



Board Report

File #: A 23-317, **Version:** 1

- a. Approve Amendment No. 1 to Professional Services Agreement A-16117 with Ascent Environmental, Inc., for the preparation of an Environmental Impact Report (EIR) related to the Draft Vacation Rental Ordinances Project. Amendment No. 1 will amend the scope of services under the Agreement to include analysis of social and economic impacts in the EIR, consider additional alternatives to the project, and expand the scope of project management associated with the added tasks. Amendment No. 1 will increase the not to exceed amount of \$398,650 by \$62,200 for a not to exceed amount of \$460,850;
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 and up to one (1) additional amendment to this Agreement extending the term by one year, where the additional cost of the Amendment does not exceed 10% (\$39,865) of the original contract amount of \$398,650, bringing the total not to exceed amount to \$500,715.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve Amendment No. 1 to Professional Services Agreement A-16117 with Ascent Environmental, Inc., for the preparation of an Environmental Impact Report related to the Draft Vacation Rental Ordinances Project. Amendment No. 1 will amend the scope of services under the Agreement to include analysis of social and economic impacts in the EIR, consider additional alternatives to the project, and expand the scope of project management associated with the added tasks. Amendment No. 1 will increase the not to exceed amount of \$398,650 by \$62,200 for a not to exceed amount of \$460,850;
- b. Authorize the Contracts/Purchasing Officer or Contracts/Purchasing Supervisor to execute Amendment No. 1 and up to one (1) additional amendment to this Agreement extending the term by one year, where the additional cost of the Amendment does not exceed 10 percent (\$39,865) of the original contract amount of \$398,650, bringing the total not to exceed amount to \$500,715.

SUMMARY/DISCUSSION:

On March 30, 2022, the Housing and Community Development Department (HCD) entered into a Professional Services Agreement (PSA) A-16117 with Ascent Environmental, Inc., to assist with environmental review services for the project scoping phase of the work (Phase 1) pursuant to California Environmental Quality Act (CEQA) related to the Draft Vacation Rental Ordinances project. Based upon the prepared Initial Study (IS), an Environmental Impact Report (EIR) was found to be the appropriate CEQA document.

The scoping phase of the work (Phase 1) included project initiation, development of the initial project description, preparation of the Notice of Preparation (NOP) and Initial Study (IS), and environmental scoping. On September 6, 2022, staff released a Revised NOP and Revised IS, correcting some clerical errors, and extending the public review period until October 6, 2022, to allow a full 30-day public review period. The County conducted two scoping meetings during the public review period, one held both in person and via webinar on September 6, 2022, and a second meeting held via webinar on September 19, 2022. The County received 66 comment letters from the public that have been incorporated into the scope of the Draft EIR.

In Phase 2 of the project, Ascent prepared the required information and documentation for the EIR, expanding

upon work completed in Phase 1. There were nine (9) tasks proposed in Phase 2 (Attachment 2). Amendment No. 1 (Attachment 1) expands the scope of services to include three additional tasks:

- 1) Task 10 will address the social and economic issues raised by the community with the current ordinances and conduct and report upon an economic analysis. Task 10 will result in an added section to the EIR;
- 2) Task 11 will address three (3) additional alternatives identified through discussion with County staff and based upon comments from the County on the Administrative Draft EIR;
- 3) expanded scope and budget added to Task 9 addresses the need for additional project management stemming from the expanded scope of services; and
- 4) Staff also is requesting additional funds be added to the Contingency budget to cover any additional work identified through the public review process by the County. The Contingency budget will not be utilized unless prior authorization is obtained from the County.

Ascent will conduct the requisite technical analysis and work closely with staff to prepare and release a Draft EIR for public review anticipated in late summer 2023.

OTHER AGENCY INVOLVEMENT:

The Offices of the County Counsel and Auditor-Controller have reviewed and approved the PSA as to form and legality, and fiscal provisions, respectively.

FINANCING:

A total of \$91,875 was spent to complete the Phase 1 Scoping for the Draft Vacation Rental Ordinance environmental review with work completed in November 2022 and funded out of the FY2022-23 Adopted Budget, Fund 001, Appropriation Unit HCD002, Unit 8543. It is estimated \$224,828 of the original Phase 2 contract amount of \$398,650 is projected to be expended in FY2022-23 using appropriations included in the Adopted Budget for Fund 001, Appropriation Unit HCD002, Unit 8543. (See Attachment 3.)

Project estimate for FY2023-24 is \$236,022 of the amended total Phase 2 not to exceed contract amount of \$460,850 HCD received \$123,650 as an augmentation in the FY 2023-24 Adopted Budget for Fund 001, Appropriation Unit HCD002, Unit 8543. The remaining \$112,372 will be funded using available appropriations from potential salary savings. If HCD requires additional funding to complete the project in FY2023-24, the Department will return to the Board by April 2024.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This project supports the Board of Supervisors' Strategic Initiatives for Economic Development and Administration by establishing regulations to provide a clear permit process and rules for operation to allow transient rental of residential properties in a manner that avoids or mitigates impacts to Monterey County neighborhoods and businesses.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Craig W. Spencer, Interim Director of HCD

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

Attachment 1 - Amendment No. 1

Attachment 2 - PSA

Attachment 3 - Agreement Costs