



# County of Monterey

Item No.

## Board Report

Board of Supervisors  
Chambers  
168 W. Alisal St., 1st Floor  
Salinas, CA 93901

Legistar File Number: 24-084

February 27, 2024

**Introduced:** 1/30/2024

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Approve a Professional Services Agreement (PSA) in the amount of \$335,714.79 with EMC Planning Group, Inc. (EMC) for the completion of the Moss Landing Community Plan Update (MLCP) Environmental Impact Report (EIR);
- b. Authorize the Contracts/Purchasing Officer or their designee to execute the PSA with EMC and to execute up to three (3) additional amendments to this Agreement, each extending the term by one year, where the additional costs of each Amendment do not exceed 10 percent (10% or \$33,571.48) of the original contract amount of \$335,714.79, bringing the total maximum cumulative cost increase to \$100,714.44 and potential overall Agreement aggregate Not to Exceed amount to \$436,429.23, subject to review by County Counsel;

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve a Professional Services Agreement (PSA) in the amount of \$335,714.79 with EMC Planning Group, Inc. (EMC) for the completion of the Moss Landing Community Plan Update (MLCP) Environmental Impact Report (EIR);
- b. Authorize the Contracts/Purchasing Officer or their designee to execute the PSA with EMC and to execute up to three (3) additional amendments to this Agreement, each extending the term by one year, where the additional costs of each Amendment do not exceed 10 percent (10% or \$33,571.48) of the original contract amount of \$335,714.79, bringing the total maximum cumulative cost increase to \$100,714.44 and potential overall Agreement aggregate Not to Exceed amount to \$436,429.23, subject to review by County Counsel;

### SUMMARY:

This PSA will secure consulting services from EMC to complete the EIR for the MLCP (Housing and Community Development file number GPZ090005). The EIR also will include project level analysis of the following proposed development projects, subject to confirmation from project applicants as to the current status of their proposed projects:

1. Monterey Bay Aquarium Research Institute General Development Plan (PLN080006);
2. Gregg's Drilling Master Plan (PLN090039);
3. Moss Landing Marine Laboratories Master Plan (PLN080071); and
4. Moss Landing Road Street and Drainage Improvements Project (PWFP #10-156565).

Completing this update is designated as a high priority item on HCD's Long Range Work Plan (Task 21-07). The scope of this PSA includes updating the relevant sections of a previous partial administrative draft EIR, and subconsultant services to update technical studies informing the analysis of the EIR, including updates to the Water Supply Assessment by Todd Groundwater (addressing changes in the projects), a Vehicle Miles Traveled analysis prepared by Fehr & Peers (VMT analysis), and an updated acoustical assessment to be prepared by WJV

Acoustics. The proposed cost for the PSA is \$279,058.90, with a 10% or \$27,905.89 contingency for unforeseen tasks, and a \$28,750.00 optional task for updated Level of Service (LOS) analysis within the transportation scope of the environmental review, totaling \$335,714.79.

Staff requests that the Board of Supervisors approve the PSA with EMC for the completion of the MLCP EIR, a necessary step to complete the comprehensive update of the Moss Landing Community Plan.

DISCUSSION:

Since 2008, County staff, affected agencies, the Moss Landing community, and interested members of the public have been working on a comprehensive update of the Moss Landing Community Plan, Chapter 5 of the North County Land Use Plan. An EIR was proposed for environmental review of the Plan update together with project-level review of specified proposed development projects in Moss Landing.

The County had previously contracted with EMC to prepare an EIR for the project. On February 9, 2011, the County entered into PSA (A-11914) with EMC for environmental consulting services associated with updating the MLCP. At the same time, a Funding Agreement A-11927 (FA) was entered into with the Elkhorn Slough Foundation; Hamlin Properties, LLC; Monterey Bay Aquarium Research Institute; Moss Landing Commercial Park, LLC dba Moss Landing Business Park; Moss Landing Harbor District; Quen Delta, LLC; San Jose State University Research Foundation; Keith Family Investments, LLC; and Phil DiGirolamo to partially fund the costs of preparing the EIR. The parties to the FA are landowners and affiliates of landowners in the Moss Landing area that have proposed or planned development on their properties.

Due to staffing constraints, changing project descriptions, and evolving legislation (like Vehicle Miles Traveled requirements in CEQA), the EIR was started but not completed before the PSA with EMC expired. Before expiration of the PSA, EMC prepared and submitted an administrative draft EIR to the County for review. That administrative draft left blank specific topics like VMT identifying the need for additional technical studies. All funds provided by the applicants through the FA were spent, but due to the staffing constraints and changes in project description work on the project was delayed. Both the PSA and FA expired on May 31, 2022. Also, the number and scope of the proposed development projects to be included in the EIR review has been reduced. Staff is now proposing to enter into a new PSA with EMC to complete the studies and the EIR.

As EMC has already prepared the partial administrative draft EIR, staff is recommending that they be contracted to complete the document, as selecting another firm could entail more delays and re-work. The sole source justification is included as **Attachment A**. The new PSA includes preparation of a new administrative draft EIR based on the previous proof draft, preparation of a final EIR and Mitigation Monitoring and Reporting Plan (MMRP), and attendance at public hearings.

A new scope of work for the completion of the EIR was prepared by EMC in July 2023. The Housing and Community Development (HCD) staff reviewed the scope of work and requested

some alterations to the proposed scope to include participation in an EIR scoping meeting, a proof draft of the EIR, and a contingency to cover optional or unforeseen tasks, and to exclude preparation of staff report CEQA findings. The final revised scope was submitted in January 2024 and is part of the PSA as **Attachment B**.

Staff do not plan to engage applicants of the expired FA to participate in a new FA, in part because of the County's delays in completing this project and because of the considerable administrative burden of amending the FA for any PSA amendment(s). Financing for the EIR is discussed in the Financing section below.

OTHER AGENCY INVOLVEMENT:

County Counsel and Risk Management reviewed the contract as to form and the financial provisions. External agencies will be engaged as part of the EIR preparation process.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action consists of entering into a PSA to facilitate the environmental review process for a community plan update and the specified development projects listed in the Summary. The CEQA Guidelines section 15378(b)(4) specifically states that government fiscal activities which do not involve a commitment to any specific project which may result in a potentially significant physical impact on the environment are not a project subject to CEQA. Entering into a PSA would not commit the County to any specific project, so it would not be a project under CEQA.

FINANCING:

Costs for staff time are included in the FY2023-24 Adopted Budget for HCD Appropriation Unit HCD002 Unit 8543.

The proposed cost for the PSA is \$279,058.90, with a 10% or \$27,905.89 contingency for unforeseen tasks, and a \$28,750.00 optional task for updated Level of Service (LOS) analysis within the transportation scope of the environmental review, totaling \$335,714.79. The FY2023-24 HCD Adopted Budget includes \$115,600 for consultant costs associated with the MLCP Update. Should the amount of work completed in this fiscal year exceed the amount budgeted, the department will utilize salary savings to fund the balance.

The balance of remaining work will be included in the Recommended Budget FY2024-25.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approving the PSA with EMC to allow for completion of an EIR for the Moss Landing Community Plan update and included proposed development projects supports the Board of Supervisor's Strategic Initiatives for Economic Development, Health and Human Services, and Infrastructure by planning for a sustainable, balanced and integrated offering of land uses, services, and economic opportunities for the Moss Landing Community. Implementation of the MLCP updates is anticipated to have a positive impact on the revenue base and quality of life within the County.

   Economic Development  
Administration

- Health & Human Services
- Infrastructure
- Public Safety

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Reviewed by: Melanie Beretti, AICP, Acting Chief of Planning

Approved by: Craig W. Spencer, Acting Director

<sup>DS</sup>  
CS

The following attachments are on file with the Clerk of the Board:

Attachment A - Sole Source Justification

Attachment B - PSA

Attachment C - Agreement A-11917 & Amendments

Attachment D - Agreement A-11927 & Amendments