



## Legislation Details (With Text)

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**File created:** 8/18/2023 **In control:** Board of Supervisors

**On agenda:** 10/10/2023 **Final action:** 10/10/2023

**Title:** Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment II to Agreement 5349 with ICF Jones and Stokes, Inc. for the provision of project specific environmental consulting services for the Central El Dorado Hills Specific Plan, amending the scope of work, increasing the not-to-exceed amount from \$261,939.37 to \$363,567.13, and extending the term of the Agreement by three (3) months with a revised expiration of May 22, 2024.

**FUNDING:** Applicant-Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Counsel Approval, 2. B - 5349 Amd II PE, 3. C - 5349 Original and Amendment I, 4. Public Comment BOS Rcvd. 10-10-2023, 5. Public Comment Rcvd 10-9-2023 BOS 10-10-2023, 6. Public Comment BOS Rcvd. 10-6-2023, 7. Public Comment BOS Rcvd. 10-5-2023, 8. Executed 5349 Amd II

Date	Ver.	Action By	Action	Result
10/10/2023	1	Board of Supervisors		
10/10/2023	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, Current Planning Unit, recommending the Board approve and authorize the Chair to sign Amendment II to Agreement 5349 with ICF Jones and Stokes, Inc. for the provision of project specific environmental consulting services for the Central El Dorado Hills Specific Plan, amending the scope of work, increasing the not-to-exceed amount from \$261,939.37 to \$363,567.13, and extending the term of the Agreement by three (3) months with a revised expiration of May 22, 2024.

**FUNDING:** Applicant-Funded.

### 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 Jones and Stokes, Inc. (ICF), to provide direct consultant services to the Planning and Building Department (Department) 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 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.

On November 15, 2022 (File No. 22-1718, Item No. 29), the Board approved Amendment I to Agreement with ICF retroactive to February 7, 2022 amending the scope of work, increased the not-to-exceed amount from \$152,637.97 to \$261,939.37 with no change to the term to prepare a Revised Final Impact Report 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.

Under this proposed amendment, the Department is requesting the Board approve the revised scope of work and increase to the not-to-exceed amount as the County has determined it is necessary to recirculate the CEDHSP EIR to address the ever-changing realm of air quality, greenhouse gas (GHG) emissions, and climate change and sustainability. In addition, recent legal decisions related to requirements for all-electric residential development require changes to mitigation proposed in the previous Revised Final EIR. Furthermore, the new 2022 Scoping Plan has changed the thresholds for GHG impact under CEQA, and new models are currently used for modeling for air quality and GHG emissions. In an effort to address these issues, the County has decided to prepare a Focused RDEIR. The revised tasks and budget increase represent the effort anticipated to complete the project.

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 and updating Conflict of Interest.

### **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 as this is a developer funded project and all costs are passed through to the developer. Funding for the current services was included in the Department's Fiscal Year 2023-24 budget, there will be sufficient FY 23-24 budget to support the proposed amendment.

### **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 II; and
- 2) The Clerk of the Board will forward one (1) fully-executed original Amendment II 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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