



Legislation Details (With Text)

File #: 22-1718 **Version:** 2

Type: Agenda Item **Status:** Approved

File created: 9/14/2022 **In control:** Board of Supervisors

On agenda: 11/15/2022 **Final action:** 11/15/2022

Title: Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board:
1) Approve and authorize the Chair to sign Amendment I to Agreement 5349 with ICF Jones and Stokes, Inc., retroactive to February 7, 2022, for the provision of project specific environmental consulting services for the Central El Dorado Hills Specific Plan, amending the scope of work and increasing the not-to-exceed amount from \$152,637.97 to \$261,939.37, with no changes to the term of the Agreement; and
2) Authorize the Director of Planning and Building, and Assistant Director of Planning and Building, to execute any further documents determined necessary related to Agreement 5349, including amendments which do not increase not-to-exceed amount or term of the Agreement, contingent upon approval by County Counsel and Risk Management. (Cont. 11/8/2022, Item 24)

FUNDING: Applicant-Funded.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved CRS, 2. B - PE Amnd I 5349, 3. C - Original Agreement 5349, 4. D - P&B memo, 5. Auditor's Comment BOS Rcvd. 11-10-2022, 6. Auditor's Comment BOS Rcvd. 11-15-2022, 7. Executed PE Amnd 1 5349

Date	Ver.	Action By	Action	Result
11/15/2022	2	Board of Supervisors	Approved	Pass
11/8/2022	1	Board of Supervisors	Continued	Pass
11/8/2022	1	Board of Supervisors	Continued	Pass

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DISCUSSION / BACKGROUND

The California Environmental Quality Act (CEQA) and County CEQA Resolution 61-87 allow the County to hire consultants, funded by project applicants/developers, to prepare complex and

comprehensive CEQA documents such as Environmental Impact Reports (EIRs).

On November 13, 2012, (File No. 12-1352, Item No. 10), the Board approved Agreement for Services No. 239-S1311 (Fenix No. 453) with ICF to provide direct consultant services to the County for preparation of an EIR for the proposed Central El Dorado Hills Specific Plan Project (CEDHSP).

Since the execution of the original agreement, there have been four (4) amendments to the agreement. These amendments were in response to several factors, including CEQA related lawsuits resulting in necessary modifications to the scope of work, project cost estimates, and project timeframes. On March 8, 2016, (File No. 12-1352, Item No. 11), the Board approved the fourth amendment, increasing the not-to-exceed amount and term of the agreement, for a total amount of \$623,021 and an additional three (3) years. The agreement expired on November 12, 2020.

On October 6, 2020, (File No. 20-1059, Item No. 16), the Board adopted Resolution 141-2020, which provides direction on the County's application of the methodology, significance thresholds, mitigation measures, and exemptions for implementation of Senate Bill (SB) 743 for land use projects.

Senate Bill (SB) 743 changed how transportation impacts are measured under CEQA, with the impacts to be measured using vehicle miles traveled (VMT) rather than the previously used level of service (LOS). The State Office of Planning and Research (OPR) determined the appropriate metric for measuring transportation impacts is VMT. The intention of this change is to capture the impacts of driving on the environment compared to the impact on drivers. LOS or other delay metrics may still be used to evaluate the impact of projects on drivers as part of the County's land use entitlement reviews and impact fee programs; however, LOS will no longer be accepted as the metric for evaluating transportation impacts under CEQA. As part of SB 734, Public Resources Code section 21099(b)(2) as it relates to CEQA now states that "level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment." To implement SB 743, lead agencies will need to determine appropriate VMT methodologies, thresholds, and feasible mitigation measures. On October 6, 2020, (File No. 20-1059, Item No. 16), the Board adopted Resolution 141-2020, which provides direction on the County's application of the methodology, significance thresholds, mitigation measures, and exemptions for implementation of SB 743 for land use projects.

On February 23, 2021 (File No. 21-0040, Item No. 21), the Board approved Agreement 5349 (Agreement) with ICF Jones and Stokes, Inc. (ICF) to assist the Planning and Building Department (Department) with project specific environmental consulting services for the CEDHSP, with a not-to-exceed amount of \$152,637.97 and a term of three (3) years.

This Agreement is largely focused on preparation of an Focused EIR. Over the life of the project, unanticipated tasks largely associated with the updated analyses mainly focused on new requirements associated with VMT and air quality/greenhouse gas (AQ/GHG), but a Revised Final Impact Report (RFEIR) was not anticipated to be necessary. However, as a result of a combination of factors including long project history, multiple recirculated EIRs, and new sitting Planning Commission (PC) Commissioners and Board Supervisors, staff determined that the most efficient way to consolidate and present the provisioned environmental data, including the VMT analyses to satisfy SB 734 requirements, would be through a RFEIR.

In an effort to limit delays on the production of the RFEIR and CEDHSP, the Department, ICF, and project applicant collectively agreed to continue the work on this project despite the RFEIR not being

identified in the original scope of work and a depleted project budget. The proposed revisions to the scope of work and associated increase to the not-to-exceed amount of the Agreement are expected to be sufficient to cover the costs for the retroactive and remaining tasks to allow ICF to complete their work on the CEDHSP without a need to extend the term of the agreement.

In addition to the changes noted above, other minor administrative changes to various articles were determined necessary and made under this Amendment. These changes included: updating the Notice to Parties Article to update the County's notice recipients; updating the Contract Administrator details; replacing the Consultant to County, Confidentiality, Independent Contractor, Default, Termination, and Cancellation, Conflict of Interest, and Nondiscrimination articles in their entirety to address recent changes in state law and revised standard County contract language. Similarly, three (3) new articles, Force Majeure, Waiver and Electronic Signatures were added to for the same purpose.

ALTERNATIVES

The Board may choose not to approve this proposed Amendment. This would result in delays in completing other tasks and projects that staff are currently fully engaged on as those staff would have to absorb the additional work needed as new development projects are processed by the Department.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Risk Management have approved the proposed Amendment.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. Funding for these services has been included in the Department's Fiscal Year 2022-23 budget. Funding for these services beyond Fiscal Year 22-23 will be included in subsequent years' budgets accordingly.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) original copies of Amendment I; and
- 2) The Clerk of the Board will forward one (1) fully-executed original Amendment I to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance: Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

CONTACT

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