



Board Agenda Item 37

DATE: April 14, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Amended and Restated Consultant Agreement for the General Plan Review, Zoning Ordinance Update and associated Program Environmental Impact Report

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute an Amended and Restated Consultant Agreement, to replace Consultant Agreement No. 15-530 with Mintier Harnish LP, updating the scope of work related to the General Plan Review, Comprehensive Zoning Ordinance Update and associated Program Environmental Impact Report, effective upon execution, with no change to the term through final payment and increasing the maximum by \$278,275 to a total of \$1,128,275.

Approval of the recommended action will increase the compensation amount through an Amended and Restated Consultant Agreement, following the existing Consultant Agreement, authorized in 2015, with the consulting firm of Mintier Harnish LP. The recommended agreement amends the scope of work (SOW) on the General Plan Review, Comprehensive Zoning Ordinance Update, and associated Program Environmental Impact Report (PEIR) to accommodate new changes in State law and provide for additional coordinated public outreach. The consultant has been actively involved in the preparation of the General Plan Review and Comprehensive Zoning Ordinance Update, and previously prepared the County's 2000 General Plan Update, which included updates of the Policy Document, Background Report and preparation of the EIR. The consultant was retained by the County in 2006 for the General Plan Five-Year Review and the Zoning Ordinance update, and for the subsequent preparation of the EIR is for the General Plan Review and the Zoning Ordinance Update. Based on their extensive history, and for purposes of continuity, the Department of Public Works and Planning recommends continued use of the same firm. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may direct Department staff to not proceed with the recommended action or direct staff to make modifications to the SOW and cost estimate.

FISCAL IMPACT:

The Net County Cost increase associated with the recommended action is \$278,275. The maximum compensation for the recommended agreement will increase from \$850,000 to \$1,128,275. The increase will be included in the recommended appropriations for FY 2020-21 Org 2540 - Interest and Miscellaneous Expenditures. As of March 10, 2020, \$452,413 in remaining funds consists of a remaining basic fee of \$352,338 and extra services of \$100,075. The requested \$278,275 will augment the existing SOW to complete additional tasks and public outreach.

DISCUSSION:

Background

Key milestones related to the General Plan Review and Zoning Ordinance Update have preceded the request for revision to the SOW including:

- On December 9, 2014, the Board received a report from and directed Department staff to move forward with the preparation of a new EIR for the General Plan Review and the Zoning Ordinance Update with a cost not to exceed \$850,000.
- On October 13, 2015, Department staff returned to the Board with a SOW for approval of the preparation of a new EIR for the General Plan Year Review and the Zoning Ordinance Update with a cost not to exceed \$850,000.
- Following the Board's October 13, 2015 action, Department staff returned on May 16, 2017 to present a status on the General Plan Review and Zoning Ordinance Update process and its SOW, and request confirmation or receive new direction on particular elements of that effort prior to starting the EIR process.
- On August 21, 2018, Department staff provided a report to the Board regarding comments received related to the PEIR Notice of Preparation (NOP) release and requested direction from the Board on specific comments from Building Industry Association and the Malaga Water District, which would have had significant implications to the then existing SOW. Staff received Board direction to commence with additional public outreach.
- In November and December of 2018 Department staff held five community workshops on the General Plan Review and Zoning Ordinance Update. A workshop was held at a location within each supervisorial district, with location selection assisted by the involved supervisorial district staff.

Since 2019, the County has been involved in litigation regarding its Fifth Cycle adoption Housing Element. This litigation, reflective of a changing climate in public advocacy and additional review of local actions by state agencies and local interest groups especially as it relates to disadvantaged populations and communities, has resulted in the reexamination of approaches to the General Plan Review and Zoning Ordinance Update.

Also, since the October 2015 approval of the scope, changes at the State-level, including changes to CEQA EIR elements, climate adaption requirements, and increasing pressure on jurisdictions to provide for affordable housing options, has resulted in a need to augment the SOW.

Scope of Work (SOW)

The revised SOW and budget are included as Attachments A and B and include additional work for an estimated cost of \$170,396:

- Consultant will prepare revisions to the General Plan Policy Document to include improvements to the Safety Element based on recently-approved legislation (SB 379, SB 1035, AB 747 and SB 99) and due to the County's adoption of the updated Multi-Jurisdictional Local Hazard Mitigation Plan in April 2019, which triggered the requirement to address climate adaptation and resiliency strategies in this Element, at an estimated cost of \$24,960.
- Review and update existing conditions in the Administrative Draft Background Report and determine updated data is available, with sections to be reviewed including Water Resources and Water

Quality, Air Quality, Biological Resources, Agricultural Resources, Recreation, Mineral Resources, Energy Resources, Cultural and Paleontological Resources, Flood Hazards, Hazardous Materials and Climate Change Effects and Impacts, and include new sections in the PEIR addressing Energy, Wildfires and Tribal Cultural Resources, with at an estimated cost of \$28,830.

- Prepare a revised PEIR NOP and assist in facilitating two additional NOP Scoping Meetings and complete work responding to comments related to the revised NOP, at an estimated cost of \$19,766.
- Complete additional work related to environmental justice (SB 1000 and AB 1528) based on increased inquiries the County has received from special interest organizations and organizations representing disadvantaged populations, at an estimated cost of \$10,340.
- Make modifications to the proposed Zoning Ordinance to include objective design standards for multifamily housing to meet the requirements of SB 35, AB 3194 and AB 139, at an estimated of \$23,010.
- Provide for public outreach to assist in facilitating five community meetings (each Supervisorial District) and assist in facilitating two disadvantaged community engagement workshops, at an estimated cost of \$63,490.

Proposed Agreement

The recommended agreement addresses the consultant's and County's obligations for additional compensation, while preserving the original agreement's maintenance of the required insurance, provision for termination of contract, ownership of work product, amendment to the contract, audit and inspection, maintaining administrative records, and contract administration, and allowance for extra services.

REFERENCE MATERIAL:

BAI #8, August 21, 2018
BAI #15, May 16, 2017
BAI #11, October 13, 2015
BAI #7, June 2, 2015
BAI #6, December 9, 2014
BAI #7, December 9, 2014
BAI #14, September 30, 2014
BAI #15, March 12, 2013
BAI #13, December 4, 2012
BAI #25, September 23, 2008
BAI #19, July 22, 2008
Special Hearing, December 15, 2006
BAI #89, June 13, 2006
Special Hearing, December 9, 2005

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A
Attachment B
On file with Clerk - Agreement with Mintier Harnish LP

CAO ANALYST:

Debbie Paolinelli