



Legislation Text

File #: 21-0040, **Version:** 1

Planning and Building Department, Current Planning Division, recommending the Board approve and authorize the Chair to sign Agreement 5349 with ICF Jones & Stokes, Inc. (ICF), for the provision of project specific environmental consulting services for the Central El Dorado Hills Specific Plan, with a not-to-exceed amount of \$152,637.97, and a term of three years.

FUNDING: Non-General Fund - Project Applicant Fees.

DISCUSSION / BACKGROUND

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 Environmental Impact Report (EIR) for the proposed Central El Dorado Hills Specific Plan Project (Project).

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 California Environmental Quality Act (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 and most recent 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.

SB 743 changes 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) has determined the appropriate metric for measuring transportation impacts is VMT. This change is intended 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 743, 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.

The proposed Agreement 5349 (Agreement) provides for additional services that are necessary for this Project in response to recent changes in State Legislation, specifically SB 743. Based on these

changes in measuring traffic impacts, ICF will prepare a Focused EIR that addresses air quality and greenhouse gas emissions using the VMT analysis completed for this Project, recirculate the Draft EIR, address any comments on the Focused EIR, prepare the Final EIR, and provide other Project management services.

ALTERNATIVES

The Board may choose not to approve the proposed Agreement. CEQA and Chapter 5.3 (A) of County Resolution 61-87 allow applicants to retain a consultant to prepare and submit an EIR to the County. Should the Board decide not to approve the proposed Agreement, staff anticipates the applicant would retain a consultant, potentially a different consultant, to process the EIR and submit it to the County.

Staff believe it is in the County's best interest to remain in control of this process to ensure that the County's and public's interests are directly represented throughout the EIR preparation process, and to maintain maximum control over the content and analysis in the EIR. There is no cost to the County under either scenario as all costs are paid by the Project applicant.

PRIOR BOARD ACTION

The Board has previously approved the following related to this Project.

- ☐ November 13, 2012, File No. 12-1352, Item No. 10 - ICF Agreement for Services No. 239-S1311
- ☐ March 11, 2014, File No. 12-1352, V2, Item No. 2 - Amendment I to ICF Agreement No. 239-S1311
- ☐ July 22, 2014, File No. 12-1352, V3, Item No. 5 - Amendment II to ICF Agreement No. 239-S1311
- ☐ April 14, 2015, File No. 12-1352, V4, Item No. 9 - Amendment III to ICF Agreement No. 239-S1311
- ☐ March 8, 2016, File No. 12-1352, V5, Item No. 11 - Amendment IV to ICF Agreement No. 239-S1311

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Procurement and Contracts, County Counsel, and Risk Management

CAO RECOMMENDATION

Approve as recommended,

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. Funding for this Agreement, as well as the costs of the original agreement, as amended, is provided by the Project applicant and included in the Fiscal Year (FY) 2020-21 budget. Revenue and appropriations for this work will also be included in the budget request for FY 2021-22. No costs are to be incurred by the County.

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 the Agreement; and
- 2) The Clerk of the Board will return one (1) fully-executed original of the Agreement to the Chief Administrative Office, Procurement and Contracts Division, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance. The services provided under the proposed Agreement allow staff to provide a complete assessment of the Project while utilizing the best available information, with the goal of reaching well informed decisions.

CONTACT

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