



CITY COUNCIL AGENDA REPORT

Meeting Date: February 5, 2026
From: Jeremy Dennis, City Manager
Noreen Leek, Parks & Recreation Director
Maziar Bozorginia, Public Works Director
Subject: Parcel R Update and Contract Amendment for CMG Landscape Architecture Concerning the Sierra Point Parcel R Concept Plan and Estimated Cost Thereof

Recommendation

Staff recommends the City Council receive an update regarding Sierra Point Park planning efforts and consider approval of an amendment to the contract with CMG Landscape Architecture for the Sierra Point Parcel R Concept Plan.

Background

In June 2021, the City issued a solicitation for qualified Landscape Architects and Park Planning firms to develop an open space and parks master plan at Sierra Point and in particular so called "Parcel R". Parcel R is a 1.5 acre parcel located adjacent to the Brisbane Marina and is depicted in Attachment 1. The vision for the project included passive and active recreational opportunities intended to engage the public and promote integration with the surrounding areas including the Marina, the San Francisco Bay Trail, and adjacent businesses. Key components for the desired plan included: connectivity, stewardship and sustainability, art, and recreation. The contract was awarded to CMG Landscape Architecture in 2022, and a master planning subcommittee was formed consisting of representatives from the Brisbane City Council, Parks and Recreation Commission, Open Space and Ecology Committee, Complete Streets Safety Committee, IDEA Committee, and Public Art Advisory Committee.

The CMG team conducted a comprehensive analysis of the Sierra Point Open Space and Parks planning area, which encompasses the City-owned and publicly accessible open space, shoreline areas, trails, and parklands located throughout the Sierra Point district that included a review of prior studies, evaluation of site constraints, identification of existing infrastructure, and public outreach to engage key stakeholders. Findings were documented in Task 1: Discovery, which was shared publicly and summarizes CMG's preliminary stakeholder engagement, review of project materials, and site observations. This phase identified technical constraints, stakeholder priorities, and open space improvement opportunities to inform the next phase of planning. Task 2: Exploration involved the development of preliminary alternative approaches to the open space master plan and continued coordination with stakeholders. Draft conceptual plans were prepared to illustrate opportunities and gather feedback toward identifying a preferred plan. This phase included additional public engagement and was presented to the City Council in March 2023. Shortly thereafter, the City Council paused the park planning effort to allow for further study of anticipated sea level rise impacts on the marina and adjacent properties. That study was completed in late 2024, and as a result, this data has been

incorporated into CMG’s scope of work set forth in the proposed amendment to the CMG contract which work will be specific to Parcel R. This resiliency informed design ensures that any proposed infrastructure is built to last and protects the City’s long-term investment. In parallel, the City has initiated the Brisbane Lagoon Watershed Sea Level Rise Adaptation Plan, which will identify strategies to protect residents and infrastructure from climate-related flooding. This effort is expected to continue through 2026.

The supporting Park Development Fund was established through a contribution from a commercial development at Sierra Point and from contributions under two separate development agreements. The Fund currently has an uncommitted balance of \$1,991,065. A portion of these funds is restricted for use on “Parcel R” (depicted in Attachment 1), while the remaining funds may be used on publicly owned land throughout Sierra Point. Most of the fund is subject to the Mitigation Fee Act, which requires use within five fiscal years of receipt of the funds (the funds were received in fiscal year 2020/2021). Accordingly, if the funds are not expended or committed by June 30, 2026, the City must either justify an extension with a defined allocation plan or return the funds to the property owners. To avoid either situation, the City should adopt a plan for use of the funds by June 30, 2026. Given this, the Council subcommittee and staff prepared a process outline in order to meet the deadline for use of the remaining funds (Attachment 2).

Fund 455 Allocation Matrix

Category	Amount
Not reportable for AB 1600 purposes	\$474,652
HCP / Mitigation Fee Act (reportable per AB 1600)	\$1,516,411
Combined Total Available	\$1,991,065

Discussion

On February 20, 2025, the City Council received a report on the remaining funds available, and the deadlines associated with the expenditure of the funds (Attachment 3). At this meeting, Staff provided Council with information relating to the need to allocate the remaining funds (approximately \$1.372M) from the funds received from Healthpeak to help build infrastructure and amenities at Parcel R. By advancing the design phase now, the City insulates itself against the potential forfeiture of these funds under the Mitigation Fee Act, ensuring these private contributions remain available for investment in Brisbane, rather than risk them being returned to the property owner after June 2026. Subsequently, the Council directed the Sierra Point Open Parkway Park & Open Space Subcommittee (then-Mayor Lentz and Councilmember Kern) to meet to determine a plan for the site.

The Subcommittee has met five times over the last year, including a meeting held at the Sierra Point Yacht Club to ensure maximum project transparency and outreach. During these public meetings, the Subcommittee members walked the site with city staff, engaged with members of the public including the boating community, met with staff from CMG, and participated in conversations with representatives from the Parks and Recreation Commission.

Throughout the process, the focus of the Subcommittee has been the following:

- To stay within the direction given by Council to plan and build park amenities and landscaping with appropriate infrastructure on Parcel R;
- To use \$527,901 from a development agreement with Phase 3 Real Estate to be spent on park related efforts at Parcel R;
- To create a 100% Design Concept on Parcel R to build park amenities on land that is above 100-year sea level rise projections
- To create a great public space at Parcel R that will be used by residents, boaters and workers at Sierra Point

During one recent report to the Council, the Subcommittee recommended that the Parks and Recreation Commission be tasked with finalizing a recommendation based on the work of the Subcommittee ensuring a community-vetted recommendation that aligns with the Commission's duties under the Municipal Code. The City's Municipal Code identifies specific roles and responsibilities of Parks and Recreation Commissioners which include the following:

- Hold hearings as directed by the City Council on matters pertaining to planning and development of parks and recreation programs and capital expenditures relating to recreation and facilities;
- Make recommendations concerning beautification development and improvement of parks, beaches, and recreation services.

The Subcommittee met on January 7, 2026 with two representatives of the Parks and Recreation Commission (Trudi Davis, Chair and Tom Seawell, Vice Chair) to provide direction. Thereafter, the Parks & Recreation Commission began meeting on this topic on January 15, 2026 and is expected to provide input and a formal recommendation for park development to the City Council no later than March 11, 2026 in order to meet the deadline discussed above.

To aid in this effort, an amendment to the contract with CMG is enclosed as Attachment 4. CMG's scope of work through the end of the fiscal year to support park planning efforts is detailed within the proposal. This includes development of conceptual designs within the footprint of Parcel R, and the estimated cost for such design. The goal is to create a 100% Final Concept Design that will reflect feasible park amenities and landscaping within Parcel R based on community input. The intent of the Final Concept Design is to be shovel ready and built in phases based on available funding sources. If appropriate, volunteer opportunities will be identified to help reduce costs and build community connectiveness for the park site.

Fiscal Impact

CMG's original contract totaled \$199,758, of which approximately \$118,932 has been expended to date, leaving \$80,827 encumbered but unspent. CMG's proposal to complete the planning effort for Parcel R

totals \$73,386, which is less than the amount already encumbered from Fund 455 to support this effort. A representative from CMG will be present via Zoom at the February 5, 2026 meeting to respond to Council questions.


Description	Amount	Notes
CMG’s Original Contract Total	\$199,758	Initial contract amount
Amount Expended to Date	\$118,932	Spent so far
Remaining Encumbered but Unspent	\$80,827	Funds still available from original contract
CMG’s Proposal for Parcel R	\$73,386	Less than the remaining encumbered amount from Fund 455

Environmental Review

Approval of the contract amendment with CMG does not require environmental review because it is not a project under the California Environmental Quality Act (CEQA). CEQA Guidelines, Section 15378 (b).

Attachments


1. Aerial Image denoting Parcel R
2. Process Outline DRAFT
3. February 20, 2025 staff report
4. Amended Service Proposal from CMG



 Jeremy Dennis, City Manager



 Noreen Leek, Parks & Recreation Director



 Maziar Bozorginia, Public Works Director

Parcel R

Schedule outline:

- Starting 11/19 - CMG coordination with staff on proposal for amendment
- 1/14 - P&R Commission project overview to date
 - *Council subcommittee in attendance*
- 1/28-2/4 P&R Commission ad hoc subcommittee meetings
- 2/5 City Council mtg: CMG Contract Amendment for fund allocation
- 2/11 (or 3/11 if needed) - Parks & Rec Commission input & recommendation
- Feb/March Council Subcommittee Meetings
 - *65% from CMG due 2/25*
- 4/16 – Council Subcommittee Meeting
 - *95% from CMG due 4/9, with cost estimation*
- 5/7 – Formal Recommendation to full City Council
 - *4/23 - Staff Report Due*
- 6/30 - Intent letter due to HealthPeak (legal needed to advise prior)



CITY COUNCIL AGENDA REPORT

Meeting Date: February 20, 2025

From: Jeremy Dennis, City Manager

Subject: Use of Development Mitigation Funds/Development Impact Fees to Support Sierra Point Open Space Opportunities – Parcel R

Community Goal/Result

Community Building

Purpose

Develop the City’s public spaces for community interactions, enhance connectivity, and provide additional opportunities for recreation

Recommendation

Staff recommend that the City Council provide direction for the use of the remaining development mitigation funds/development impact fees designated for park planning, including improvements, at Sierra Point

Background

In March 1984, the City and Sierra Point LLC entered into a development agreement that included building a restaurant and other facilities at what is commonly referred to as Parcel R, located at 400 Sierra Point Parkway (Attachment 1). Parcel R is owned by the City and was leased to the developer. That agreement was restructured in June 2012 as the developer pursued a development at property located at 3000-3500 Marina Boulevard. As part of a restructuring of this development agreement, the developer terminated its leasehold interest in Parcel R. As part of that transaction, the City accepted mitigation funds from the developer toward park planning at Parcel R and adjoining areas. These funds totaled \$527,901.

A different agreement with the successor to Sierra Point LLC (Healthpeak) provided an additional \$1.5 million towards park planning for Parcel R and other Sierra Point recreational improvements.

Master planning for the site was awarded by contract in 2022. A council subcommittee was formed to make recommendations to the full Council concerning master planning for the site. Subsequent Council discussions on the matter, including a Council meeting on September 21, 2023, resulted in a pause on further developing a recreational amenity at the site, with some of the funds being reallocated to sea level rise studies, which Council reviewed at its December 4, 2024 meeting.

Discussion

As set forth above, the City has received a total of \$2,027,901 toward park planning for Parcel R and adjoining areas. Of that amount:

- \$199,758 allocated to support recreation amenity planning for Sierra Point recreational amenity
 - \$118,932 has been spent
 - \$80,827 encumbered as part of that project.
- \$7,819 spent as part of the Parcel R transfer to the City
- \$85,008 spent for embankment picnic area improvements and backflow device installation
- \$22,765 spent for the recent sea level rise study

\$1,906,916 - Total Remaining Funds (as of December 2024)

The \$1.5 million received from Healthpeak is subject to Mitigation Fee Act provisions as it was negotiated outside a development agreement. As such, these funds must be spent within five fiscal years from the time the fee was received (August 2020), although an extension of time to spend the funds may be permitted as detailed below. Otherwise, because these funds were received in FY 2020/21, they would need to be spent or allocated to a project by the end of FY 2025/26 or be returned to the developer.

The remainder of the funds received from Sierra Point LLC, totaling \$328,143 (not including \$80,827 encumbered as part of the initial consultant efforts for Parcel R), is not subject to the Mitigation Fee Act, and may be spent outside the timeline described in the previous paragraph.

Council Direction

The Council may direct staff in the following ways:

1. Provide direction on the expenditure of all the remaining funds
2. Provide direction on the expenditure of the \$1.5 million subject to the Mitigation Fee Act.

Should the Council wish to continue efforts at Parcel R related to a recreational amenity, staff will work with the Sierra Point Park Parkway & Open Space Subcommittee to discuss the matter. Prior to staff meeting with the Subcommittee, Council will be engaged to provide feedback and guidance to the Subcommittee.

I.

Use and Retention of the \$1.5 Million

As stated above, in order to prevent the \$1.5 million being returned to the developer, those funds must be spent or allocated by June 30, 2026, or findings made to extend the time to spend the funds. Those findings are:

1. Identify the purpose to which the fee will be utilized
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is to be charged
3. Identify all sources and amounts of funding anticipated to complete financing the public facility for which the fee was imposed, and
4. Designate the approximate date(s) on which the funding discussed above is expected to be received.

If all those findings, based on substantial evidence, can be made, the unspent funds may be retained, i.e., not returned to the developer, subject to the annual reporting and further findings five years thereafter if unspent funds remain.

Such findings do not need to be made at this time. In connection with the AB 1600 annual report in FY 2025-26 and based on direction Council provides as to park planning for Parcel R, staff at that time will make a recommendation as to whether the time frame to spend such funds should be extended.


It is worth noting that over the next 16 months, corresponding to the end of the five year expenditure requirements detailed above, the City will be involved in a variety of complex and significant projects that will occupy much of the staff’s time, which should be considered relating whether to extend the time to spend the fees subject to the Mitigation Fee Act.

Fiscal Impact

It is not known at this time what the fiscal impact may be, as it is contingent on Council direction.

Attachments

1. Photos of Site
2. Minutes, September 21, 2023 meeting



Jeremy Dennis, City Manager

Attachment 1

Photos of Site



EXISTING SITE CONDITIONS



11

- ~~L. Approve Response to the 2022-2023 Grand Jury Report: “Bike Safety in San Mateo County: Making Cycling Safer in the County”~~
- ~~M. Adopt an Ordinance, Waiving Second Reading, Repealing Chapter 8.44 of the Brisbane Municipal Code Enacting a New Chapter 8.44 to the Brisbane Municipal Code to Clarify Existing Definitions and to Enact Additional Requirements for Tobacco Retailer Permits, and Finding that No Further Environmental Review is Required Concerning this Ordinance~~
- ~~N. Adopt Resolution Establishing the Business License Tax on Recycling Establishments for Fiscal Year 2023/24~~
- ~~O. Adopt a Resolution Authorizing Submission of Applications for all CalRecycle Grants and Payment Programs for which City of Brisbane is Eligible~~

~~Councilmember O’Connell made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Items E, F, and H M and O. The motion passed unanimously by all present.~~

~~Ayes: Councilmembers Cunningham, Lentz, Mackin, O’Connell and Mayor Davis
Noes: None
Absent: None
Abstain: None~~

~~Mayor Davis recused herself from voting on Consent Calendar Item N. Councilmember Mackin made a motion, seconded by Councilmember Cunningham, to approve Consent Calendar Item N. The motion passed unanimously by all present.~~

~~Ayes: Councilmembers Cunningham, Lentz, Mackin, and Mayor Pro Tempore O’Connell
Noes: None
Absent: None
Abstain: None
Recused: Mayor Davis~~

OLD BUSINESS

P. Revisit Sierra Point Open Space and Parks Process

Parks and Recreation Director Leek is seeking direction from Council regarding guidance on next steps in the Sierra Point Open Space and Parks Process.

After Council questions, public comments were made by the following members of the public:
Nancy Lacsamana commented on making the Bay Trail a place to visit, picnic, bike, walk, with a clear outlook on sea level rise.
Ron Davis (read by Michele Salmon) wrote that a community building like the Mission Blue Center is more suitable for the community than a park.
Michele Salmon commented that the City needs to take a pause. The land is continuing to subside. We need to direct resources not on a park but on the boat area as well as the land area of the Marina.
Mea Christie could make the site more appealing and connected to town. Addressing the sea level rise would be the bare minimum.
Linda Dettmer (read by Michele Salmon) commented that a large and beautiful park will do nothing to address our most pressing issues. I appeal to the sensibility of the entire council to do the right thing and forego the impracticality of a

large park project.

Michele Salmon invited the larger community to be engaged and attend upcoming events in the Marina.

After Council discussion, Council directed staff to use funds to finance a Sea Level Rise Study in the Sierra Point site and find a consultant to do the work.

NEW BUSINESS

~~Q. Consider Introduction of an Ordinance, Waiving First Reading, Concerning the Timing of the Construction of Off-Site Improvements~~

~~(This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) because it is not a project. CEQA Guidelines section, 15378 (b)(2))~~

~~City Engineer Breault reported that the Municipal Code currently does not have provisions that would require off-site work to be completed before onsite work begins. Staff has drafted the ordinance the purpose of which is to eliminate or substantially reduce neighborhood concerns,~~

~~After brief Council questions and no public comment, Councilmember Cunningham made a motion, seconded by Councilmember Cunningham, to introduce an Ordinance, Waiving First Reading, Concerning the Timing of the Construction of Off-Site Improvements. The motion passed unanimously by all present.~~

~~Ayes: Councilmembers Cunningham, Lentz, Mackin, O'Connell and Mayor Davis~~

~~Noes: None~~

~~Absent: None~~

~~Abstain: None~~

STAFF REPORTS

~~R. City Manager's Report on Upcoming Activities~~

~~City Manager Holstine reported on the latest City news and events.~~

MAYOR/COUNCIL MATTERS

~~S. Review City Council Meeting Schedule and Proposed Meeting on December 14, 2023~~

~~City Clerk Padilla will confirm with Councilmember Cunningham about her availability to meet on December 14, 2023.~~

~~T. Countywide Assignments and Subcommittee Reports~~

~~Council reported on their subcommittee activities and countywide assignments.~~

~~U. Written Communications~~

~~Written Correspondence was received from Steve Kerekes on September 10, 2023 regarding Signage to protect dogs.~~

Landscape Architecture Services Proposal

For

City of Brisbane, CA

Sierra Point Parcel R Concept Plan

To

Noreen Leek

Director, Parks & Recreation

January 9, 2026



PROJECT UNDERSTANDING

CMG Landscape Architecture has been requested to provide landscape architecture services for the City of Brisbane Parks and Recreation Department. CMG will be contracted to the City of Brisbane for this work.

The Sierra Point Parcel R Concept Design will establish open space improvements for Parcel R. The Parcel R Concept Design will be based on prior site analysis made for the Sierra Point Open Space Master Plan, and a confirmed list of acceptable parcel R park uses provided by the City. Iterative development of a single Concept Plan will be reviewed by the City Council Sub-Committee at 65% and 95% complete and presented to City Council at 100% complete. Civil engineering recommendations for new construction shall be described sufficiently for pricing. A cost estimate of the 95% Concept Plan shall be provided. Optional site survey services are described below.

SCHEDULE

- Task 1: February 11th Parks and Recreation Commission – Input and Recommendation Support
- Task 2: February 25th 65% Concept Design
- Task 3: Mid-March City Council Subcommittee Meeting
- Task 4: April 9th 95% Concept Design
- Task 5: April 16th City Council Subcommittee Meeting
- Task 6: April 28th 100% Concept Design (submittal for Staff Report)
- Task 7: May 7th City Council Presentation

PROJECT AREA

See Attachment D

SCOPE OF SERVICES

1. Support PR and PW in presentation content development for Commission and Council meetings.
2. Attend coordination meetings with P&R and PW as necessary.
3. Attend Council Sub-committee and Council meetings.
4. Establish vision, goals and confirm program and priorities for landscape improvements.
5. Develop 65%, 95% and 100% Concept Plans.
6. Provide cost estimation for 95% Concept Plan
7. Produce Parcel R Concept Plan graphics.

Optional Service:

1. Boundary Analysis of Parcel R.
2. Topographic Survey of Parcel R

Exclusions to Scope of Services

The following services and items are excluded for this fee estimate.

1. Documents and materials, including legal, topographic, utility surveys, geotechnical reports, soils testing, environmental studies, cultural resource reports.
2. Geotechnical services and recommendations related to the existing landfill.
3. Structural, Mechanical, and electrical engineering.
4. Environmental and archaeological services
5. Historic analysis
6. Signage and environmental graphics
7. Permitting
8. Presentations and meetings not described below; these shall be provided as additional services.

PROCEDURE

For landscape development of the Parcel R open space, we anticipate the project will proceed in tasks as follows. Tasks may be altered as necessary for coordination with the client and consultant team. The following is based on the current understanding of schedule and scope of work:

Task 1: Parks & Rec. Commission Presentation Support

CMG will provide as needed support to PR and PW for presentations to the Parks and Recreation Council Subcommittee. Task 1 includes work to date in support of the City's organization of the project—meetings, research of comparable park precedents and correspondence.

Task 2: 65% Concept Plan

This task includes development of a Draft Concept Plan for Parcel R and adjacent area and coordination with and review by the client. The Draft Concept Plan will be based on prior site analysis and confirmed program preferences provided by the client. We anticipate that not all preferred uses will fit within the project area, so sketch plans illustrating alternative uses and layout might be prepared for client review and direction.

The 65% Concept Plan will illustrate organization and layout of the landscape, recreational amenities, and site features, and indicate ecological character. Upon client acceptance of the 65% Concept Plan, rough order of magnitude pricing will be developed, to be finalized based on the 95% Concept Plan.

Deliverables:

- Sketch alternative concept plans
- 65% (Preferred) Concept Plan
 - Annotated illustrative plan
 - Site sections
 - Up to 3 sketched views

Meetings & Presentations:

- Client coordination.
- Sub-consultant coordination.
- Mid-March Council Sub-Committee Meeting

Task 3: 95% Concept Plan

Based on client and Council Sub-Committee review and feedback on the 65% Concept Plan, this task includes refinement of the preferred Concept Plan to 95% complete. The civil engineer will describe new utilities necessary to serve park improvements, sufficiently for pricing.

Deliverables:

- 95% Concept Plan
 - Annotated illustrative plan.
 - Site sections.
 - Up to 3 rendered views.
- 95% Concept Plan Cost Estimate.

Meetings & Presentations:

- Client coordination.
- Sub-consultant coordination.
- 4/16 Council Sub-Committee Meeting.

Task 4: 100% Concept Plan

Based on client and Council Sub-Committee review and feedback on the 95% Concept Plan, this task includes refinement of the preferred Concept Plan to 100% complete.

Deliverables:

- 100% Concept Plan
 - Annotated illustrative plan
 - Site sections
 - Up to 3 rendered views

Meetings & Presentations:

- Client coordination.
- 5/07 Council Meeting

COMPENSATION

Fees shall be provided on a lump sum basis as per the schedule below:

CMG Landscape Architecture	
<i>Task 1: Presentation Support</i>	\$1,266
<i>Task 2: 65% Concept Design</i>	\$28,050
<i>Task 3: 95% Concept Design</i>	\$28,320
<i>Task 4: 100% Concept Design</i>	\$11,610
Sub-Total	\$68,386
Cost Estimation	
<i>95% Concept Design pricing</i>	\$5,000
Sub-Total	\$5,000
Total	\$73,386

Additional Services

Additional services shall be charged at hourly rates as defined in Attachment A.

Reimbursable Expenses

Reimbursable expenses such as travel, printing, photography, delivery, fax, telephone, and other direct expenses shall be billed at direct cost plus 10% over and above the Basic Service Fee; estimated to be ~\$300.

Invoices

Invoices shall be prepared monthly for progress payments based on time and materials.

Accounts are payable net 60 days from date of invoice. A service charge of 1.25% of invoice amount per month shall be applied to all accounts not paid within 90 days of invoice date.

Approval

This agreement is between CMG and the City of Brisbane. Noreen Leek, Brisbane Director of Parks and Recreation Department, will provide client direction.

RATE SCHEDULE 2026

(All Rates Indicated Shall Be in Effect from January 1, 2026 until December 31, 2026)

PLANNING AND DESIGN SERVICES BILLING RATES

Principal	\$285 - \$350
Associate Principal	\$250
LA-5 Senior Project Manager/ Senior Landscape Architect	\$235
LA-4 Project Manager/ Landscape Architect	\$200
LA-3 Project Captain	\$180
LA-2 Project Designer	\$155
LA-1 Designer	\$135
CAD Tech/Intern	\$90
Project Assistant	\$90

MISCELLANEOUS FEES

The following services and fees are billed at cost plus 10%.

- Subcontracted services.
- Transportation, meals, and lodging for overnight travel and incidental travel expenses.
- Commercial delivery services, including Federal Express, Express Mail, and
- Printing and copies.

MILEAGE

Unless agreed otherwise in the Professional Services Agreement, CMG charges all project related mileage at the prevailing IRS rate per mile.

OFFICE REPROGRAPHICS CHARGES

B&W Plot-Bond	\$1.65/sf
Color Plot-Bond	\$5.50/sf
Copies & Laser Prints	
Color 8.5x11	\$0.25ea
Color 11x17	\$0.50ea
B&W 8.5x11	\$0.10ea
B&W 11x7	\$0.20ea

ATTACHMENT B

Supplementary Additional Services

The following services are not included in Basic Services and shall be in addition to the compensation for Basic Services. These services shall only be provided if authorized in writing by the Owner:

1. Specifically requested presentation material, renderings and/or presentation models. Basic Services excludes renderings and in-house study models.
2. Public presentations involving design review, planning departments and other agencies including time spent generating specifically required documents or presentation material as well as travel, meeting and presentation time beyond what is reasonably anticipated for the Project.
3. Services resulting from discrepancies, errors, or inaccuracies shown in Owner-furnished documents and materials, including legal, topographic, utility surveys, geotechnical reports, soils testing, tree reports or arborist services, or unforeseen conditions in Owner-provided information.
4. Consultations required to respond to third party reviews and the preparation of any resulting revisions beyond those reasonably anticipated for the Project.
5. Redesign services requested to accommodate material changes to design components previously designed and approved by Owner.
6. Significant change in the Project including, but not limited to, size, quality, complexity, the Owner's schedule, budget, or procurement method.
7. Enactment or revision of codes, laws or regulations or official interpretations which necessitate changes to previously prepared Instruments of Service;
8. Services in connection with any public hearing, arbitration, or legal proceedings with respect to the project where Consultant is not a party, including assistance in preparation for litigation or arbitration or as a witness or consultant.
9. Services connected with the preparation of documents for alternate bids or for phased or fast-track design and/or construction.
10. Work performed out of the sequence established in this agreement, or if design and documentation of the project is phased or divided into separate

ATTACHMENT C

INSURANCE AND LICENSURE

Professional Liability, General Liability and Automobile Liability Coverages

The Landscape Architect shall, at its own expense, maintain during the performance of this contract professional liability, general liability, and auto liability insurance in the coverage amount as provided below.

1. Professional Liability Insurance shall include coverage for claims for professional acts, errors or omissions and shall not be less than two million (\$2,000,000.00) per claim and two million (\$4,000,000.00) in the aggregate.
2. Commercial General Liability Insurance shall include coverage for bodily injury, property damage and personal injury for premises operations, products/completed operations and contractual liability. The amount of the insurance shall not be less than two million (\$2,000,000.00) per occurrence and four million (\$4,000,000.00) in the aggregate.
3. Automobile Liability Insurance shall include coverage for bodily injury and property damage for owned (if any), hired and non-owned vehicles and shall not be less than two million (\$2,000,000.00), combined single limit for any one occurrence.
4. Umbrella Liability shall include coverage for bodily injury and property damage for owned (if any), hired and non-owned vehicles and shall not be less than five million (\$5,000,000.00) per claim and five million (\$5,000,000.00) in the aggregate.

Workers Compensation

The Landscape Architect shall, at its own expense, maintain during the performance of this contract, workers compensation insurance in compliance with state's workers' compensation laws.

Additional Insurance Provisions

1. The Owner shall have the right to inspect or obtain a copy of the original policies of insurance.
2. At the Owners request the Architect shall furnish to the Owner required certificates and endorsements.

Licenses

Kevin Conger is a licensed Landscape Architect in the State of California.
Willett Moss is a licensed Landscape Architect in the State of California.
Chris Guillard is a licensed Landscape Architect in the State of California.
Jamie Phillips is a licensed Landscape Architect in the State of California.

Landscape Architects are regulated by the State of California. Any questions concerning a Landscape Architect may be referred to the Landscape Architects Technical Committee at:

Landscape Architects Technical Committee
2420 Del Paso Road, Suite 105, Sacramento, CA 95834
(916) 575-7230

