explore policy options.

DC&E will electronically submit one Administrative Draft of each Working Paper for Town staff review before GPAC Meeting #3. DC&E will submit an electronic file of the revised Key Issues Working Papers for the Town to distribute to GPAC members prior to their third meeting. We will also post pdfs of the Working Papers on the General Plan Update website for community members to access.

8. GPAC Meeting #3: Issues Refinement

DC&E will facilitate a GPAC meeting to share the public input received regarding the four key issues, as summarized in the Key Issues Working Papers. We will also discuss additional topics that were raised at the community workshops and panels and should be addressed in the General Plan Update. Input provided by Committee members will be used to guide the development, evaluation and selection of alternatives in Task D.

Task C: Issues, Opportunities and Constraints

Meetings

- ♦ Community Workshop #2: Issues Identification
- ♦ Community Panel #1: Recreation and Open Space
- ♦ Community Panel #2: Senior Needs
- ♦ Community Panel #3: Youth Needs
- ♦ Community Panel #4: The Environment and Sustainability
- ♦ TAC Meeting #2: Key Issues
- ♦ GPAC Meeting #3: Issues Refinement

Deliverables

- ♦ Community Workshop #2 Poster Boards
- ♦ Community Workshop #2 Summary Memorandum
- ♦ Draft and Final Key Issues Working Paper #1: Recreation and Open Space

- ♦ Draft and Final Key Issues Working Paper #2: Youth Needs
- ♦ Draft and Final Key Issues Working Paper #3: Seniors Needs
- ♦ Draft and Final Key Issues Working Paper #4: The Environment and Sustainability

Task D. Alternatives Development

The DC&E team will prepare alternatives to address the key issues identified in the preceding tasks. The alternatives may address land use, the interaction between land use and the transportation network, as well as site-specific development opportunities, including commercial corridors. This task will be directly informed by the alternatives being evaluated in the Housing Element Update. If at all possible, the Housing Element GPC and the General Plan GPAC should meet together to discuss both projects at the same time. Note that nine of the members of the GPAC make up the GPC.

The Housing Element Policy Alternatives task includes identifying sites to accommodate the Town's housing need. If this occurs prior to development of the General Plan Update alternatives, the land use alternatives must include sites for housing as identified in the Housing Element's preferred alternative.

1. Community Workshop #3: Alternatives Development

Based on the Existing Conditions Report and the Key Issues Working Papers, David Early will facilitate a workshop where the public will develop alternatives. After a large group presentation, participants will break into small groups with a small group facilitator. In the small group, participants will be led through a mapping exercise to choose what type of development should be allowed where. After the small group exercise, the large group will reconvene to share each group's resulting map.

2. Design Draft Alternatives

Based on the results of the existing conditions analysis and input received at the meetings and workshops, DC&E will develop up to three alternative buildout scenarios. These alternatives will be presented as land use maps accompanied by tables identifying the amount of potential residential and commercial growth that would occur under each alternative. The alternatives will vary the allowed uses and intensity of development, circulation network and mobility improvements needed, and approaches to key issues. Kimley-Horn will assist DC&E in the development of alternatives by identifying the traffic consequences of possible land use arrangements.

This scope assumed that Town staff will review and approve the assumptions about the rate and amount of growth that DC&E uses to calculate buildout of the alternatives. We will submit a preliminary draft of the alternatives to Town staff for comments and revisions before presenting them to the TAC.

3. TAC Meeting #3: Alternatives Refinement

DC&E will meet with the TAC to present, review and receive expert technical comments on the draft alternatives.

4. Evaluate Land Use Alternatives

After revisions based on input from the TAC, the DC&E team will complete a brief qualitative review of the alternatives, comparing their relative pros and cons with respect to key land use, transportation, environmental and policy criteria. Kimley-Horn will qualitatively evaluate the alternatives to provide an "order of magnitude" assessment of the transportation-related impacts of each alternative, including bicycle and pedestrian connectivity. The results of the evaluation will be included in the Alternatives Workbook.

5. Alternatives Workbook

The maps and evaluation of the land use alternatives will be assembled into an Alternatives Workbook. This workbook will be used by the GPAC and the public to review the land use alternatives in anticipation of GPAC Meeting #4 and Community Workshop #4.

DC&E will submit a Draft Alternatives Workbook to the Town for review. After making any requested revisions, DC&E will then provide 20 copies and an electronic copy of the Alternatives Workbook to the Town for distributing to GPAC and TAC members. We will post a pdf of the Workbook on the General Plan Update website for community members to access.

6. GPAC Meeting #4: Alternatives Evaluation

DC&E will meet with the GPAC to review the Alternatives Workbook and to receive preliminary feedback on the pros and cons of each alternative.

7. Community Workshop #4: Preferred Alternative Development

At this workshop, the DC&E team will solicit direction from the community in developing the preferred alternative. David Early will present the alternatives and their evaluation, as presented in the Alternatives Workshop, followed by small group discussions and a mapping exercise. Each small group will decide which alternative to begin with as starting point toward developing a preferred alternative. Participants will then edit, exchange with parts of another alternatives and revise the map until it portrays the group's preferred scenario. While the preferred alternative may be one of those initially presented, it more likely will comprise features of more than one alternative. After the small group exercise, the large group will reconvene and hear from a spokesperson from each group who will show the map.

8. Draft Preferred Alternative

DC&E will synthesize the ideas shown in the preferred alternative maps created in Community Workshop #4 and develop a draft preferred alternative that will be the basis for the General Plan land use map, circulation plan, policies and actions. DC&E will submit the draft preferred alternative to the Town for review, and make requested revisions before meeting with the GPAC. The draft preferred alternative will be presented as a land use map and accompanying table showing the number of acres for each land use and resulting maximum buildout.

9. GPAC Meeting #5: Preferred Alternative Review

DC&E will lead a GPAC meeting to discuss the draft preferred alternative and suggest refinements. The desired outcome of this meeting is a GPAC recommendation to the Planning Commission and Town Council of a preferred alternative. If necessary, DC&E will make slight revisions before the Joint Study Meeting.

**10. Joint Planning Commission and Town Council Study Meeting #1:
Preferred Alternative Refinement**

DC&E will attend a joint Planning Commission and Town Council meeting where both bodies will have the opportunity to review the preferred alternative together and confirm that the preferred alternative will be the base of the General Plan Update.

Task-D: Issues, Opportunities and Constraints

Meetings

- ◆ Community Workshop #3: Alternatives Development
- ◆ TAC Meeting #3: Alternatives Refinement
- ◆ GPAC Meeting #4: Alternatives Evaluation
- ◆ Community Workshop #4: Preferred Alternative Development
- ◆ GPAC Meeting #5: Preferred Alternative Review
- ◆ Joint Planning Commission and Town Council Study Meeting #1:
Preferred Alternative Refinement

Deliverables

- ◆ Preliminary Draft Alternatives
- ◆ Draft Alternatives
- ◆ Draft Alternatives Workbook
- ◆ Alternatives Workbook
- ◆ Draft Preferred Alternative
- ◆ Preferred Alternative

Task E. Goals and Policies Development

In this task, based on work to date, DC&E will recommend changes to goals and policies to reflect the current issues in Los Gatos.

1. Review Existing Goals and Policies

The DC&E team will review the existing General Plan goals, policies and implementation actions in each Element and recommend, based on input from Town staff, whether the item should be retained, revised or removed. DC&E will also suggest new policy guidance for issues not adequately addressed in the current General Plan.

2. Goals and Policies Recommendations

The DC&E team will prepare a memorandum of the updated goals, policies and actions for submittal to Town staff for distribution to the TAC and GPAC. Revisions to the existing General Plan will be identified either through track changes or in table format.

3. TAC Meeting #4: Goals and Policies Refinement

DC&E will meet with the TAC to receive technical expert feedback on the updated goals, policies and actions, and to consider refinements to the proposed policy language.

4. GPAC Meetings #6 and #7: Goals and Policies Refinement

DC&E will meet with the GPAC to review and discuss the revised goals, policies and actions recommended for the General Plan Update. We foresee the need for two GPAC meetings for sufficient time to discuss all of the items.

**5. Joint Planning Commission and Town Council Study Meeting #2:
Goals and Policies**

After revising the goals, policies and actions, DC&E will present them at a combined Planning Commission and Town Council study session. DC&E

will revise the goals, policies and actions again to respond to the decision-makers' comments.

Task E: Goals and Policies Development

Meetings

- ♦ TAC Meeting #4: Goals and Policies Refinement
- ♦ GPAC Meetings #6 and #7: Goals and Policies Refinement
- ♦ Joint Planning Commission and Town Council Study Meeting #2: Goals and Policies

Deliverables

- ♦ Goals and Policies Recommendation Memorandum

Task F. Draft General Plan

In this task, DC&E will create the Draft General Plan based on the results of the existing conditions analysis, the preferred alternative and the revised goals, policies and actions. The updated General Plan will use the current General Plan as a point of departure, with focused revisions that reflect changed conditions, changes in land use, new policy directions and additional policy guidance desired by the community.

DC&E may recommend re-organizing or adding Elements (e.g. a new Parks, Recreation and Open Space Element) to underscore fundamental themes of the Plan, to maximize its utility to staff, decision-makers and the community, and to further its implementation. The final organization of these sections is subject to change based on input from Town staff, the GPAC and elected officials. However, additional topics or an increased level of detail above what is described below would require an amendment to this scope of work.

The General Plan will contain only the necessary amount of explanatory text and will communicate information visually through photographs, tables,

drawings and other graphics. The document will feature a simple structure and will be concise, clearly written and accessible to the community.

1. Administrative Draft General Plan

The DC&E team will prepare an Administrative Draft General Plan for internal review by Town staff. A summary of the proposed General Plan contents is presented below.

DC&E will submit an electronic preliminary Administrative Draft General Plan to Town staff for approval prior to distribution to the TAC and GPAC. DC&E will make any necessary revisions and submit 20 copies and an electronic file to the Town for distributing to the TAC and GPAC.

a. Introduction

This first chapter will review the organization and contents of the General Plan, including a summary of the public participation process. It will introduce the use and purpose of the General Plan, present the town's background and provide an updated vision statement that will guide the Plan's land use map, goals, policies and actions.

b. Land Use Element

The Land Use Element will establish the range of allowed uses, densities and intensities within each land use designation, and will indicate the location and extent of each designation at a parcel level on the Land Use Map. The Element will contain updated and new goals, policies and actions to guide the Town on its key land use issues.

The Land Use Element will also address infrastructure, including water, wastewater and drainage systems. Policies will be updated and supplemented to create a framework that will ensure adequate infrastructure provision, in time with growth, in compliance with increasingly stringent environmental regulations, and meeting community quality of life expectations.

c. Housing Element

DC&E is currently preparing the Housing Element Update under a separate contract. We assume that we will fold the Housing Element into the General Plan document.

d. Transportation Element

DC&E will work closely with Kimley-Horn to update the Transportation Element. The Transportation Element will identify the future roadway network and all improvements needed to accommodate the changes envisioned in the General Plan, in keeping with established levels of service for local and State-operated roadways.

All modes of transportation will be addressed in the Transportation Element, including:

- ♦ Automobile travel, including levels of service standards and thresholds, traffic calming, roadway design and parking.
- ♦ Pedestrian and bicycle facilities.
- ♦ Transit, including frequency, facilities and access.
- ♦ Rail and truck goods movement, including routes, noise pollution, parking and loading.

The Transportation Element will provide a clear statement of the Town's priorities as well as measurement tools to assess how transportation projects support larger General Plan goals. This will enable the Town to determine how to prioritize projects, allocate rights-of-way and measure anticipated outcomes of future transportation changes.

e. Vasona Light Rail and Route 85 Element

DC&E will update the Vasona Light Rail and Route 85 Element to reflect current plans by VTA and Caltrans. Community desires and market realities will be included, as well as the land use and policy changes coming out of the General Plan update process. This update will be consistent with the contents and level of detail of the current Element.

f. Open Space Element

The Open Space Element will update concerns of the Town and community in relation to effectively acquiring, utilizing, and preserving open space areas. Based on the Parks, Open Space and Trails Inventory by DC&E, this Element will provide an open space inventory as mandated by State law. Open space for public health and safety will be discussed in the Safety Element.

g. Conservation Element

The Town's commitment to the environment and sustainability will be most directly evident in the Conservation Element. The updated Conservation Element will continue to provide for the management of the range of resources in the town, including air, water, soil, biological, solid waste and recycling. Climate change and energy use will also be addressed in this Element, with new policies and actions. Historical resources will be addressed in the Community Design Element.

h. Noise Element

The Noise Element will present current noise levels and projected future noise levels at General Plan buildout for the freeway, roadways, railroad operations and other noise sources. RBF will translate the goals and policies work into two sets of standards in the Noise Element: a noise/land use compatibility matrix, and indoor and outdoor standards for various types of development (e.g. residential, commercial, office). The Noise Element will recognize the guidelines established by the State Department of Health Services Office of Noise Control.

RBF will predict future traffic noise level contours at General Plan buildout using the Federal Highway Administration's Highway Traffic Noise Model - RD-77-108. RBF will develop noise contour maps in ArcView format showing predicted future noise exposure in increments of five decibels down to 60 CNEL. The average daily traffic volumes, provided by Kimley-Horn, and the roadway characteristics, provided by the Town, will be necessary to run the noise model. The noise contours will be used to guide a pattern of

land uses in the Land Use Element that minimizes exposure of residents to noise.

i. Safety Element

The Safety Element will include policies and actions for emergency preparedness and response, and to protect the community from risks associated with earthquakes and geologic hazards, flooding and dam failure, wildland fire, hazardous materials and waste and airport operations. These discussions will also address open space for public health and safety. RBF will add data needed to strengthen the policies related to flooding, in accordance with California Assembly Bill (AB) 162.

j. Community Design Element

The Community Design Element will preserve and strengthen the distinctive qualities that make Los Gatos unique. This Element will set out broad design principles for neighborhoods, districts and corridors, as well as more specific design policies for the Town's special districts and issues. Management of historic resources is included in this Element.

Community design issues and opportunities will be related to the Town's overall commitment to sustainability. DC&E will call out design principles and strategies that can improve public health by, for example, encouraging walking and bicycling, enhancing pedestrian and bicycle safety, decreasing air pollution and enhancing public spaces to improve security.

k. Human Services Element

The Human Services Element will be updated to improve how Los Gatos can facilitate the delivery of services to members of the community with special needs, including seniors, youth, and people with disabilities. Provision of high-quality child care, home health services, social programs and hospital services will be discussed. Schools and libraries will also be addressed in this Element.

2. TAC Meeting #5: Administrative Draft General Plan

DC&E will meet with the TAC to receive technical expert comments on the Administrative Draft General Plan. DC&E will document TAC input in memorandum form and submit to Town staff.

3. GPAC Meeting #8: Administrative Draft General Plan

DC&E will meet with the GPAC to receive input on the Administrative Draft General Plan. DC&E will document GPAC input in memorandum form and submit to Town staff.

4. Draft General Plan

The DC&E team will make revisions based on the comments on the Administrative Draft General Plan provided by the TAC and the GPAC. DC&E will submit a Screencheck Draft General Plan for final approval by Town staff before publishing.

We assume that revisions to the Screencheck Draft General Plan will focus on typographical errors and the like, not content changes. We will submit 20 copies of the Draft General Plan and an electronic file for distribution by the Town. We will post a pdf version of the Draft General Plan on the project website for direct community access.

5. Community Workshop #5: Draft General Plan

David Early will facilitate the final community workshop to present the Draft General Plan and explain the updated Plan's changes from the current General Plan. During this presentation and discussion, DC&E staff will take notes for later review with Town staff.

Task F: Draft General Plan

Meetings

- ◆ TAC Meeting #5: Administrative Draft General Plan
- ◆ GPAC Meeting #8: Administrative Draft General Plan

♦ Community Workshop #6: Draft General Plan

Deliverables

- ♦ Administrative Draft General Plan
- ♦ Screencheck Draft General Plan
- ♦ Draft General Plan
- ♦ Memorandum documenting TAC input
- ♦ Memorandum documenting GPAC input

Task G. Draft EIR

The DC&E team will prepare the General Plan Draft EIR at the same time that the team prepares the Draft General Plan so that the Plan is largely “self-mitigating.”

1. Notice of Preparation

DC&E will prepare a Notice of Preparation (NOP) of the EIR to solicit participation in determining the scope of the EIR. The NOP will include a brief description of the proposed General Plan, the probable environmental effects of the project and information about the scoping meeting. Because the Town has decided to prepare an EIR for the General Plan Update, development of a full Initial Study is not necessary.

DC&E will submit a Draft NOP to the Town for approval. Following one internal review, we will revise the NOP based on Town comments and submit one digital file of the final NOP for distribution by the Town.

2. Scoping Session

After the NOP has been issued, DC&E will work with the Town to provide notice of the scoping meeting in a way that encourages maximum participation by agencies and the public. DC&E will facilitate the scoping meeting and prepare a summary of comments made at the scoping meeting.

3. Environmental Review

The DC&E team will analyze the environmental impacts of the Draft General Plan, identify any significant impacts and recommend feasible measures to mitigate significant impacts. The existing setting information will be from the Existing Conditions Report updated in Task B. Cumulative impacts will be addressed under each environmental category. Where possible, mitigation measures will be incorporated into the General Plan as policies or actions. The EIR will be prepared in a way that maximizes its utility to Town staff in reducing the scope of and streamlining subsequent CEQA compliance for projects.

a. Aesthetics and Visual Quality

DC&E will evaluate potential impacts on community character, visual quality, scenic views, scenic highways, and light and glare due to changes in land use, private development and public improvements under the updated General Plan.

b. Air Quality

RBF will evaluate the construction-related and long-term air quality and climate change impacts of the updated General Plan. RBF will consult the Bay Area Air Quality Management District (BAAQMD) to verify the appropriate impact analysis methodology and significance thresholds. RBF will prepare a qualitative assessment of short-term air quality impacts related to construction, including potential impacts from naturally occurring asbestos. RBF will quantify long-term vehicular and area source emissions under existing conditions and General Plan buildout using the EMFAC2007 and URBEMIS2007 models and compare the estimated emissions to the BAAQMD thresholds of significance. Project consistency with the BAAQMD's 2005 Ozone Strategy will be evaluated. Region-wide planning efforts that could be affected by implementation of the General Plan Update will be described.

Should project traffic warrant Carbon Monoxide Hotspot modeling, RBF will model intersections using the BREEZE ROADS model, consistent with

the Transportation Project-Level Carbon Monoxide Protocol, prepared by the Institute of Transportation Studies at the University of California, Davis.

The resources agencies have not yet developed analysis methodologies and significance thresholds for climate change impacts. Absent such guidance, RBF will use the approach recommended by the California Air Pollution Control Officers Association in their January 2008 report, *CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*. RBF will quantify GHG emissions at General Plan buildout and compare them to current GHG emissions to determine the GHG impact of the updated Plan. RBF will work with the Town to determine the threshold of significance, feasible GHG emissions reduction measures, and the level of significance after mitigation. RBF will take into account measures coming out of the San Bernardino General Plan lawsuit settlement. The efficacy of GHG emissions reduction measures will not be quantified.

c. Biological Resources

LSA will prepare the biological resources section of the EIR, using the updated background report to evaluate any potential impacts or measures needed to mitigate the potential impacts on the diversity of plant and wildlife species in and around the town.

d. Cultural Resources

LSA will evaluate impacts and mitigation needs, based on the firm's updated existing conditions, and provide General Plan policy assistance related to cultural resources. Based on the results, mitigation or preservation programs will be recommended for inclusion in the General Plan Update.

e. Geology, Soils and Seismicity

DC&E will describe General Plan impacts and mitigation needs related to geology, soils and earthquakes, based on existing data provided by the Town. DC&E will consider ground shaking, ground rupture, liquefaction, and other earthquake hazards. We will assess potential risks to people and property

from erosion, shrink-swell, settlement and other soil characteristics. The consequences of the updated General Plan for the continued availability of any important mineral resources will also be evaluated.

f. Hazards and Hazardous Materials

RBF will describe and map current conditions related to hazards and hazardous materials. The hazardous materials evaluation will be based on the update the firm completed as part of Task B. The hazardous materials assessment will characterize the potential presence of soil or groundwater contamination, as well as hazards related to the continued transport, storage, use and disposal of hazardous materials.

g. Hydrology and Water Quality

RBF will evaluate the drainage, stormwater quality, and groundwater impacts of implementation of the updated General Plan, and develop mitigation needs for any significant impacts.

h. Infrastructure

The DC&E team will evaluate potential impacts on water, wastewater and storm drain systems. RBF will describe the federal, State, regional and local regulatory frameworks and relevant plans and policies. DC&E will project service demands, calculate remaining capacities, and describe any operational or regulatory deficiencies. RBF will also present Town and service provider level of service standards, impact fee requirements, and any relationship to growth management. This assessment will not include telephone, cable television, natural gas or electricity systems.

i. Land Use

DC&E will review potential land use compatibility impacts among the various land uses proposed in the General Plan, and with existing land uses, using the County Assessor existing land use data. The possibility of General Plan proposals to physically disrupt or divide a community or neighborhood will be addressed. DC&E will assess the General Plan's conformity with other relevant Town and other agency plans and policies. We will report any

farmland conversion impacts in terms of Important Farmland categories and any Williamson Act or Farmland Security Zone contracts, describing these changes in the Town's urban context.

j. Noise

RBF will estimate future noise levels at General Plan buildout using the Federal Highway Administration Traffic Noise Prediction Model (FHWA-RD-77-108). For rail traffic and airports, the firm will rely on noise measurements combined with information on future operations to be provided by the Town or rail operator. The results will be summarized in a noise contour table. Temporary and long-term noise impacts will be evaluated at a program level. Future noise levels will be compared with existing noise levels and the proposed General Plan land use compatibility matrix to determine if the General Plan would cause a significant impact.

Noise contour maps will be developed for both existing and General Plan buildout conditions. The noise section will have four exhibits:

- ♦ Noise thermometer
- ♦ Noise measurement location map
- ♦ Existing condition traffic noise contours
- ♦ General Plan buildout traffic noise contours (which takes into account 24-hour measurements)

k. Population, Housing and Employment

In consultation with Town staff, DC&E will develop projections of housing, non-residential building space, population and employment at General Plan buildout for use throughout the EIR. We will evaluate the population, housing and employment impacts of the General Plan, focusing on growth inducement, jobs/housing balance, and displacement of housing and people. DC&E will use the General Plan buildout projections, as well as demographic information collected by DC&E for the Housing Element Update and the Existing Conditions Report.

l. Public Services

DC&E will evaluate impacts and mitigation needs related to police, fire and emergency medical services, schools, library services, parks and recreation, and solid waste. At a broad, policy level and to the extent data are available, we will evaluate existing capacity and other constraints to identify the general types of physical expansions or improvements needed to accommodate buildout of the General Plan, and any associated physical environmental impacts. DC&E will also assess the updated General Plan's consequences for increased use of existing parks, recreation facilities and recreational open space, and the potential need for additional new parkland and facilities.

m. Traffic and Transportation

Kimley-Horn will use existing and newly developed technical information to evaluate the transportation impacts of the General Plan. Kimley-Horn will use the most recent version of the VTA model to adjust the TRAFFIX model that was used for the existing conditions analysis to analyze future year traffic conditions. The roadway segments traffic volumes will be used to estimate intersection turning movement counts through either a "furness" process or through a traffic volume annual growth factor calculated in the vicinity of the study intersections. The TRAFFIX model will be used to calculate the level of service at each study intersection. In addition, Kimley-Horn will use the VTA model volume plots to predict average daily traffic volumes, levels of service and mitigation needs. Kimley-Horn will identify needed roadway and intersection improvements or other mitigations to continue to meet level of service standards, relying first on planned improvements already in the Town's Capital Improvements Program. In addition to road segment and intersection levels of service, Kimley-Horn will also qualitatively evaluate the preferred alternative for its consequences for transit accessibility and use, and pedestrian and bicycle circulation.

n. Alternatives

DC&E will develop up to three alternatives that comply with CEQA and that are based on the alternatives considered for the General Plan Update. The EIR alternatives analysis will rely on the alternatives evaluation

completed in Task D, with supplemental analysis for the EIR topics not fully addressed. The EIR alternatives analysis will be qualitative. The CEQA-required No Project Alternative will be evaluated, and the environmentally-superior alternative will be identified.

o. CEQA-Required Assessment Conclusions

DC&E will complete the Draft EIR with the CEQA-required assessment conclusions regarding growth inducement, significant irreversible environmental changes, unavoidable significant impacts, and effects found not to be significant.

4. Administrative Draft EIR

Twenty copies of the Administrative Draft EIR will be submitted to Town staff for review. We have assumed only one round of review. The Town project manager will act as a clearinghouse for all Town comments and will provide DC&E with a single, internally reconciled set of comments on the Administrative Draft EIR. At the end of the Town's review, DC&E will meet with the Town project manager, if necessary, to review comments on the Administrative Draft EIR and to determine an approach to any critical issues raised.

5. TAC Meeting #6: Administrative Draft EIR

DC&E will meet with the TAC to receive feedback from technical experts on the Administrative Draft EIR.

6. Draft EIR

The DC&E team will incorporate Town staff and TAC comments on the Administrative Draft EIR to create the Draft EIR. DC&E will submit a Screencheck Draft EIR for Town staff review. We assume that revisions to the Screencheck Draft EIR will focus on typographical errors and the like, not content changes. We will submit twenty copies of the Draft EIR and one file on disk for further reproduction by the Town. DC&E assumes the Town will distribute the DEIR to the State Clearinghouse and other agencies.

7. Public Review

DC&E will present the EIR findings, answer questions and note comments at a public hearing on the Draft EIR during the CEQA-required 45-day review period. We assume that the Draft General Plan and Draft EIR will be circulated for public review simultaneously but that public comments on the Draft EIR would occur at a separate public hearing for the Draft EIR specifically.

8. GPAC Meeting #9: Draft EIR

DC&E will meet with the GPAC to receive comments on the Draft EIR.

Task G: Draft EIR

Meetings

- ◆ Scoping Meeting
- ◆ TAC Meeting #6: Administrative Draft EIR
- ◆ GPAC Meeting #9: Draft EIR

Deliverables

- ◆ Notice of Preparation
- ◆ Administrative Draft EIR
- ◆ Screencheck Draft EIR
- ◆ Draft EIR

Task H. Final General Plan and EIR

Following public review of the Draft EIR, DC&E will prepare a Final EIR, Mitigation Monitoring Program and findings.

1. Response to Comments

Following public review of the Draft EIR, the DC&E team will formulate responses to substantive comments on the Draft EIR. The cost estimate includes an allowance of up to 40 hours for the response to comments. If

additional work is necessary due to an unforeseen volume or complexity of comments, a contract amendment authorizing the additional work will be necessary.

2. Memorandum of Revisions to Draft General Plan

Following public review of the Public Review Draft General Plan, DC&E will prepare a summary in memorandum form of the revisions to the Draft General Plan reflecting comments received during the public review process and changes requested by Town staff.

3. Administrative Draft Final EIR and Mitigation Monitoring Program

DC&E will prepare an Administrative Draft Final EIR (FEIR) that includes verbatim comments received, the responses to comments, revisions to the Draft EIR necessitated by the responses, and a revised summary of impacts and mitigation measures. DC&E will also prepare a Mitigation Monitoring Program at this time. DC&E will submit an Administrative Draft Final EIR and Mitigation Monitoring Program for Town staff approval. We will submit one camera-ready original of this document and one file on disk for reproduction and distribution by the Town.

4. Final EIR and Mitigation Monitoring Program

DC&E will make any necessary edits based on Town comments and will prepare a Final EIR and Mitigation Monitoring Program. DC&E will submit an electronic Screencheck Draft FEIR, and after any small changes, we will submit the Final EIR and Mitigation Monitoring Program to the Town electronically.

DC&E assumes that the Town will prepare the findings and resolutions to allow for certification of the Final EIR and adoption of the General Plan, as well as prepare the Notice of Determination.

5. Certification and Adoption Hearings

In these hearings, the Town's decision makers will review and certify the Final EIR and adopt the Final General Plan. DC&E will attend one Planning Commission and two Town Council hearings.

6. Final General Plan

Once the General Plan is adopted, DC&E will create a Final General Plan for distribution and archiving. This final document will include revisions directed by the Town Council during the certification and adoption hearings. DC&E will provide Screencheck version electronically, and then twenty copies of the Final General Plan, plus an electronic copy on disk.

Task H: Final General Plan and EIR

Meetings

- ◆ Planning Commission General Plan Hearing (1)
- ◆ Town Council Certification and Adoption Hearings (2)

Deliverables

- ◆ Memorandum of Revisions to Draft General Plan
- ◆ Administrative Draft FEIR, Screencheck FEIR and Final EIR
- ◆ Administrative Draft, Screencheck and Final Mitigation Monitoring Plan
- ◆ Screencheck Final General Plan and Final General Plan

II. MEETINGS

DC&E has budgeted for the following types and number of meetings. DC&E is open to revising this list if the Town chooses. David Early will facilitate the GPAC meetings and Community Workshops, and present to the Planning Commission and Town Council. Joanna Jansen or Sara Press will facilitate the TAC meetings and the Community Panels. The first meeting will be with the DC&E team and Town staff to start up the project. Additional meetings are scoped as described below.

7. General Plan Update Advisory Committee (GPAC) (9)

- ◆ Project Start-up and General Plan Review
- ◆ Existing Conditions
- ◆ Issues Refinement
- ◆ Alternatives Evaluation
- ◆ Preferred Alternative Review
- ◆ Goals and Policies Refinement (2)
- ◆ Administrative Draft General Plan
- ◆ Draft EIR

8. Technical Advisory Committee (TAC) (6)

- ◆ Existing Conditions
- ◆ Key Issues
- ◆ Alternatives Refinement
- ◆ Goals and Policy Refinement
- ◆ Administrative Draft General Plan
- ◆ Administrative Draft EIR

9. Community Workshops (5)

- ◆ Project Start-up and General Plan Review
- ◆ Issues Identification
- ◆ Alternatives Development
- ◆ Preferred Alternative Development
- ◆ Draft General Plan

10. Community Panels (4)

- ◆ Recreation and Open Space
- ◆ Youth Needs
- ◆ Senior Needs
- ◆ Environment and Sustainability

11. Planning Commission (3)

- ◆ Joint Study Meeting: Preferred Alternative Refinement

- ♦ Joint Study Meeting: Goals and Policies
- ♦ Public Hearing on General Plan

12. Town Council (4)

- ♦ Joint Study Meeting: Preferred Alternative Refinement
- ♦ Joint Study Meeting: Goals and Policies
- ♦ Public Hearing on General Plan and EIR (2)

III. PRODUCTS

The following products will be submitted to the Town of Los Gatos in fulfillment of the scope of work.

- ♦ Refined Scope of Work (if needed) *(Task A)*
- ♦ Base Map *(Task A)*
- ♦ Public Outreach and Participation Strategy Memorandum *(Task A)*
- ♦ General Plan Update Website *(Task A)*

- ♦ Transportation Assumptions Memorandum *(Task B)*
- ♦ Administrative Draft Existing Conditions Report *(Task B)*
- ♦ Screencheck Draft Existing Conditions Report *(Task B)*
- ♦ Final Existing Conditions Report *(Task B)*

- ♦ Community Workshop #2 Poster Boards for *(Task C)*
- ♦ Community Workshop #2 Summary Memorandum *(Task C)*
- ♦ Draft and Final Key Issues Working Paper #1: Youth Needs *(Task C)*
- ♦ Draft and Final Key Issues Working Paper #2: Senior Needs *(Task C)*
- ♦ Draft and Final Key Issues Working Paper #3: Environment and Sustainability *(Task C)*
- ♦ Draft and Final Key Issues Working Paper #4: Recreation and Open Space *(Task C)*

- ♦ Preliminary Draft Alternatives *(Task D)*
- ♦ Draft Alternatives *(Task D)*

GENERAL PLAN UPDATE AND EIR
TOWN OF LOS GATOS
EXHIBIT A: SCOPE OF WORK AND COSTS

- ♦ Draft Alternatives Workbook *(Task D)*
- ♦ Alternatives Workbook *(Task D)*
- ♦ Draft Preferred Alternative *(Task D)*
- ♦ Preferred Alternative *(Task D)*

- ♦ Goals and Policies Recommendation Memorandum *(Task E)*

- ♦ Administrative Draft General Plan *(Task F)*
- ♦ Memorandum documenting TAC input *(Task F)*
- ♦ Memorandum documenting GPAC input *(Task F)*
- ♦ Screencheck Draft General Plan *(Task F)*
- ♦ Draft General Plan *(Task F)*

- ♦ Notice of Preparation *(Task G)*
- ♦ Administrative Draft EIR *(Task G)*
- ♦ Screencheck Draft EIR *(Task G)*
- ♦ Draft EIR *(Task G)*

- ♦ Memorandum of Revisions to Draft General Plan *(Task H)*
- ♦ Administrative Draft FEIR and Mitigation Monitoring Plan *(Task H)*
- ♦ Screencheck FEIR and Mitigation Monitoring Plan *(Task H)*
- ♦ Final EIR and Mitigation Monitoring Plan *(Task H)*

- ♦ Screencheck Final General Plan *(Task H)*
- ♦ Final General Plan *(Task H)*

All products will be submitted to the Town electronically. DC&E will also provide the Town with 20 copies of the following documents:

- ♦ Background Report
- ♦ Alternatives Workbook
- ♦ Administrative Draft General Plan
- ♦ Draft General Plan
- ♦ Administrative Draft EIR
- ♦ Draft EIR

IV. SCHEDULE

DC&E's proposed schedule for completion of the General Plan Update and EIR is shown in Figure 2. We anticipate all tasks will be completed by August 2010.

V. COST ESTIMATE

As shown in Table 2, the estimated cost to complete the proposed scope of work described in this proposal is \$711,247 plus a contingency fee of \$20,736 for additional meetings. The contingency fee will be utilized to fund DC&E facilitation of additional GPAC meetings not included in this proposed scope. DC&E will not engage in additional meetings until receiving written approval by the Town. DC&E will complete the scope of work described in this proposal for a fixed fee not to exceed that amount.

Billing rates for this project are guaranteed through December 2010. Billing rates would be subject to an increase of up to 6 percent on January 1, 2011, and in each subsequent year thereafter. A budget increase would be necessary to cover costs incurred after July 1, 2010.

VI. ASSUMPTIONS

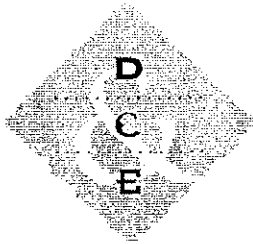
The scope of work and cost estimate assumes the following:

- ♦ Our cost estimate includes the meetings shown in Section II. Additional meetings would be billed on a time and materials basis. Subconsultant team members could also attend additional meetings or hearings for an additional cost based on time and materials.

- ◆ No more than 40 hours of DC&E staff time will be required to respond to comments on the Draft EIR. If additional labor is necessary, a contract amendment allowing additional work will be necessary.
- ◆ Town staff will act as a clearinghouse for comments on all administrative draft documents, and will provide DC&E with a single, internally reconciled set of comments on each administrative draft.
- ◆ There will be a single round of intensive review and revision to each administrative draft product prior to the screencheck draft. If Town staff feels that a second administrative draft is needed, a contract amendment allowing additional work will be necessary.
- ◆ Revisions to screencheck drafts will focus on typographical errors, formatting and other minor edits. Such revisions will not include content changes.
- ◆ DC&E will use ArcView version 9.2-compatible shapefiles and/or geodatabases from (client) for the development of the project's base map and subsequent thematic maps. All files delivered by (client) are assumed to be current, spatially accurate and aligned with one another, and referenced to a common coordinate system appropriate for the area. Each shapefile will arrive with the appropriate coordinate system definitions (i.e. .PRJ files); likewise, the coordinate system of geodatabases, if applicable, will contain proper coordinate system definitions. This scope assumes that the Town's existing GIS information, including attribute data, are essentially complete and that any needed adjustments by DC&E will be minor.
- ◆ At the conclusion of the project, DC&E will provide a CD to the Town containing all original GIS data as well as project-specific data layers modified or created by DC&E along with pertinent metadata documentation.
- ◆ All products will be submitted to the Town in electronic (PDF) format, except for printed copies that are specifically identified in Section III.
- ◆ The budget for this scope of work includes an allowance for printing. This is an allowance only, based on the numbers of products and copies

shown in Section III. If this allowance is exceeded, additional printing costs will be billed at DC&E's actual cost.

- ◆ The Town will provide electronic, editable copies of the General Plan, Civic Center Master Plan, Hillside Specific Plan, North Forty Plan, Technical Background Reports and appropriate specific plans, design guidelines, recent CEQA documentation and other relevant technical studies and reports. If DC&E staff has to retype or scan the text, the time will be billed at the clerical staff hourly rate.
- ◆ Town staff will be responsible for meeting logistics, including schedule coordination, document production other than agendas, printing notices, mailing costs, room reservations, room set-up and take-down, and refreshments.
- ◆ DC&E will provide up to five facilitators for Community Workshops #2, #3 and #4 (tentatively). Additional facilitators will be drawn from Town staff. DC&E will provide training for facilitators immediately before each workshop.
- ◆ This scope of work assumes that DC&E will design notices for public meetings and will provide the Town with an electronic version of the workshop flier for printing, mailing and distributing otherwise.
- ◆ Sara Press will attend all project meetings, public workshops and other public meetings. As stated in Section II, David Early will facilitate the GPAC meetings and Community Workshops, and present to the Planning Commission and Town Council. Joanna Jansen or Sara Press will facilitate the TAC meetings and the Community Panels. Each project meeting (with GPAC and TAC) may last up to two hours. Each Community Workshop or Community Panel may last up to three hours, plus an additional hour for setting up and taking down materials and equipment.



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March 27, 2009

Bud Lortz, Deputy Town Manager
Town of Los Gatos
1110 East Main Street
Los Gatos, CA 95031

Re: North Forty Specific Plan Update and General Plan Overlay

Dear Bud:

Please accept this proposed scope of work and cost estimate to incorporate a planning process for the North Forty area into the Town of Los Gatos General Plan Update as a separate but parallel effort. This planning process will build off the existing 1999 Public Review Draft North Forty Specific Plan, which has never been adopted, and will focus on integrating land use, urban design, and circulation concepts for the North Forty area into the overall General Plan.

DC&E suggests that the clearest and most effective way to plan for the North Forty area is to create a new North Forty Overlay designation in the updated Land Use Element. This overlay designation will include the basic parameters for development on the site. It will be supported by a more detailed Specific Plan. The existing draft Specific Plan will be finalized and adopted under the scope below.

Our proposed approach offers several advantages:

- ♦ A plan for the North Forty area will be completed more quickly than if a Specific Plan is prepared and adopted outside the General Plan process;
- ♦ Land uses and policies in the area will be thoroughly integrated into and consistent with the General Plan as a whole.
- ♦ There will be no need for a separate CEQA review process. Because the North Forty Overlay designation will be a part of the General Plan Land Use Element, buildout allowed under the updated Specific Plan and corresponding Overlay designation will be analyzed as part of the General Plan EIR.
- ♦ Town staff and the property owners will have flexibility in implementing the concepts of the overlay designation within the maximum envelopes it establishes.

North Forty Specific Plan Area Background

The North Forty area is generally located west of Los Gatos Boulevard, east of Highway 17, north of Lark Avenue and south of Highway 85. The area consists of approximately 44 acres, which is predominantly in agricultural use. The existing vision statement for the Plan Area calls for a mix of commercial uses, allowing retail commercial, office, entertainment, restaurants, lodging, and public and civic uses, targeting primarily town residents. The Specific Plan's objective is for the proposed uses to complement, not directly compete with, the town's downtown. The Specific Plan states that Level of Service (LOS) D is the minimum LOS acceptable on roadways and intersections surrounding the Plan Area. The area is envisioned to have a unique, pedestrian-oriented "sense of place."

The planning concept for the North Forty area shown in the existing Draft Specific Plan accommodates approximately 500,000 square feet of commercial, mixed-use development, with the majority as destination retail. Neighborhood (convenience) retail is limited to 100,000 square feet of the total. Office use, excluding medical-related offices and use, is also limited to 100,000 square feet of the total. These development parameters will be confirmed and refined as necessary through the scope of work below.

Proposed Scope of Work

The following scope of work outlines the tasks DC&E would add to our existing scope of work for the General Plan Update and EIR to incorporate the North Forty area into the General Plan and update the 1999 North Forty Specific Plan.

Task A. Understand Existing Conditions

DC&E staff will conduct a site visit of the North Forty area to document existing conditions through maps and photographs. During this visit, we will also meet with Town staff to review the existing 1999 Specific Plan, discuss the history of the site, and understand current views on the future of the area.

Task B. Refine Specific Plan Concepts

DC&E will review and refine the concepts in the 1999 Draft Specific Plan with the property owners, community members, and the General Plan Committee.

1. Stakeholder Meeting #1

First, DC&E will meet with key property owners whose participation in the North Forty planning process is particularly important to discuss what changes, if any, are needed to the concepts in the 1999 North Forty Specific Plan. This meeting may be attended by as many as 10 individual stakeholders. We assume that Town staff will assist with identifying appropriate stakeholders to interview and obtaining contact information.

2. Community Workshop #1

Next, my staff and I will facilitate a community workshop focusing on the North Forty area. Preliminarily, we expect that this first workshop will be used to review the existing 1999 North Forty Specific Plan and discuss what, if any, changes are needed. Some possible changes to consider are:

- ♦ Including housing, which is currently not allowed in the Plan Area
- ♦ Revising the development cap
- ♦ Including a recreation component in the Plan Area
- ♦ Revising land use distribution to locate smaller buildings along the Los Gatos Boulevard frontage, and office and lodging uses away from Los Gatos Boulevard
- ♦ Adding suggestions or requirements for pedestrian orientation and linkages

Following the workshop, DC&E will prepare a brief two-page summary.

3. General Plan Committee Meeting #1

The Town Council has directed the General Plan Committee (GPC) to discuss the North Forty area and determine whether changes should be made to the 1999 Draft Specific Plan. DC&E will attend one GPC meeting to report the feedback received at the stakeholder meeting and community workshop and discuss any potential changes suggested by the GPC. The GPC may also offer guidance on more technical Specific Plan issues, such as adjusting requirements for projects on parcels of 40,000 square feet and larger, which currently require approval of a zone change to Planned Development

4. Town Staff Input

To supplement the input received from stakeholders, the public, and the GPC, Town staff will review and provide direction for revisions to:

- ♦ Location of gateway features and nodes
- ♦ Design of frontage access drive, currently envisioned adjacent and parallel to Los Gatos Boulevard

5. Revise Specific Plan

Based on the four sources of input described above, DC&E will revise the following sections of the Specific Plan as needed to reflect the updated vision for the Plan Area:

- ♦ Goals and Policies (Chapter 2 Section C)
- ♦ Planning Concepts (Chapter 2 Section D), including:
 - Exhibit 2-1 Master Concept Development Plan
 - Exhibit 2-2 Urban Design Concept Plan
- ♦ Site Planning Guidelines (Chapter 3 Section D), including:
 - Exhibit 3-1 Main Access Road Setback
 - Exhibit 3-2 Secondary Access Road Setback
 - Exhibit 3-3 Building Setbacks
 - Exhibit 3-4 Frontage Road Building Setbacks
 - Exhibit 3-5 Orchard-style Planting Design

Optional Task: Develop Alternatives and Select a Preferred Alternative

If no clear consensus emerges from the stakeholder meeting, community workshop and GPC meeting in Task B, the following optional task could be implemented.

DC&E would prepare three conceptual land use and circulation diagrams identifying alternative scenarios for future development in the North Forty area. These diagrams would identify land uses and development intensity envisioned for the three alternatives. The

illustrative plans would also identify potential streetscape and circulation improvements for each alternative. The cost estimate assumes that DC&E would not prepare any three dimensional models or perspective drawings for the alternatives. DC&E would facilitate an Alternatives Public Workshop to receive public input on the alternatives.

DC&E would then facilitate separate study sessions with the General Plan Committee and the Planning Commission to present the results of the Alternatives Workshop and receive input on a preferred alternative. DC&E would subsequently facilitate one study session with the Town Council to present the results of the Alternatives Workshop, GPC study session and Planning Commission study session. Based on this input, the Town Council would be asked to provide direction on a preferred alternative for the planning area.

If the Town decides to proceed with this optional alternatives process for the North Forty area, it would be coordinated with the Town-wide General Plan alternatives process, which is currently scheduled to occur in the summer and fall of 2009.

Task C. Create Photosimulations

DC&E will create a total of four photosimulations of views from Highway 17, looking over the North Forty area towards the hills. We will show what future development would look like from two different locations, with development at two different heights (two stories and three stories). The photosimulations will portray building height and massing, showing potential building envelopes and not architectural details of the buildings.

Task D. Update Infrastructure Information

DC&E will update the information related to existing infrastructure capacity, future capacity, any plans for infrastructure expansion and funding opportunities. DC&E will also update the figures to show the new connections that have been made in the North Forty area. This includes the Infrastructure Concept Plan (Chapter 2 Section G) and the following:

- ◆ Exhibit 2-10 Existing Water Lines
- ◆ Exhibit 2-11 Existing Sewer Mains
- ◆ Exhibit 2-12 Existing Storm Drainage

Task E. Reformat Specific Plan

DC&E will reformat the entire Specific Plan for an up-to-date look.

DC&E will submit an Administrative Draft Specific Plan for Town staff to review. Based on staff comments, DC&E will produce a Draft Specific Plan for GPC and public review.

I. Text

This scope assumes that DC&E will create an editable Word version of the 1999 Draft Specific Plan.

2. Graphics

As described above, DC&E will re-create all of the graphics in the 1999 Draft Specific Plan, revising the content and format to be consistent with the updated concepts. In addition, DC&E will update the photos in the current Specific Plan document with similar, full-color photos.

3. Development Standards and Design Guidelines

DC&E will coordinate with the architect contracted separately by the Town and incorporate the text and photographs submitted by the architect in the Building Design section (Chapter 3 Section F, pages 3-20 through 3-30). We assume that the Town-contracted architect will provide DC&E with text in Word and graphics in Adobe Illustrator or another editable format for easy incorporation into the document.

Task F. Create North Forty Overlay Designation

DC&E will create a North Forty Overlay designation that will be incorporated into the updated General Plan Land Use Element. The overlay designation will be a unique designation applied to all parcels within the North Forty area. It will require that these parcels are developed in a cohesive manner that is consistent with the goals of the updated General Plan and the outcomes of the North Forty planning process. It will establish the appropriate mix and type of uses in the area, maximum permissible densities and maximum buildout for each land use type in either number of dwelling units or square feet of non-residential space.

Because the North Forty Overlay designation will be a part of the General Plan Land Use Element, buildout allowed under the North Forty Overlay designation will be analyzed, along with buildout allowed under all other General Plan designations and policies, in the General Plan EIR. The final provisions of the North Forty Overlay designation will be reviewed by the public and elected officials as part of the Draft General Plan and will be adopted by the Town Council as part of the final General Plan adoption.

Task G. Present the Updated Specific Plan

DC&E will present the updated North Forty Specific Plan and corresponding North Forty Overlay designation to property owners, community members, and the General Plan Committee.

1. Stakeholder Meeting #2

DC&E will meet with the property owners to review the Draft Specific Plan and accept their input. DC&E will summarize stakeholder input in a memo.

2. Community Workshop #2

My staff and I will facilitate a second community workshop to give the public an overview of the North Forty planning process and the resulting Specific Plan and overlay designation. We will accept public comments on the Draft Specific Plan and summarize the comments in a memo.

3. General Plan Committee Meeting #2

DC&E will attend one GPC meeting to review the Draft Specific Plan and overlay designation. We will also present the summaries of stakeholder and community input on the Draft Specific Plan and ask the GPC to give direction on what revisions are needed, if any. We will not revise the Draft Specific Plan prior to the GPC meeting.

Task H. Final Revisions

Based on direction from GPC Meeting #2 and Town staff, DC&E will make any needed revisions and produce a Final Specific Plan for Town Council approval. This scope of work does not include DC&E attendance at any special Specific Plan adoption hearings since we assume that adoption will occur with the General Plan.

Deliverables

DC&E will deliver the following products to Town staff:

- ♦ Agenda, handouts, maps and other materials for two stakeholder meetings, two GPC meetings and two community workshops (delivered electronically)
- ♦ Summary notes from two stakeholder meetings, two GPC meetings and two community workshops (delivered electronically)
- ♦ Administrative Draft Specific Plan, including photosimulations, for internal review (delivered electronically)
- ♦ Draft Specific Plan, including revised photosimulations, for GPC review (5 paper copies)
- ♦ Memorandum summarizing stakeholder input on Draft Specific Plan (delivered electronically)
- ♦ Memorandum summarizing community workshop input on Draft Specific Plan (delivered electronically)
- ♦ Final Specific Plan for Council adoption (10 paper copies)
- ♦ Administrative Draft Overlay text for internal review (delivered electronically)

The public review draft Overlay designation will be included in the public review draft General Plan.

Schedule

The General Plan alternatives process is currently scheduled to begin in May 2009. General Plan Community Workshop #3, at which participants will be asked to begin formulating alternatives for opportunity sites, is scheduled for June 6. In order to have the option of conducting the North Forty alternatives process at the same time as the General Plan alternatives process, stakeholder interview #1, community workshop #1 and GPC meeting #1 will need to be held in April or May.

Assuming that we attain this schedule, we will submit an administrative draft conceptual land use and circulation diagram no later than September 2009 so that it can be reviewed by Town staff and incorporated into the General Plan EIR project description, due in October 2009.

As noted above, the North Forty Overlay designation will then be integrated into the Administrative Draft General Plan, due to the Town in December 2009, and Public Review Draft General Plans, due in March 2010.

Cost Estimate

DC&E can complete the scope of work described in this proposal for \$105,196.

The cost for the optional Alternatives Development and Selection Task would be an additional \$40,963.

The proposed budget includes preparation of materials and attendance by David Early and DC&E's Project Manager at two GPC meetings. We are available for additional meetings for \$1,575 per meeting.

Please don't hesitate to contact me if you have any questions about this proposal. DC&E enjoys working with the Town on the General Plan Update and Housing Element and is very excited about expanding that work to encompass the North Forty planning effort.

Sincerely,

DESIGN, COMMUNITY & ENVIRONMENT, INC.

David Early
Founding Principal

Table I
Design, Community & Environment
North Forty Specific Plan Update and General Plan Overlay Designation
Cost Estimate

Hours per Task	Founding Principal	Associate Principal	Associate/ Project Manager	Project Planner	Graphics/ WP	Urban Designer	Graphics Tech
A. Existing Conditions	2	2	8	8	-	8	-
B. Refine Specific Plan Concepts	16	22	46	58	-	40	-
C. Create Photosimulations	1	1	4	-	-	88	-
D. Update Infrastructure Information		1	2	6	-	6	-
E. Reformat Specific Plan	2	8	40	70	18	74	63
F. North Forty Overlay Designation	2	4	12	24	-	4	-
G. Present Updated Specific Plan	15	22	32	48	-	-	-
H. Final Revisions	4	12	32	40	8	24	12
Total Hours	42	72	176	254	26	244	75
Billing Rate	\$225	\$175	\$135	\$105	\$90	\$85	\$80
Labor Cost	\$9,450	\$12,600	\$23,760	\$26,670	\$2,340	\$20,740	\$6,000
Total Firm Labor Cost							\$101,560
EXPENSES							
Mileage (@ \$0.55 per mile)							605
Reprographics and Mapping							300
Specific Plan Printing							250
Deliveries							50
Workshop Supplies & Refreshments							400
Office Expenses (Phone, Fax, Copies, etc)							2,031
Total Expenses							3,636
TOTAL DC&E							\$105,196
Contingency Fee							\$5,260
Cost for Optional Alternatives Task							\$40,963