



## Board Report

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**File #:** A 20-105, **Version:** 1

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### **PLN040061-AMD1 - Rancho Canada Village Amendment**

- a. Approve Professional Services Agreement with Rincon Consultants, Inc. to prepare a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the base budget is \$66,597 and the Contingency Budget is \$10,000, for a total amount not to exceed \$76,597, for a term retroactive to March 10, 2020 to September 30, 2021;
- b. Approve Funding Agreement with Rancho Cañada Venture, LLC for preparation of a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the base budget is \$66,597, the Contract Administration Fee is \$446, and the Contingency Budget is \$10,000, for a total amount not to exceed \$77,043, for a term retroactive to March 10, 2020 to September 30, 2021; and
- c. Authorize the Resource Management Agency Director or designee to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work and do not exceed the original Agreement amounts except for a contract amendment administration fee of \$446 for each such amendment to the Funding Agreement.

#### **RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve Professional Services Agreement with Rincon Consultants, Inc. to prepare a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the Base Budget is \$66,597 and the Contingency Budget is \$10,000, for a total amount not to exceed \$76,597, for a term retroactive to March 10, 2020 to September 30, 2021;
- b. Approve Funding Agreement with Rancho Cañada Venture, LLC for preparation of a Second Revised Environmental Impact Report for the Rancho Cañada Village Subdivision Project (PLN040061-AMD1) where the Base Budget is \$66,597, the Contract Administration Fee is \$446, and the Contingency Budget is \$10,000, for a total amount not to exceed \$77,043, for a term retroactive to March 10, 2020 to September 30, 2021; and
- c. Authorize the Resource Management Agency Director or designee to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work and do not exceed the original Agreement amounts except for a contract amendment administration fee of \$446 for each such amendment to the Funding Agreement.

#### **SUMMARY/DISCUSSION:**

An Environmental Impact Report (EIR) was certified and the Rancho Cañada Village Subdivision Project (Project) approved by the Board of Supervisors on December 13, 2016 (Resolution No. 16-334). That approval was the subject of litigation, resulting in a court judgment holding that the EIR's Project Description and Alternatives Analysis were inadequate under California Environmental Quality Act (CEQA). The actions before the Board are to enter into a Professional Services Agreement (PSA) with Rincon Consultants, Inc. ("Contractor") to prepare a Second Revised Environmental Impact Report (Second REIR) on the one hundred thirty (130) unit Project in accordance with the court directives and to enter into a Funding Agreement (FA) with Rancho Canada Venture, LLC, Project Applicant, to fund the cost of preparation of the Second REIR.

At the Project Applicant's request, Monterey County is preparing the second REIR. The County requires professional services to complete the Second REIR. To select the consultant, RMA used the EIR Consultant List for Monterey County (Request for Qualifications #10717) and followed the EIR selection process adopted

by the Board of Supervisors. Rincon Consultants, Inc. (Rincon) was selected to complete the Second REIR for the Project.

The PSA between the County and Rincon will be processed through execution in the amount of \$76,597 (\$66,597 in Base Budget with a \$10,000 Contingency Budget). Concurrently, the FA between the County and the Project Applicant is in the amount of \$77,043 (\$66,597 in Base Budget, \$446 in non-refundable Contract Administration Fee with a \$10,000 Contingency Budget) to cover the cost for these services.

On March 10, 2020, RMA-Land Use and Community Development issued to Rincon a Notice to Proceed (NTP) for the preparation of the Second REIR prior to receiving approval of the PSA/FA to ensure the timely completion of the Second REIR. Staff is requesting the approval of the PSA to allow for services performed by Rincon beginning March 10, 2020, for a term retroactive to March 10, 2020 through September 30, 2021, and approval of the FA to allow the Project Applicant to fund the County for services performed by Rincon for completion of the Project with a fixed term retroactive to March 10, 2020 to September 30, 2021.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and the Auditor-Controller's Office have reviewed and approved the PSA and FA as to form, and fiscal provisions, respectively.

FINANCING:

Under the PSA, the County is obligated to pay for work completed by Rincon. Under the FA, the Project Applicant is obligated to pay the County for the cost of Rincon's services. Staff required, and received, a deposit prior to issuing a NTP to ensure adequate funding was available before Rincon initiated any work. Separate fees for County staff costs associated with the Project will be paid by the Project Applicant in accordance with the County of Monterey Land Use Fee Schedule included as Exhibit "2" to the FA. As such, there will be no impact to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The PSA with Rincon and FA with the Project Applicant will allow for completion of a Second REIR for the Project, which could potentially impact 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: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community Development

Approved by: Carl P. Holm, AICP, RMA Director

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

Attachment A - Professional Services Agreement

Attachment B - Funding Agreement