

City of Piedmont
COUNCIL AGENDA REPORT

DATE: May 1, 2023

TO: Mayor and Council

FROM: Rosanna Bayon Moore, City Administrator

SUBJECT: Consideration of Contract Amendments with Lisa Wise Consulting, Inc., and Rincon Consultants, Inc., for Work Related to the 6th Cycle Housing Element Update

RECOMMENDATION

By a single motion, take the following actions regarding the proposed amendments to the City's agreements with Lisa Wise Consulting to update the City's Housing Element and related documents, and with Rincon Consultants to complete the environmental review of the Housing Element Update and related documents:

1. Approve the proposed amendment (Attachment 1) to the City's agreement with Lisa Wise Consulting (LWC) for the completion of the Housing Element update, a Safety Element update, other related General Plan amendments and related regulatory modifications as required by State law at an amount not to exceed \$142,320, bringing the full contract amount to-date to \$833,550.
2. Approve the proposed amendment (Attachment 2) to the City's agreement with Rincon Consulting (Rincon) for services related to the environmental review of an update and implementation of the Housing Element of the Piedmont General Plan, at an amount not to exceed \$177,136, bringing the full contract amount to-date to \$429,755.

EXECUTIVE SUMMARY

Lisa Wise Consulting, Inc., is under contract with the City to complete a Housing Element update, a Safety Element update, other related General Plan amendments and related regulatory modifications as required by State law, in a manner consistent with the 6th Cycle Regional Housing Needs Allocation (RHNA) planning period (2023-2031). Rincon Consultants, Inc., is under contract with the City to prepare and file documents necessary to meet the requirements of the California Environmental Quality Act (CEQA) for Piedmont's 6th Cycle Housing Element and its implementation.

The original schedule and scope of work were based on the following timeline and milestones:

- 1) Submission of a Draft 6th Cycle Housing Element to the California Department of Housing and Community Development (HCD) in July 2022 for an initial 90-day review;

- 2) Completion of the environmental review by mid-October 2022;
- 3) Certification and adoption of the Housing Element by January 31, 2023; and
- 4) Completion of all other project tasks by June 31, 2023.

In the summer of 2022, the approach and timeline were modified based on public input and City Council direction. Further studies, sites inventory changes, and implementation program revisions were required and incorporated into the Draft 6th Cycle Housing Element, which was submitted to HCD on November 18, 2022, four months later than originally planned and following additional work performed.

When HCD comments were received on February 16, 2023, additional content development for the Housing Element was necessary. A revised Draft 6th Cycle Housing Element was considered and adopted by the City Council on March 20, 2023. HCD's 60-day second review of the Element is currently underway with comments due by May 23, 2022.

To complete the tasks outlined in the original scope of work and comply with State law, an amendment to LWC's contract is recommended. The proposed additional tasks and requests for work authorization include:

- Interim Revisions and HCD calls during the 60-day second review period. These tasks enable the City to make any necessary revisions to the Element for resubmission to obtain a letter of substantial compliance as quickly as possible.
- Revisions following the 60-day second review period. Should HCD's comments require revisions, or if HCD provides additional comments at the end of the review period that require a revised draft, this task will enable the City to provide updated content as quickly as possible.
- Public Hearings. In the event there are revisions to the Housing Element requiring Planning Commission and City Council action, this task will enable LWC's work at these meetings. In addition, public hearings for amendments to other related General Plan elements will be needed and this task covers LWC's work.
- General Plan amendments. Discrete edits to other elements of the General Plan, particularly the Land Use Element and Environmental Hazards Element, will need to be made to make them consistent with the updated Housing Element. LWC's work towards this effort is covered in this task.
- Project Management. Project Management is essential to complete the Housing Element update and General Plan amendments, and to coordinate with the environmental review team. This consists of regular meetings and ongoing collaboration with staff to ensure that deadlines are met.

The cost of LWC's proposal for additional services for the Piedmont Housing Element Update is \$142,320, bringing the total cost of the project to \$833,550. A tentative schedule indicates project completion in the autumn of 2023 and no later than December 31, 2023.

The delay in firmly establishing a sites inventory and set of programs (upon which a project description for an environmental review is based) necessitates an amendment to Rincon's contract. In addition to preparing a revised project description, a revised transportation analysis, updates to

several study areas, and the additional project management and administrative time needed for the lengthened project schedule, staff recommends the addition of the following tasks:

- Additional studies of biological resources and cultural resources specific to the Moraga Canyon Specific Plan study area. These will help streamline the preparation of the Moraga Canyon Specific Plan, providing information that would help determine siting and development costs. Environmental analysis for the Specific Plan is expected to be an addendum to the Housing Element implementation EIR, and these studies will provide key information for that purpose.
- A sewer capacity analysis (previously an optional task). Based on the location of housing in the sites inventory, the Public Works Director and City Engineer recommend the EIR include this analysis.
- An emergency evacuation analysis is recommended in conformance with the California Attorney General's guidance on [Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act](#) and because housing sites in the Housing Element are located in a Very High Wildfire Severity Zone.

The cost of Rincon's proposal for additional services for the Piedmont Housing Element Update EIR is \$177,136, bringing the total cost of the environmental analysis to \$429,755. A tentative schedule indicates project completion in early 2024.

BACKGROUND

On May 3, 2021, the City Council approved an agreement with Lisa Wise Consulting, Inc., for professional services to complete a housing element update, a safety element update, other related General Plan amendments, related regulatory modifications as required by State law, in a manner consistent with the Regional Housing Needs Allocation 6 (RHNA 6) planning period (2023-2031). The project was initiated shortly afterwards and during the ensuing months LWC and staff held public meetings, conducted stakeholder interviews, performed research and collected data that informed a Draft 6th Cycle Housing Element posted for public review on April 8, 2022.

On August 2, 2021, the City Council approved an agreement with Rincon Consultants, Inc. for professional services for the preparation and filing of documents necessary to meet the requirements of the California Environmental Quality Act (CEQA) for the City's 6th Cycle Housing Element Update, related amendments to other General Plan elements, and updates to implementing tools such as the Zoning Ordinance, Subdivision Ordinance and the City of Piedmont Design Guidelines. Under the agreement, the scope of environmental review included consideration of the maximum build-out allowed by the 6th Cycle Housing Element, related General Plan amendments, and related City Code amendments over the course of the 2023-2031 term. The intent of seeking an environmental review for the maximum build-out provided by the updated Housing Element is to facilitate the production of multi-family housing projects by relieving the burden for a development project to complete a full environmental impact report (EIR) because some or all of the environmental analysis would already have been completed as part of the Housing Element EIR and its mitigation measures.

Rincon prepared and issued a Notice of Preparation (NOP) on February 16, 2022, and held a scoping meeting with the Planning Commission that was open to the public on March 1, 2022. The project description for the NOP and scoping meeting was based on the Public Review Draft 6th Cycle Housing Element and its sites inventory published on April 8, 2022. At its regular meeting on June 20, 2022, after receipt of significant public comment and a robust discussion of the Public Review Draft Housing Element, the City Council directed staff and LWC to revise the sites inventory and develop and provide additional analysis on the feasibility of developing housing on specific City-owned properties in the sites inventory. On August 1, 2022, the City Council received and considered the additional analysis provided by staff, LWC and Economic & Planning Systems (EPS) and directed further changes to the sites inventory. LWC and staff performed research and drafted revisions to the Element as directed by Council and on November 15, 2022, the City Council considered those revisions to the April 22 Public Review Draft Housing Element. The Council approved the revisions and authorized staff to finalize and submit the 6th Cycle Housing Element to the California Department of Housing and Community Development (HCD) for review. LWC and staff completed the revisions and submitted a HCD Review Draft Housing Element to HCD on November 18, 2022.

With revisions to the Draft Housing Element and its sites inventory completed, staff, with the assistance of Rincon, prepared an Initial Study and Negative Declaration (IS/ND) for the Element. The IS/ND, which was published on December 9, 2022 for the required 30-day review, found that as a policy document, and because by itself it would not approve any physical development, the Draft 6th Cycle Housing Element would not have a significant effect on the environment. The IS/ND also recognized that the City was preparing a program EIR studying the environmental effects of the changes to the City Code, General Plan and Design Guidelines necessary to implement the 6th Cycle Housing Element. At the close of the 30-day review period, the Planning Commission considered the Draft 6th Cycle Housing Element and the IS/ND. After receiving a report from Staff, a presentation from LWC and public comments, the Commission recommended that the City Council adopt these documents.

On February 16, 2023, HCD provided its comments on the HCD Review Draft Housing Element. The revisions required by the comments were largely technical clarifications and elaborations and were incorporated by Staff and LWC into a Public Hearing Draft 6th Cycle Housing Element. On March 20, 202, the City Council received the revised Draft 6th Cycle Housing Element, the Planning Commission's recommendation, a report from Staff, a presentation from LWC and public comments, which informed the Council's discussion resulting in the adoption of the Draft 6th Cycle Housing Element and the IS/ND. On March 24, 2022 staff submitted the adopted Housing Element to HCD for review, which could last up to 60 days.

Council's adoption of the 6th Cycle Housing Element firmly establishes a sites inventory and implementation programs. This allows for a project description for the EIR to be prepared for the completion of the environmental analysis.

DISCUSSION

The delay in establishing a stable sites inventory and set of implementation programs has had an impact on the timeline and cost of completing the Housing Element Update and a program EIR for

the City Code revisions, General Plan updates, development of objective design standards, and various updates to the City's design guidelines that are necessary to implement the 6th Cycle Housing Element for the 2023-2031 term.

The City has adopted a 6th Cycle Housing Element and submitted it to HCD for review. Additional work may be required to make further revisions to the Element. Revisions to other General Plan elements to make them consistent with the Housing Element need to be drafted, considered and adopted. These tasks will entail additional public hearings. Lisa Wise Consulting has prepared the attached proposal outlining the tasks they will perform that lead to completion of the project to update the Housing Element and other General Plan elements by the end of 2023 (see Attachment 1).

With a stable project description prepared, the following tasks related to the environmental review can be undertaken and completed by Rincon as outlined in their proposal for additional services (see Attachment 2):

- a) Revise vehicle miles traveled (VMT) analysis for the Transportation Section of the EIR;
- b) Prepare an emergency evacuation analysis;
- c) Prepare a sewer capacity analysis;
- d) Prepare additional site-specific analysis of the Moraga Canyon Specific Plan study area to supplement the current Biological Resources section of the EIR; and
- e) Prepare a Historical Resources Evaluation for the Moraga Canyon Specific Plan study area to supplement the current Cultural Resources section of the EIR.

The tasks listed above are expected to be completed so that a Draft EIR can be prepared by the end of summer 2023 and posted for public review. After a 45-day review period, Rincon will prepare a Final EIR for the Planning Commission and City Council to consider for adoption by the end of January 2023.

When seeking consultants for the preparation and filing of documents necessary to meet the requirements of the California Environmental Quality Act (CEQA) for the City's 6th Cycle Housing Element Update, related amendments to other General Plan elements, and updates to implementing tools such as the Zoning Ordinance, Subdivision Ordinance and the City of Piedmont Design Guidelines, the City sought a scope of work that considered the maximum build-out allowed by the 6th Cycle Housing Element, related General Plan amendments, and related City Code amendments over the course of the 2023-2031 term. The intent of seeking an environmental review for the maximum build-out provided by the updated Housing Element is to facilitate the production of multi-family and other housing projects by relieving the burden for a project developer to complete a full environmental impact report (EIR) because some or all of the environmental analysis would already have been completed as part of the Housing Element EIR and its mitigation measures.

The proposed contract amendments and additional scopes of work will enable staff, LWC and Rincon to complete the Housing and other General Plan updates in conformance with State law, and prepare the Program EIR for public review and then seek the Planning Commission's and City Council's review and adoption.

FISCAL IMPACT

Should the City Council approve the amendment to the contract with Lisa Wise Consulting, the total cost for the work related to the 6th Cycle Housing Element update is estimated at \$833,550. The original \$691,230 not-to-exceed contract amount is expected to be expended by the end of fiscal year 2022/2023. The draft proposed budget for fiscal year 2023/2024 includes \$200,000 for this proposed work to be performed by LWC and other expenses related to the Housing Element update that bring the project to conclusion.

Should the City Council approve the amendment to the contract with Rincon, the total cost for environmental review for the 6th Cycle Housing Element, related revisions to the City Code, and related General Plan amendments is estimated at \$429,755. The remaining FY22/23 environmental review budget and the \$176,900 included in the fiscal year 2023/2024 proposed budget are expected to cover the cost to bring the project to conclusion.

CITY ATTORNEY REVIEW

The attached Agreements were reviewed and approved as to form.

CONCLUSION AND NEXT STEPS

Staff recommends that the City Council approve the Amendments to the Agreements for Consultant Services with Lisa Wise Consulting and Rincon Consultants. Should the City Council approve the amendments, staff will meet with the LWC and Rincon teams to move forward and complete the projects.

Prepared by: Kevin Jackson, Director of Planning & Building

ATTACHMENTS:

Pages		
1	7-12	Amendment to the Agreement with Lisa Wise Consulting, Inc., for services related to the 6 th Cycle Housing Element Update
2	13-22	Amendment to the Agreement with Rincon Consultants, Inc., for services related to the environmental review of the Housing Element Update

FIRST AMENDMENT TO AGREEMENT

This Amendment to the Agreement (“Amendment”) is made and entered into on this ____ day of May, 2023, (the “Effective Date”) by and between the City of Piedmont, a municipal corporation (hereinafter referred to as “City”) and Lisa Wise Consulting, Inc., a California S-Corporation (hereinafter referred to as “Consultant”). City and Consultant may be referred to individually as “Party” and collectively as the “Parties.”

R E C I T A L S

A. City and Consultant entered into an Agreement dated May 3, 2021 (“Original Agreement” and, together with this First Amendment to Agreement, “Agreement”), under which Consultant provides certain services in connection with the completion of a housing element update, and other related General Plan amendments, and related regulatory modifications as required by State law, in a manner consistent with the Regional Housing Needs Allocation 6 (RHNA 6) planning period (January 31, 2023 – January 31, 2031) (“Project”).

B. The Parties now wish to: (1) amend the Original Agreement to update the scope of work to add services (“Amended Scope of Work”) described in Exhibit A attached hereto and incorporated herein, and increase the not-to-exceed amount by \$142,320.00, also as provided in Exhibit A; and (2) extend the Consultant’s time for completion of Services in the Agreement to December 31, 2023.

C. All capitalized terms not otherwise defined in this Amendment shall have the respective meanings provided in the Original Agreement.

A G R E E M E N T

NOW, THEREFORE, the parties hereto agree as follows:

1. The Parties agree that the Recitals set forth above are true and correct and are incorporated herein.
2. The City hereby approves the Amended Scope of Work Scope as provided in Exhibit A, which is now incorporated into the Agreement.
3. As provided in Exhibit A, the Not to Exceed compensation for the Amended Scope of Work is \$142,320.00, bringing the total NTE under the Agreement to \$833,550.00.
4. The Parties agree that Consultant’s time to complete the specified Services as provided in Section 3.1 is now extended to December 31, 2023.
5. Unless explicitly amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

[Signature Page Follows]

CONSULTANT

LISA WISE CONSULTING, Inc.

By: _____
Henry Pontarelli, Vice President/Secretary

CITY

CITY OF PIEDMONT, a California municipal corporation

By: _____
Jennifer Cavanaugh, Mayor

ATTEST:

John Tulloch, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney
Deepa Sharma, Assistant City Attorney

MEMO

To: Kevin Jackson, Planning and Building Director, City of Piedmont
From: Kathryn Slama, Director, Lisa Wise Consulting, Inc.
Date: April 14, 2023
Subject: City of Piedmont 6th Cycle Housing Element Update – Add Services

Based on discussions between the City and Lisa Wise Consulting, Inc. (LWC), LWC is providing a description of additional services and budget for the Housing Element Update project. This proposal reflects the City and LWC discussion via teleconference on March 27, 2023. A description of services and cost estimate for these additional tasks are included below.

Additional Tasks

Task A – Revised Final Draft Housing Element

Task A.1 – Interim Revisions and HCD Calls

The adopted Housing Element (revised HCD draft) is currently under review by HCD and HCD's 2nd comment letter is due to the City May 23, 2023. During this time, LWC will participate in up to three calls with HCD and City staff to discuss interim HCD comments and potential revisions. LWC will prepare one set of redline interim revisions to the Housing Element based on preliminary HCD comments; LWC will submit one consolidated set of redlined track changes interim revisions for the City's review. Upon review by the City and receipt of one complete set of nonconflicting comments/edits from the City, LWC will make any City-identified edits and address City-identified comments. City staff will submit the interim revisions to HCD for consideration prior to finalization of HCD's comment letter due May 23, 2023.

Deliverables:

- *Up to three calls with HCD*
- *One matrix listing HCD preliminary comments and responses (Excel)*
- *One set of redlined track changes interim revisions to Housing Element based on comments provided by HCD on HCD calls for City review (Word)*
- *One set of final redlined track changes interim revisions to Housing Element for City submission to HCD (Word and PDF)*

Task A.2 – Revisions following 2nd HCD Review

LWC will assist the City in making revisions to the Housing Element in response to HCD's 2nd review. LWC will participate in up to two calls with HCD and City staff to discuss comments. LWC will prepare a response matrix indicating how staff addressed HCD's comments and incorporate revisions into the Housing Element. LWC will prepare one set of consolidated track changes redline revisions to the Housing Element based on HCD comments for the City's review. After receipt of one complete set of nonconflicting comments/edits from the City, LWC will make the edits identified by the City and submit one set of consolidated track changes redline revisions to the Housing Element to the City for City submittal to HCD. Please note that under AB 215 the City must post redlined revisions of the Housing Element Update for 7 days prior to resubmission of the Housing Element Update to HCD.

Deliverables:

- *Up to two calls with HCD*
- *One matrix responding to HCD comment letter (Excel)*
- *One set of redlined track changes to Housing Element in response to HCD comment letter for City review (Word)*
- *One set of final redlined track changes to Housing Element in response to HCD comment letter (Word and PDF)*

Task B – Public Hearings

Task B.1 – Housing Element Public Hearings

LWC will attend and present at one Planning Commission hearing and one City Council hearing to adopt revisions to the Housing Element (Task A). LWC assumes attendance would be virtual. LWC also assumes that the City is responsible for preparing staff reports and the appropriate resolution text related to 2nd HCD Draft Housing Element Update edits.

Deliverables:

- *Planning Commission and City Council presentations (one each; PowerPoint)*

Task B.2 – General Plan Amendment Public Hearings

LWC will attend and present at one Planning Commission hearing and one City Council hearing for adoption of the General Plan Amendments (Task C). LWC assumes attendance would be virtual. LWC also assumes that the City is responsible for preparing staff reports and the appropriate resolution text for all General Plan amendments..

Deliverables:

- *Planning Commission and City Council presentations (one each; PowerPoint)*

Task C General Plan Amendments

Task C.1 – General Plan Amendments

LWC will review the Land Use Element of the General Plan and identify amendments needed to be consistent with the Housing Element. This includes comparing proposed densities and descriptions of land use in Housing Element programs to General Plan land use categories. LWC will summarize recommended amendments in a concise memo (in table format) for City review. Once the recommendations are approved by City staff LWC will make redline edits to the Land Use Element according to the City-reviewed recommendations. LWC assumes no updated context or setting edits would be warranted.

LWC will submit a track changes administrative draft of the Land Use Element containing edits to the City for review, anticipate one complete set of nonconflicting comments/edits from the City, and then submit a track changes public review draft to the City for public circulation. Given any comments received on the public review draft, LWC will prepare final General Plan text amendments for Planning Commission and City Council. After adoption by City Council, LWC will make any adopted General Plan text amendments as necessary. LWC assumes the General Plan amendments under this task will be considered concurrently with the appropriate CEQA documentation.

Deliverables:

- *Land Use Element Amendment Recommendations Memo (PDF)*
- *Administrative Draft General Plan Text Amendments (Word and PDF)*
- *Public Review Draft General Plan Text Amendments (Word and PDF)*
- *Final Draft General Plan Text Amendments (Word and PDF)*
- *Adopted General Plan Text Amendments (Word and PDF)*

Task D – Project Management

Task D.1 – Project Management

LWC will maintain a close working relationship with the City, through open and frequent email, phone, and videoconference communication. Monthly calls will be scheduled with the Consultant Team and City staff to provide status updates and collaborate on key issues and strategies. LWC anticipates all meetings will be held virtually throughout the duration of the project.

LWC will also maintain the project schedule and regularly update the team as revisions occur to ensure adherence to deadlines. This task also includes LWC's coordination and project administration not included in other tasks, such as ongoing internal coordination of the Consultant Team including other firms working on required CEQA documentation. LWC anticipates this project management task to satisfy all project management tasks for a duration of 6 months.

Budget

LWC's cost estimate for these additional services is provided below.

Cost Estimate		
	Hours	Total Fee
Task A.1	124	\$23,780
Task A.2	150	\$29,170
Task B.1	67	\$13,035
Task B.2	67	\$13,035
Task C	128	\$23,520
Task D	256	\$39,780
TOTAL	792	\$142,320

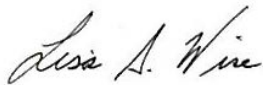
Schedule

Below outlines an estimated six month timeframe to complete the scope of work, subject to noted assumptions and conditions.

		2023						
		April	May	June	July	Aug	Sept	Oct
TASK A Revised Final Draft Housing Element								
A.1 Interim Revisions and HCD Calls								
A.2 Revisions following 2nd HCD Review								
TASK B Public Hearings								
B.1 Housing Element Public Hearings (2)								
B.2 General Plan Amendment Public Hearings (2)								
TASK C General Plan Amendments								
C.1 General Plan Amendments								
TASK D Project Management								
D.1 Project Management (6 months)								
Assumptions/Conditions								
1) HCD 60-day letter due 5/19/23.								
2) HCD holds a call to discuss interim review by 4/21/23								
3) HCD offers opportunity for interim revisions. Expect interim revisions due 2 weeks before HCD letter deadline								
Task A- Timeline is provisional and may vary based on the timing and content of feedback from HCD.								
Task B- Hearings depending upon necessity and timing of HEU revisions and GP amendments.								
Task C- Timeline to be adjusted to align with CEQA requirements and review periods.								

We appreciate your consideration of this matter and remain available to discuss the proposal in more detail.

Sincerely,



Lisa Wise, AICP
President

FIRST AMENDMENT TO AGREEMENT

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R E C I T A L S

A. City and Consultant entered into an Agreement dated August 2, 2021 (“Original Agreement” and, together with this First Amendment to Agreement, “Agreement”), under which Consultant provides certain services in connection with the preparation and filing of documents necessary to meet the requirements of the California Environmental Quality Act (“CEQA”) for the City’s 6th Cycle Housing Element Update and any resulting zoning modifications to accommodate the City’s anticipated Regional Housing Needs Allocation (“RHNA”) (“Project”).

B. The Parties now wish to: (1) amend the Original Agreement to modify and add additional services (“Amended Scope of Work”) described in Exhibit A attached hereto and incorporated herein, and increase the not-to-exceed amount by \$177,136.00, also as provided in Exhibit A; and (2) extend the Consultant’s time for completion of Services in the Agreement to March 31, 2024.

C. All capitalized terms not otherwise defined in this Amendment shall have the respective meanings provided in the Original Agreement.

A G R E E M E N T

NOW, THEREFORE, the parties hereto agree as follows:

1. The Parties agree that the Recitals set forth above are true and correct and are incorporated herein.
2. The City hereby approves the Amended Scope of Work Scope as provided in Exhibit A, which is now incorporated into the Agreement.
3. As provided in Exhibit A, the Not to Exceed compensation for the Amended Scope of Work is \$177,136.00, bringing the total NTE under the Agreement to \$429,755.00.
4. The Parties agree that Consultant’s time to complete the specified Services as provided in Section 3.1 is now extended to March 31, 2024.
5. Unless explicitly amended by this Amendment, all terms and provisions of the Agreement shall remain in full force and effect.

[Signature Page Follows]

CONSULTANT

Rincon Consultants, Inc.

By: _____
Rich Daulton, Principal/Vice President

CITY

City of Piedmont, a California municipal corporation

By: _____
Jennifer Cavanaugh, Mayor

ATTEST:

John Tulloch, City Clerk

APPROVED AS TO FORM:

Michelle Marchetta Kenyon, City Attorney
Deepa Sharma, Assistant City Attorney



April 18, 2023
Project Number 21-11542

Attn: Kevin Jackson, AICP
Director of Planning & Building
City of Piedmont
120 Vista Avenue
Piedmont, California 94611

Subject: **Revised Proposal for Additional Services for the Piedmont Housing Element Update EIR**

Dear Mr. Jackson:

Rincon Consultants, Inc. is pleased to submit this revised proposal to add services to our existing agreement for CEQA services for the City's 2023-2031 Housing Element. At the request of City staff, this proposal includes an emergency evacuation analysis (Fehr & Peers) and a sewer capacity study (Wood Rodgers). In addition, Rincon understands that the City desires additional site-specific analysis be performed for the Moraga Canyon Specific Plan area as it is a key potential housing site in the Housing Element; because there is considerable public interest in the site; and in order to streamline future CEQA review of the proposed Specific Plan. Therefore, this proposal also includes additional study of the Moraga Canyon Specific Plan area in the EIR, including a biological resources survey and historical resources evaluation. Further, this request includes additional time to update the Administrative Draft EIR currently in progress to reflect changes to the project description that have occurred subsequent to performing a portion of the EIR analysis. Lastly, this request includes additional project management and meeting time because of the extended project timeframe.

SCOPE OF WORK

Preparation of the EIR will include the following new and modified tasks:

Task 3: Administrative Draft EIR

Revised Project Description

Rincon will revise and update the EIR Project Description to reflect changes to the Housing Element that have occurred after City, public, and HCD review. This includes updates to the site inventory table, changes to the description of the project (from a description of the Housing Element itself to a description of the implementation actions that will occur following adoption of the Housing Element), and updates to the maps and figures.

Biological Resources

To provide additional site-specific analysis of the Moraga Canyon Specific Plan area, Rincon will update and supplement the current in-progress draft of the Biological Resources section of the EIR to include the following:

- **Background Research.** Rincon will review aerial imagery, publicly available literature and agency databases including the California Natural Diversity Database [CNDDB], California Native Plant Society Inventory of Rare and Endangered Plants, and U.S. Fish and Wildlife Service Information for Planning and Consultation database, as well as any other relevant background information for context and understanding of the biological concerns related to the Moraga Canyon Specific Plan area. This information will provide historical context and identify sensitive biological resources that have been previously documented in the region.
- **Field Survey.** Rincon will conduct a reconnaissance-level field survey to document existing biological conditions at the Moraga Canyon Specific Plan area and immediate surrounding area. A Rincon biologist will document the habitat condition and characteristics, map vegetation communities, including aquatic features, and assess the site's potential to support special-status species based on habitat suitability (e.g., prior disturbances, vegetation, soils, topography, and adjacent land uses). This scope does not include protocol-level botanical or wildlife surveys or a formal delineation of aquatic resources. Plants and animals observed during the field survey will be documented and sensitive biological resources encountered during the survey will be mapped using a handheld Global Positioning System (GPS) unit.

The results of the background research and reconnaissance field survey will be directly incorporated into the Biological Resources section of the EIR. The biological resources section will include a separate description of baseline biological conditions for the Moraga Canyon Specific Plan area, an analysis of potential for special-status species, and resources with potential to occur specific to the Moraga Canyon Specific Plan area. Information collected during the survey will be used to support CEQA Appendix G questions. As appropriate, avoidance and minimization and/or mitigation measures specific to the Moraga Canyon Specific Plan area will be developed for the EIR. Based on our familiarity of the project area, nesting birds are anticipated to be the primary issue. However, sensitive habitats such as jurisdictional wetlands and waters, and special-status species including rare plants and threatened and endangered reptile and amphibian species, are expected to be addressed.

Cultural Resources

Rincon understands that the Piedmont Corporation Yard, located at 898 Red Rock Road (subject property) in Piedmont California includes several buildings/structures that are over 45 years of age. Therefore, the City has requested the preparation of a Historical Resources Evaluation (HRE) of the property. The results of the HRE will be incorporated into the Cultural Resources section of the EIR. The scope of work provided below does not address archaeological resources, which will be addressed at the programmatic level in the Program EIR.

A Rincon architectural historian will conduct a field survey to examine the property at 898 Red Rock Road. During the survey, the property's overall condition, integrity, construction, and alterations will be examined. The property contains multiple buildings; however, in accordance with the guidance of the Office of Historic Preservation (OHP), which recommends groupings of functionally related buildings and structures be addressed collectively as a single resource, 898 Red Rock Road will be recorded and evaluated as an individual property. Field documentation will include digital photographs and notes to

support field observations. Upon completion of the survey, Rincon will conduct archival research and evaluate the property to determine if it meets the definition of a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines.

Following the site visit and research effort described above, Rincon will prepare a HRE report, in memorandum format, to summarize the methods and results of the investigation. Report conclusions will provide a determination on the property's historical resources eligibility and provide recommendations as necessary. In accordance with OHP guidelines, the property will be recorded and evaluated on California Department of Parks and Recreation 523 Series forms (DPR forms) and included as an attachment. A draft of the report with attached DPR forms will be submitted electronically (PDF). This scope includes addressing one round of comments prior to finalization.

The results of the HRE will be directly incorporated into the Cultural Resources section of the EIR.

Transportation

Fehr & Peers will update the vehicle miles traveled (VMT) analysis and Transportation Section of the EIR to account for changes to the Project Description. Fehr & Peers will:

- Update the land use files in the version of the Alameda County Transportation Commission Travel Demand Model that was updated last year to account for the new buildout assumptions
- Run the Model with the updated land use files
- Estimate the VMT metrics for the Transportation section of the EIR
- Estimate the VMT for the Air Quality/GHG sections of the EIR
- Update the Transportation section of the EIR to reflect the updated VMT analysis

Other EIR Revisions

Rincon will revise other sections of the EIR as needed to reflect the revised Project Description and take into account changes in the regulatory environment that have occurred since work on the EIR began. In addition, where appropriate (such as in the Geology and Soils and Hydrology and Water Quality sections), EIR sections will include a separate description of baseline conditions for the Moraga Canyon Specific Plan area, an analysis of potential site-specific impact and mitigation measures. Based on the work performed to date and updates needed in light of the revised Project Description, Rincon anticipates the following EIR sections will require substantial updates and commensurate additional budget:

- | | |
|-----------------------------------|----------------------------------|
| ▪ Air Quality | ▪ Land Use and Planning |
| ▪ Energy | ▪ Noise |
| ▪ Geology and Soils | ▪ Population and Housing |
| ▪ Greenhouse Gas Emissions | ▪ Public Services and Recreation |
| ▪ Hazards and Hazardous Materials | ▪ Utilities and Service Systems |
| ▪ Hydrology and Water Quality | ▪ Wildfire |



Task 7: Project Management

This task includes project management and meeting participation. The extended process and lengthened project schedule have required more project management and administrative time than included in our original and previously amended budget. The typical time needed to track the project and related issues and coordinate with City staff and internally increases commensurate with the overall project timeline.

Sewer Capacity Analysis

A sewer capacity analysis was previously included as an optional task under the EIR. Under this task, Wood Rodgers would conduct the following:

- **Wastewater Generation Projections.** Wood Rodgers will utilize recent flow monitoring data to determine existing wastewater dry-weather and wet-weather flows generated within the City. We will utilize wastewater generation factors to determine additional wastewater generation based on planned growth.
- **Hydraulic Model.** Wood Rodgers will develop or update a hydraulic model of the City's existing sewer collection system utilizing the existing GIS database to be provided by the City. The model will be a static model to evaluate system capacity under future growth conditions.
- **System Analysis.** Wood Rodgers will analyze the hydraulic model results to determine if there are capacity deficiencies due to planned growth, and identify the recommended improvements required to mitigate the capacity deficiencies.
- **Summary Report.** Wood Rodgers will prepare a report to summarize the sewer system, flow generation, location of planned growth and results of the capacity analysis. If upsizing is needed for the development, the report will detail the location, required pipe diameter, overall system improvements needed and estimated costs.

The results of the report would be incorporated into the Utilities and Service EIR section.

Emergency Evacuation Analysis

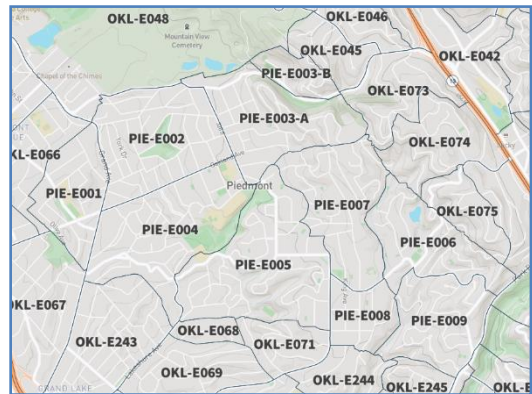
Fehr & Peers will perform an emergency evacuation analysis to assess the impacts Housing Element implementation on evacuation time estimates (ETEs). Fehr & Peers has already completed and submitted the first draft of the Transportation section of the EIR, which primarily uses VMT to assess impacts. To the extent possible, Fehr & Peers will rely on the data already collected and the analysis completed for the EIR to complete this ETE evaluation. Note that this scope of work is not intended to provide all the analysis and information required for the City's Safety Element Update per SB 99 and/or AB 747; however, some of the analyses, such as the identification of evacuation scenarios in Task 1 and estimation of the baseline ETEs in Task 2 may also be used for the City's upcoming Safety Element Update.

Task 1 – Identify Evacuation Scenarios

Considering that there are an infinite number of potential emergency events and evacuation scenarios that can occur in the City of Piedmont, this scope of work assumes that Fehr & Peers will work with Rincon Consultants and the City of Piedmont staff, including representatives from the Fire and Police Department, to identify three evacuation scenarios (More scenarios can be added with a corresponding scope and budget adjustment). These events could include wildfires, flooding, earthquakes, landslides and/or significant infrastructure failure and may require full or partial evacuation of the City.

For each of the three scenarios, Fehr & Peers will coordinate with the project team to determine the following:

- The areas of the City (which may include the entire City) to be evacuated. This analysis assumes that Fehr & Peers will use the nine Zonehaven evacuation zones, which are shown here.
- Time-of-day for the modeled event
- Populations, such as residents and/or workers that would need to be evacuated.
- Available evacuation routes and evacuation endpoints. The evacuation routes would be selected from the City of Piedmont *Emergency Operations Procedures*, which identifies the following evacuation routes for the City:



1. Moraga Avenue to Pleasant Valley Avenue
2. Moraga Avenue to State Highway 13
3. Oakland Avenue to Grand Avenue
4. Oakland Avenue to Bayo Vista Avenue
5. Crocker Avenue to Mandana Avenue
6. Hampton Road to Estates Drive onto Park Boulevard
7. LaSalle Avenue to Mountain Boulevard
8. Wildwood Avenue to Winsor Avenue or Grand Avenue
9. Blair Avenue to Harbord Drive

Task 2 – Baseline ETE's

This task will estimate ETE's under current baseline conditions. The first step in the analysis will focus on estimating the number of vehicle trips for each zone to be evacuated under each of the three evacuation scenarios. The vehicle trips will account for the time of day for the scenario and the likely population that would be evacuated. Fehr & Peers will primarily rely on the socio-economic data, such as household size, number of workers, and automobile ownership, included in the version of the Alameda County Transportation Commission (CTC) Travel Demand Model that Fehr & Peers updated in 2022 for the Piedmont HEU EIR, supplemented by other data such as US Census or Zonehaven data. Depending on the evacuation scenario and the selected evacuation routes and end points, the analysis may also need to account for the evacuation traffic generated by the nearby zones in the City of Oakland that would use the same evacuation routes. This scope of work and budget assumes that fewer than 10

zones in Oakland would be included. Fehr & Peers will estimate the likely amount of evacuation trips for each zone under each of the three evacuation scenarios and estimate the total evacuation trips on each evacuation route under each of the evacuation scenarios.

Fehr & Peers will identify the constraint point (the location where traffic flow would be most constrained) and use the roadway attribute information in the Alameda CTC Model, such as number of travel lanes and roadway classifications, to estimate the hourly capacity for each of the nine evacuation routes. Fehr & Peers will then estimate the ETE's for each evacuation route by dividing the estimated total evacuation trips by the hourly capacity for each evacuation route under the three evacuation scenarios.

Although Model attributes will be used to assess evacuation trips on the network, our assessment will be high level and will generally estimate the approximate hourly evacuation capacities on the identified corridors during the evacuation scenarios. This capacity assessment is consistent with AB 747 requirements but is a planning level assessment. If desired, optional Task 6 provides a more robust analysis using dynamic traffic assignment through a mesoscopic simulation tool and creating evacuation trip assignments to the network in 15-minute time slices from when the evacuation order is initiated.

Task 3 – Baseline Plus Project ETE's

Based on the site inventory developed for the HEU EIR, Fehr & Peers will assign each of the HEU sites to one of the evacuation zones. Fehr & Peers will then estimate the evacuation times for each evacuation route under the three evacuation scenarios using the same methodology as Task 2. Fehr & Peers will compare the evacuation times with and without the HEU Project to estimate the impact of the HEU Project on ETEs.

Task 4 – Recommendations

Fehr & Peers will work with the project team to use the results of Tasks 2 and 3 to develop high-level recommendations that focus on potential circulation constraints and capacity issues. This may include improved emergency response time, increased notifications, evacuation drills for residents, and/or improved infrastructure to assist with evacuation (e.g. improved roadway network connectivity in some areas).

Task 5 – Documentation

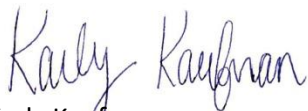
Fehr & Peers will document the methodology, assumptions, results, and recommendations in a technical memorandum based on the tasks above. Fehr & Peers will submit the memorandum to the team for review. Fehr & Peers anticipates two rounds of review before the memorandum is finalized. Rincon will incorporate this analysis into the Wildfire and Transportation sections of the Program EIR as appropriate.

COST ESTIMATE

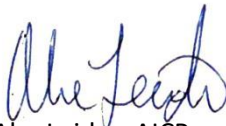
Our proposed budget for the additional services described above is **\$177,136**, which would increase our contract value from \$252,619 to **\$429,755**. The table on the following page shows the breakdown of costs by task, with changes indicated on the yellow highlighted lines. All work will be performed in accordance with the work scope outlined above and with the terms and conditions of our existing contract.

During the work, Rincon may re-allocate costs among tasks and/or direct costs, as circumstances warrant, so long as the adjustments maintain the total cost within the authorized contract amount. We are prepared to begin work immediately upon receipt of notice to proceed. This proposal is valid for a period of 30 days and is fully negotiable to meet the City's needs.

Sincerely,
Rincon Consultants, Inc.



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Principal in Charge
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RINCON CONSULTANTS, INC.
City of Piedmont - Housing Element Sixth Cycle Programmatic EIR
Cost Estimate

	Rincon Labor Classification →		Principal / Director I	Supervisor I	Senior Professional I	Professional III	Professional II	Technical Editor	GIS/CADD Specialist II	Production Specialist	Clerical	Change in Labor Cost	Change in Hours
Tasks	Labor Cost	Hours											
Task 1. Kick-off Meeting and Draft Project Description			\$227	\$201	\$165	\$134	\$118	\$115	\$129	\$91	\$77		
Kick off meeting	\$1,278	8	2	2		2					2		
Draft Project Description	\$2,806	22	2	2			16		4				
Task Subtotal	\$4,084	30	2	4		2	16		4		2		
Task 2. Prepare NOP and Conduct Scoping Meeting													
Draft Notice of Preparation	\$1,450	10	1	2			4		2	1			
Final Notice of Preparation	\$292	2		1						1			
Public Scoping Meeting	\$1,730	10	2	4			4						
Task Subtotal	\$3,472	22	3	7			8		2	2			
Task 3. Administrative Draft Program EIR								16			12		
Executive Summary, Introduction, Environmental Setting	\$2,932	28				2	18						
	\$3,423	25	1	4									
Revised Project Description	\$2,980	18	2	6		6			4			\$2,980	18
Alternatives	\$5,536	36	2	8		24			2				
Aesthetics	\$4,247	29	1	4		24							
Air Quality	\$8,137	59	1	6	8	12	32					\$2,340	16
Biological Resources	\$18,474	126	6	12	8	96						\$12,237	83
Cultural Resources	\$15,071	104	6	16	5	35	40		2			\$7,535	52
Energy	\$6,632	48	2	6	4	4	32					\$1,903	13
Geology and Soils	\$6,774	50	2	6	2	4	36					\$2,045	15
Greenhouse Gas Emissions	\$9,206	62	2	6	10	44						\$2,567	17
Hazards and Hazardous Materials	\$5,294	38	2	6	2		28					\$1,809	13
Hydrology and Water Quality	\$6,622	46	2	6	2	24	12					\$2,045	15
Land Use and Planning	\$6,880	48	2	6	2	24	12		2			\$2,045	15
Noise	\$8,752	60	2	6	4	48						\$2,773	19
Population and Housing	\$4,358	32	2	4		2	24					\$1,573	11
Public Services and Recreation	\$7,216	50	2	4	2	42						\$1,969	13
Transportation (Rincon labor only)	\$3,006	18	2	8			8					\$1,031	5
Tribal Cultural Resources	\$1,990	12	2	2	2	6							
Utilities and Service Systems	\$8,824	60	2	8	2	48						\$3,175	21
Wildfire	\$10,776	76	4	12	8		52					\$4,649	31
Other CEQA Sections	\$3,478	22	2	8			12					\$1,503	9
Task Subtotal	\$150,608	1047	49	144	61	445	306	16	14	12		\$54,179	366
Task 4. Prepare Public Draft Program EIR													
Screen Check Draft Program EIR	\$6,004	44	2	4	4	8	24				2		
Publish Draft Program EIR	\$2,569	21	1	2		2	8				8		
Task Subtotal	\$8,573	65	3	6	4	10	32				10		
Task 5. Prepare Response to Comments/Final Program EIR													
Organize and number comment letters	\$3,636	28		4			24						
Administrative Draft Response to Comments	\$11,432	80	2	16		32	24	4			2		
Response to Comments	\$1,975	13	1	4			8						
Administrative Draft Final EIR	\$3,723	25	1	8			16						
Final EIR	\$1,171	9	1				8						
Task Subtotal	\$21,937	155	5	32		32	80	4			2		
Task 6. Findings and MMRP													
MMRP	\$900	6	1	1			4						
Draft Findings of Fact/Statement of Overriding Considerations	\$2,581	19	1	2		4	12						
Public Meetings/Hearings (4)	\$6,848	32	16	16									
Task Subtotal	\$10,329	57	18	19		4	16						
Task 7. Project Coordination, Meetings and Project Management													
Project Meetings	\$9,960	52	12	28		12						\$5,032	24
Project Management	\$16,230	94	12	58							24	\$10,780	60
Task Subtotal	\$26,190	146	24	86		12					24	\$15,812	84
Task 8. Participatory Mapping													
Participatory Mapping	\$9,904	70	4	6		10			50				
Task Subtotal	\$9,904	70	4	6		10			50				
SUBTOTAL COST	\$ 231,619	1,570	106	296	65	515	446	4	70	14	26	\$ 69,991	450

Direct Cost Detail

Vehicle Costs	\$ 488
Photocopies Double-Sided BW	\$ 3,600
Colored Copies Single-Sided	\$ 90
Reproduction CDs	\$ 900
Fehr & Peers (Transportation Analysis)	\$ 66,815
Fehr & Peers (Emergency Evacuation Analysis)	\$ 32,200
Wood Rodgers (Sewer Impact Study)	\$ 69,575
Subtotal Additional Costs:	\$ 173,668

Summary

Professional Fees Subtotal	\$231,619
Direct Costs Subtotal	\$173,668
TOTAL PROJECT BUDGET	\$ 405,287

\$ 195
\$ -
\$ -
\$ -
\$ 5,175
\$ 32,200
\$ 69,575
\$ 107,145

\$69,991
\$107,145
\$ 177,136