

CITY COUNCIL

Agenda Item No.: 18
Date: October 5, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: General Plan Update and Environmental Impact Report (Case No. PHG 09-0020)

RECOMMENDATION:

It is requested that the City Council: 1) adopt Resolution 2011-128 involving the First Amendment to Consulting Agreement with Atkins Consultants totaling \$217,135 for completion of the Environmental Impact Report (EIR) associated with the General Plan Update, Climate Action Plan and updated Downtown Specific Plan; and 2) receive and review an updated status report on the General Plan, EIR and associated technical studies.

FISCAL ANALYSIS:

A contract totaling \$546,984 was approved in 2010 with Atkins Consultants for environmental consulting services associated with the General Plan update. Due to budget limitations for this multi-year project, the scope of work for the initial contract involved preparing the General Plan EIR to a first screen-check level of completion. A contract amendment totaling \$217,135.00 is now needed for additional tasks to complete the Final EIR, thus bringing the *total* General Plan EIR contract amount to \$764,119.00. There are sufficient funds in the 2011-2012 FY Capital Improvement Program Budget to complete this phase of the work. The CIP budget also includes the salary for one staff Project Manager as well as minor, incidental expenses.

BACKGROUND:

On December 15, 2010, three contracts totaling \$899,302 were approved with Atkins Consultants to conduct the following services:

- 1) A contract totaling \$199,628 was approved to prepare planning technical studies including a market and fiscal analysis to evaluate the proposed General Plan buildout assumptions as well as preparing the Housing Element, Noise Element and the Complete Streets analysis, which are required by state law. No changes are proposed to this contract.
- 2) A fixed fee contract not to exceed \$152,690 was approved to prepare the City's Climate Action Plan (CAP) which includes a local Green House Gas (GHG) Emissions Inventory and contain policies appropriate for Escondido that promote sustainability and reduce greenhouse gas emissions in concert with Assembly Bill 32. No changes are proposed to this contract.
- 3) A contract totaling \$546,984 (including a \$65,000 contingency) was approved as described above to prepare a screen-check draft of the General Plan Program EIR. The scope of work included technical studies for air quality, noise and traffic, and evaluation of the updated General Plan policies, proposed amendments to the Downtown Specific Plan, and the Climate Action Plan. The contingency funds have been depleted to conduct unforeseen tasks involved in aligning all General Plan Policies and implementation measures for the EIR's analysis and to augment the traffic analysis and related studies.

PROPOSED CONTRACT AMENDMENT:

When the City Council authorized the above three contracts, staff noted that additional funding would be required to complete the EIR for the General Plan to remain on schedule for the November 2012 election. Staff anticipates that the proposed contract amendment should be sufficient to complete the Final EIR. The additional scope of work is based on “time and materials” and includes performing revisions to the screen-check document necessary for preparing the Draft EIR, responding to comments received from individuals, groups, and public agencies during the public review period, preparing the mitigation monitoring and reporting program, drafting the statement of overriding considerations, and includes a \$100,000 contingency for unforeseen tasks (such as more than anticipated responses to EIR comments or additional technical analysis). Housing Division set-aside funds totaling \$30,000 have been earmarked to finance most of the Housing Element preparation, which will be subject to a future budget adjustment upon completion of the General Plan update.

PROJECT STATUS:

1. General Plan - A complete version of all proposed General Plan policies were reviewed and endorsed by the City Council on July 13, 2011, as a basis for the EIR’s analysis. A draft of the entire Draft General Plan and the updated Downtown Specific Plan are anticipated to be released concurrently with the Draft EIR by early January 2012. Information regarding the General Plan Update is available online at the following link:
<http://www.escondido.org/general-plan-update.aspx>
2. Housing Element – On August 10, 2011, the City Council endorsed the Draft Housing Element including its goals, policies and programs and authorized submittal to the State Department of Housing and Community Development (HCD) for a 60-day review and comment period. The Housing Element was received by HCD on September 7, 2012; no comments have been received to date. The public may still comment on the Housing Element while the document is under review at HCD and throughout the General Plan and EIR public review period. The City Council will have an opportunity to review and respond to HCD and additional comments prior to formal approval.
3. Climate Action Plan (CAP) – A screen-check draft of the CAP has been completed and is under review by staff. The Draft CAP is anticipated to be released concurrently with the Draft General Plan and Draft EIR. While the CAP is technically an implementation measure of the General Plan, staff has been advised to prepare both documents concurrently to assure consistency and a demonstrated commitment to the policy implementation.
4. EIR - Preparation of a “Program EIR” is underway for the General Plan Update and CAP. This type of EIR is a comprehensive analysis of the series of actions characterized by the build-out of the General Plan and provides the framework to streamline subsequent CEQA analyses for future development.

The EIR analysis is required to include “baseline” information documenting existing conditions at the time of commencing the General Plan update (including traffic). A preliminary traffic report has been completed, and additional work has been authorized to augment that

analysis to address significance thresholds. The report's baseline information for Grand Avenue in Downtown includes a four-lane Collector Street with parallel parking and center median. The current contract includes the City Council's prior direction to evaluate the appropriateness of returning the one-way Second Avenue / West Valley Parkway couplet back to two-way traffic as a means for providing a more pedestrian-friendly downtown and slowing traffic through downtown. Staff notes that any changes to the baseline conditions that measurably affect capacity (such as a reduction in the number of travel lanes on a Circulation Element street) or change street classifications would necessitate changes and delays in the preparation of the EIR and associated technical studies and could jeopardize the schedule for meeting the November 2012 election.

SCHEDULE:

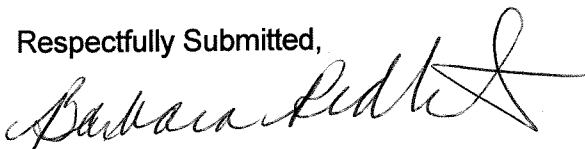
The General Plan process is on track for completion in time for the November 2012 election per City Council direction. Staff proposes to release the Draft General Plan and Climate Action Plan for a 45-day public review and comment period concurrently with the Draft EIR, which is consistent with general plan adoption procedures used throughout the state. Staff intends to hold public workshops on the General Plan and Draft EIR during this review period. The City Council may also wish to reconvene the General Plan Citizen's Committee for their input. All necessary City Council approvals, including the proposed ballot language, must be completed by early August 2012. In order to accomplish this effort, this schedule leaves no opportunity for incorporating significant changes or alternatives without jeopardizing the targeted election date. Below is a tentative timetable of milestones that allows completion of the General Plan to meet the City Council's objective:

Jan. 12, 2012 – Feb. 27, 2012:	General Plan and Draft EIR 45-day public review period
Feb. 28 – Apr. 4, 2012:	Prepare Responses to EIR comments
Apr. 24 and May 8, 2012:	Planning Commission Public Hearings
June 6 – June 20, 2012:	City Council Public Hearings
July 2, 2012:	Posting of EIR Notice of Determination with County Recorder
Aug. 8, 2012:	Registrar of Voter Deadline to receive Nov. 2012 ballot language

NEXT STEPS IN THE PROCESS:

Staff has reviewed and refined the consultant's scope of services for the completion of the EIR to ensure its appropriateness. Upon approval, the consultants will conclude analysis and associated technical studies to prepare the document. Environmental impacts and proposed mitigation measures will be considered concurrently to provide the City Council with as much information as possible in making a decision regarding the General Plan Update in time for the public's vote on the November 2012 election.

Respectfully Submitted,



Barbara Redlitz
Director of Community Development



Jay Petrek
Principal Planner

RESOLUTION NO. 2011-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A FIRST AMENDMENT TO THE CONSULTING AGREEMENT WITH ATKINS FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

WHEREAS, the City of Escondido ("City") desires to have the General Plan updated involving a Climate Action Plan and Downtown Specific Plan; and

WHEREAS, an Environmental Impact Report (EIR) is necessary to evaluate impacts and identify mitigation measures in said Plans; and

WHEREAS, the City approved Resolution 2010-181 on December 15, 2010, authorizing ATKINS to perform the required planning services that involved preparing the General Plan EIR to a first screen-check level of completion; and

WHEREAS, a contract amendment is required for Atkins to perform additional tasks to complete the Final EIR; and

WHEREAS, City staff have completed negotiations with Atkins for planning services and the Director of Community Development recommends that the First Amendment to the Consulting Agreement ("Agreement") be approved; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to approve said Agreement in an amount not to exceed \$217,135.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, an Agreement with Atkins. A copy of the Agreement is attached as Exhibit "1" and is incorporated by this reference.

EXHIBIT 1

CITY OF ESCONDIDO FIRST AMENDMENT TO CONSULTING AGREEMENT

This "Amendment" is made this 5th day of October 2011.

Between: CITY OF ESCONDIDO
 a municipal corporation
 201 N. Broadway
 Escondido, California 92025
 Attn: Jay Petrek, Principal Planner
 760-839-4556
 ("CITY")

And: ATKINS
 9275 Sky Park Court, Suite 200
 San Diego, CA 92123-4386
 Attn: Kim Howlett
 858-514-1018
 ("CONSULTANT")

Witness that whereas:

- A. CITY and CONSULTANT entered into an agreement on December 15, 2010 ("Agreement"), wherein CITY retained CONSULTANT to provide services for the General Plan Update and to prepare an Environmental Impact Report; and
- B. CITY and CONSULTANT desire to amend the Agreement to include additional work, which is defined in "Attachment A" to this Amendment, which is incorporated by reference;

NOW THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

1. The CONSULTANT will furnish the services described in "Attachment A" to this Amendment.

2. CITY will compensate the CONSULTANT in an additional amount not to exceed \$217,135.00, pursuant to the conditions contained in "Attachment A" to this Amendment.

3. All additional terms under the Agreement between CITY and CONSULTANT still apply to the additional work to be performed by CONSULTANT under this Amendment. If any of the terms of this Amendment conflict with the Agreement, this Amendment must prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

ATKINS

Kim Howlett
Associate Vice President, Atkins

(The above signature should be notarized)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____

Attachment A

Escondido General Plan Update Environmental Impact Report

Second Screencheck Draft EIR through Final EIR

October 5, 2011

1. Background

The original Escondido General Plan Update Environmental Impact Report (EIR) scope of work only included the preparation of the First Screencheck Draft EIR and did not include subsequent tasks related to the preparation of the Draft EIR, Final EIR or other products related to the EIR process. The scope of work provided below includes the remaining tasks to complete the EIR process for the Escondido General Plan Update EIR.

2. Scope of Work

Task 1 Second Screencheck Draft EIR

1. Atkins will prepare the 2nd Screencheck Draft EIR based on City comments that will be collated in one electronic copy of the document within the limits of a 112 hour professional staff budget.
2. Atkins will submit six hard copies and one electronic copy of the 2nd Screencheck Draft EIR to the City for review.

Products:

- Six hard copies and one electronic copy of the 2nd Screencheck Draft EIR (including technical appendices)

Task 2 Print Check Draft EIR

Atkins will prepare one set of revisions to the 2nd Screencheck Draft EIR based on one set of City-collated comments within the limits of a 34-hour professional staff budget. Atkins will prepare three hard copies and one electronic copy of the Print Check Draft EIR for City staff to review and approve. Once approved, Atkins will proceed with production of the Draft EIR for public review.

Products:

- Three hard copies and one electronic copy of the Print Check Draft EIR (including technical appendices)

Task 3 Draft EIR Public Review

Atkins will provide 20 hard copies, 110 PDF electronic CD copies, and one Word electronic CD copy of the Draft EIR and appendices to the City. Atkins will also prepare 15 hard copies of the EIR Executive Summary and the Notice of Completion form for the State Clearinghouse submittal. Atkins will prepare the Notice of Availability and provide one electronic PDF version and one electronic Word version of this notice to the City. This scope of work assumes that the City will be responsible for public review distribution of the Draft EIR, including the submittal of the Notice of Completion and copies of the Draft EIR to the State Clearinghouse. The City will also distribute the Notice of Availability and publish it in a paper of general circulation.

Products:

- Twenty hard copies, 110 electronic CD copies, and one electronic Word copy of the Draft EIR and appendices. 15 hard copies of the EIR Executive Summary. PDF and Word electronic versions of the Notice of Completion and Notice of Availability.

Task 4 Draft Mitigation Monitoring and Reporting Program

Atkins will prepare and submit for City review a draft mitigation monitoring and reporting program (MMRP) for the General Plan EIR based on the mitigation measures identified in the Draft EIR. The MMRP will meet the requirements of an MMRP for an EIR as outlined in CEQA Guidelines §15097. The information in the MMRP will be in a tabular, user-friendly format acceptable to the City. Atkins will submit one electronic Word version of the Draft MMRP to the City for review.

Product:

- One electronic Word version of Draft MMRP.

Task 5 Revise Mitigation Monitoring and Reporting Program

Atkins will prepare a final version of the mitigation monitoring and reporting program (MMRP) for the General Plan Update EIR based on one set of collated comments received from City staff and revisions made to the Final EIR based on public review comments within the limits of a 4-hour professional staff budget. Atkins will submit one camera-ready hard copy, 15 electronic PDF electronic CD copies, and one electronic Word copy of the Final MMRP to the City.

Products:

- One camera-ready hard copy, 15 electronic PDF CD copies, and one electronic Word copy of the Final MMRP.

Task 6 Draft Findings and Statement of Overriding Considerations

Atkins will prepare and submit to the City draft findings and a draft statement of overriding considerations consistent with the requirements of CEQA Guidelines §15091 and §15093. It is assumed that City staff will provide information in support of the statement of overriding considerations. Atkins will submit one Word electronic copy of the draft findings and statement of overriding considerations to the City for review.

Product:

- One electronic Word version of Draft Findings and Statement of Overriding Considerations

Task 7 Revise Findings and Statement of Overriding Considerations

Atkins will prepare one set of revisions to the findings and statement of overriding considerations based on one set of collated comments received from City staff within the limits of a 30-hour professional staff budget. Atkins will submit one camera-ready hard copy, 15 electronic PDF electronic CD copies, and one electronic Word copy of the Final Findings and Statement of Overriding Considerations to the City.

Products:

- One camera-ready hard copy, 15 electronic PDF electronic CD copies, and one electronic Word copy of the Final Findings and Statement of Overriding Considerations.

Task 8 Final EIR

Task 8.1 Draft Responses to Comments

Upon the completion of public review, Atkins will begin preparation of responses to written comments on the Draft General Plan EIR received by the City. This will entail the reading and numbering of all comments, as well as assigning comments to members of the Atkins team and possibly City staff to prepare responses. Because the level of effort to respond to comments on the Draft General Plan Update EIR is dependent on the number of comments received and the type of questions raised in the comments, Atkins has provided a professional staff hourly budget of 160 hours to respond to comments. This budget may either be less than, or more than, sufficient to prepare the responses to public comments. Atkins will therefore evaluate the responses to comments budget after reviewing the comment letters and may revise the budget as appropriate. The 160-hour budget includes any changes made to the Draft EIR, as well as the preparation of a Commenter's Index.

The effort to respond to public comments is not expected to require substantial new analysis, such as the addition of an alternative or substantial revision to a section of the Draft EIR. The response to comments and any changes made to the Draft General Plan EIR in response to the comments will be submitted in both Word and PDF format to the City for review and comment.

The response to comments will be presented in side-by-side format with a reduced version of the comment letter on the left side of the page and the responses on the right side of the page. Atkins will also prepare a response to comments Introduction section which will provide a list of persons, organizations, and agencies commenting on the Draft EIR and a summary of any changes made to the Draft EIR that were incorporated into the Final EIR.

Products:

- One Word and one PDF electronic copy of the Draft Responses to Comments.

Task 8.2 Revise Responses to Comments

Atkins will prepare one set of requested revisions to the response to comments and the revisions to the Draft EIR, based on City staff comments within the limits of a 60-hour professional staff budget. The City's comments will be provided in one collated electronic copy. Atkins will submit one electronic version in both Word and PDF format to the City.

Products:

- One Word and one PDF electronic copy of the Final Responses to Comments.

Task 8.3 Print Check Final EIR

Atkins will prepare three hard copies and one electronic copy of the Print Check Final General Plan Update EIR (not including technical appendices) and submit them to the City for a print check review. Atkins will expend up to 16 professional staff hours to prepare revisions to the Print Check Final EIR if requested by the City.

Products:

- Three hard copies and one electronic copy of the Print Check Final EIR.

Task 8.4 Final General Plan Update EIR

Upon approval of the Print Check Final EIR, Atkins will prepare and deliver to the City five hard copies, 25 PDF electronic CD copies and one Word electronic CD copy of the Final General Plan Update EIR and Technical Appendices. This scope of work assumes that the City will be responsible for distribution of the Final EIR, including the provision of responses to comments to any public agencies that commented on the Draft EIR ten days prior to the City Council hearing to consider certification of the EIR. If certified, Atkins will prepare the Notice of Determination (NOD) and the City will file the NOD with the State Clearinghouse and County Clerk's office within five days of certification of the EIR.

Products:

- Five hard copies, 25 PDF electronic CD copies and one Word electronic CD copy of the Final General Plan EIR and Technical Appendices.

Task 9 Meetings

The Atkins Project Manager, Kim Howlett, and Assistant Project Manager, Diane Sandman will attend up to ten meetings with City staff or other members of the project team.

Task 10 Teleconferences

Prepare for and participate in four teleconferences with City staff regarding the status of the EIR.

Printing Costs

The Draft and Final EIR and appendices document production budget is included in the tasks described above. The exact cost for document printing may be greater or less than what was budgeted, depending on the length of the document, color graphics, oversize graphics, and the number of copies requested by the City. Therefore, should the printing budget need revision, Atkins will inform the City prior to incurring additional charges.

Filing Fees

Filing fees are not included in this scope of work and cost. It is assumed that the City will pay all fees, such as the fee for the California Department of Fish and Game which is due upon filing the NOD.

Cost

Task 1	Prepare 2 nd Screencheck DEIR	\$20,698
Task 2	Print Check DEIR	\$7,387
Task 3	Draft EIR Public Review & NOA & NOC	\$6,056
Task 3	Draft EIR Public Review Copies	\$3,128
Task 4	Prepare Draft MMRP	\$3,284
Task 5	Revise MMRP	\$754
Task 6	Prepare Draft Findings and SOCs	\$6,524
Task 7	Revise Findings and SOCs	\$4,996
Task 8.1	Prepare Draft Responses to Comments	\$27,168
Task 8.2	Revise Response to Comments	\$11,478
Task 8.3	Print Check Final EIR	\$4,789
Task 8.4	Final EIR Copies & NOD	\$1,274
Task 9	Meetings	\$15,240
Task 10	Teleconferences	\$3,094
Misc. Expenses	\$1,150
Contingency	\$100,000
Total	\$217,135