



Monterey County

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Board Report

Legistar File Number: A 16-106

May 03, 2016

Introduced: 4/20/2016

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Agreement

- a. Approve Amendment No. 2 to Professional Services Agreement (PSA) No. A-12772 with ICF Jones & Stokes, Inc. where the Base Budget in the amount of \$205,665 is increased by \$46,695 to \$252,360 and the Contingency Budget is unchanged at \$30,850, which increases the PSA amount from a total amount not to exceed \$236,515 to a total amount not to exceed \$283,210 to provide additional services for existing tasks associated with the completion of The Pebble Beach Company's Inclusionary Housing Environmental Impact Report (EIR) (PLN130447) in Pebble Beach, and extend the expiration date from June 30, 2016 for an additional six (6) months through December 31, 2016; and
- b. Approve Amendment No. 2 to Funding Agreement (FA) No. A-12781 with The Pebble Beach Company where the Base Budget in the amount of \$205,665 is increased by \$46,695 to \$252,360, the Contingency Budget is unchanged at \$30,850, and the County Contract Administration Fee is unchanged at \$3,170, which increases the FA amount from a total amount not to exceed \$239,685 to a total amount not to exceed \$286,380 to allow funding to Monterey County for costs incurred by ICF Jones & Stokes, Inc. and County departments to provide additional services for existing tasks associated with the completion of The Pebble Beach Company's Inclusionary Housing Environmental Impact Report (EIR) (PLN130447) in Pebble Beach, and extend the expiration date from June 30, 2016 for an additional six (6) months through December 31, 2016; and
- c. Authorize the Resource Management Agency Director to execute Amendment No. 2 to Professional Services Agreement No. A-12772, Amendment No. 2 to Funding Agreement No. A-12781 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

Permit Type: PLN130447 / EIR for The Pebble Beach Company's Inclusionary Housing Project

PROJECT INFORMATION:

Planning File Number: PLN130447

Consultant: ICF Jones & Stokes, Inc.

Project Applicant: The Pebble Beach Company

Project Name: The Pebble Beach Company's Inclusionary Housing

Project Manager: Joseph Sidor, Associate Planner

Plan Area: Greater Monterey Peninsula

It is recommended that the Board of Supervisors:

1. Approve Amendment No. 2 to Professional Services Agreement (PSA) No. A-12772 with ICF Jones & Stokes, Inc. where the Base Budget in the amount of \$205,665 is increased by \$46,695 to \$252,360 and the Contingency Budget is unchanged at \$30,850, which increases the PSA amount from a total amount not to exceed \$236,515 to a total amount not to exceed \$283,210 to provide additional services for existing tasks

- associated with the completion of The Pebble Beach Company's Inclusionary Housing Environmental Impact Report (EIR) (PLN130447) in Pebble Beach, and extend the expiration date from June 30, 2016 for an additional six (6) months through December 31, 2016; and
2. Approve Amendment No. 2 to Funding Agreement (FA) No. A-12781 with The Pebble Beach Company where the Base Budget in the amount of \$205,665 is increased by \$46,695 to \$252,360, the Contingency Budget is unchanged at \$30,850, and the County Contract Administration Fee is unchanged at \$3,170, which increases the FA amount from a total amount not to exceed \$239,685 to a total amount not to exceed \$286,380 to allow funding to Monterey County for costs incurred by ICF Jones & Stokes, Inc. and County departments to provide additional services for existing tasks associated with the completion of The Pebble Beach Company's Inclusionary Housing Environmental Impact Report (EIR) (PLN130447) in Pebble Beach, and extend the expiration date from June 30, 2016 for an additional six (6) months through December 31, 2016; and
 3. Authorize the Resource Management Agency Director to execute Amendment No. 2 to Professional Services Agreement No. A-12772, Amendment No. 2 to Funding Agreement No. A-12781 and future amendments to the Agreements where the amendments do not significantly alter the scope of work or change the approved Agreement amounts.

DISCUSSION:

The County entered a Professional Services Agreement (PSA) with ICF Jones & Stokes, Inc. (ICF) to prepare an EIR for The Pebble Beach Company's Inclusionary Housing Project (Project). A Funding Agreement (FA) was established between The Pebble Beach Company and the County to fund the work of ICF. ICF's original cost estimate for this work assumed significant public involvement and concern. Pebble Beach Company requested reductions in the original estimate due to their contention that the project would not be controversial nor require substantial analysis. ICF addressed the concerns of the Pebble Beach Company and narrowed the scope of their work and reduced the cost estimate.

The public review of the Draft Environmental Impact Report (DEIR) has generated significant public interest and controversy, which resulted in additional work associated with responding to comments. In addition, during the review period of the DEIR the California Supreme Court published its Opinion in then pending litigation relating to significance determinations for greenhouse gas thresholds in *CENTER FOR BIOLOGICAL DIVERSITY et al., Plaintiffs and Respondents, v. DEPARTMENT OF FISH AND WILDLIFE, Defendant and Appellant; THE NEWHALL LAND AND FARMING COMPANY, Real Party in Interest and Appellant*. The Supreme Court's Opinion required additional explanation regarding significance determinations for greenhouse gas thresholds in the Final Environmental Impact Report (FEIR). RMA staff concurred with the need for the additional work, and presented the amended Scope of Work to the Pebble Beach Company. The Pebble Beach Company agreed that all proposed increases are appropriate.

Amendment No. 2 to the PSA will allow ICF to provide additional services associated with the completion of the FEIR, and Mitigation Monitoring and Reporting Program. The PSA is being expanded in the amount of \$46,695 for a total contract amount not to exceed \$283,210 (Base Budget of \$252,360 and Contingency Budget of \$30,850) and extend the expiration date of the

PSA through December 31, 2016. Amendment No. 2 to the FA will increase the funding for the additional services for existing tasks associated with the completion of the Project in the amount of \$46,695 for a total amount not to exceed \$286,380 (Base Budget of \$252,360, Contingency Budget of \$30,850 and Contract Administration Fee of \$3,170) and extend the expiration date of the FA through December 31, 2016. See Attachment A - Summary of Professional Services Agreement (PSA) and Funding Agreement (FA).

OTHER AGENCY INVOLVEMENT:

The following offices have reviewed the Agreements as to form and legality, and fiscal provisions, respectively:

Office of the County Counsel
Auditor-Controller's Office

FINANCING:

The PSA is between the County and ICF. The County is obligated to pay for the work completed by ICF. The cost of this work will be reimbursed through an FA between the County and The Pebble Beach Company. The County requires a sufficient financial deposit from the Project Applicant in advance of work to pay any invoices associated with the work of ICF. The PSA and FA agreements are structured so that there will be no cost to the County associated with these agreements. Separate fees for County staff costs associated with the Project are paid by the Project Applicant in accordance with the County of Monterey Land Use Fee Schedule.

Prepared by: Joseph Sidor, Associate Planner, Ext. 5262
Approved by: Carl P. Holm, AICP, Resource Management Agency Director

This report was reviewed by John Ford, RMA Services Manager.

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

Attachment A - Summary of PSA and FA
Attachment B - Amendment No. 2 to PSA with ICF
Attachment C - Amendment No. 2 to FA with The Pebble Beach Company