CONSENT CALENDAR
September 10, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Director, Department of Planning and Development
Subject: Contract: Rincon Consultants, Inc. for Southside Initial Study and Environmental Impact Report

RECOMMENDATION
Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Rincon Consultants, Inc. to prepare an Initial Study/Environmental Impact Report (IS/EIR) for Zoning Ordinance changes in the Southside area for an amount not to exceed $192,000 for a period of 18 months.

FISCAL IMPACTS OF RECOMMENDATION
Funding for this project is under the Permit Service Center Fund: 621-53-584-622-000-000-472-612990.

CURRENT SITUATION AND ITS EFFECTS
On May 28, 2019, the City Council authorized issuance of a Request for Proposals (RFP) to conduct an Initial Study and EIR for Southside Zoning Ordinance changes. The Planning Department issued the RFP (Spec. #19-11332-C) on May 30, 2019, and received two responsive proposals. Based on those written proposals, Rincon Consultants, Inc. was selected as the preferred firm to perform the work.

Under this contract, Rincon Consultants will work with City staff to explore Zoning Ordinance modifications based on multiple existing City Council referrals, and develop potential Zoning Ordinance modifications that could provide more housing opportunities in the Southside area. Rincon and its sub-consultants will evaluate the existing conditions of the area and the environmental impacts of proposed Zoning Ordinance modifications, and prepare an Initial Study and an EIR. Rincon will also support staff by attending public meetings to scope the project and provide answers to questions about the documents, as well as provide responses to written comments. This work will allow decision makers to move forward with Zoning Ordinance changes to create additional housing opportunities.
BACKGROUND
Since July 2016, the City Council has adopted six referrals requesting the Planning Commission to consider Zoning Ordinance amendments that could increase opportunities for affordable housing.

Table 1: Description of Council Affordable Housing Referrals

<table>
<thead>
<tr>
<th>Referral #</th>
<th>Date of Referral</th>
<th>Referral Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7/12/16 (Worthington)</td>
<td>Allow increased development potential in the Telegraph Commercial (C-T) District between Dwight Avenue and Bancroft Avenue and refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing.</td>
</tr>
<tr>
<td>2</td>
<td>4/4/17 (Worthington, Wengraf, Harrison)</td>
<td>Create a Use Permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required. A pilot project is suggested for the C-T District.</td>
</tr>
<tr>
<td>3</td>
<td>5/30/17 (Worthington, Bartlett and Arreguin)</td>
<td>Develop a pilot Density Bonus program for the C-T District to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.</td>
</tr>
<tr>
<td>4</td>
<td>10/31/17 (Worthington, Harrison, Arreguin)</td>
<td>Facilitate student housing by increasing the height and Floor Area Ratio (FAR) in the portions of the R-SMU, R-S and R-3 District which are located within the Southside area west of College Avenue.</td>
</tr>
<tr>
<td>5</td>
<td>1/28/18 (Worthington, Harrison, Arreguin)</td>
<td>Convert commercial space in the C-T to residential use, expand the Car-Free Housing overlay in the Southside, allow two high-rises for student housing, and consider micro-units and modular units.</td>
</tr>
<tr>
<td>6</td>
<td>5/1/18 (Worthington)</td>
<td>Convert commercial space into residential use within all districts in the Southside located west of College Avenue.</td>
</tr>
</tbody>
</table>

Many of these referrals specifically focus on student housing or affordable housing in the 27 blocks immediately south of the UC Berkeley campus (“the Southside”). In response to these referrals, the Planning Commission has studied ways to create additional affordable housing in the Southside. Options which are most likely to result in significant increases in housing units would require a new environmental study, as the changes would result in growth beyond that anticipated in the existing Southside Plan EIR. Rincon Consultants, Inc. would be responsible for carrying out the environmental study.
Berkeley’s Southside Plan, adopted in 2011 following thorough community engagement and plan development process, is the guiding framework for residential and commercial development in this area. The Southside is generally defined as the area bounded by Dwight Way on the south, Bancroft Way on the north, Prospect Street on the east, and Fulton Street on the west.

ENVIRONMENTAL SUSTAINABILITY
An Environmental Impact Report, such as the one Rincon will produce under this contract, informs City decision makers of the environmental impacts of a proposed policy and how to mitigate them.

RATIONALE FOR RECOMMENDATION
Rincon Consultants, Inc.’s proposal was the best match for the City of Berkeley’s needs.

ALTERNATIVE ACTIONS CONSIDERED
Staff considered alternate services proposed by one other consulting firm that responded to the RFP. It was determined that Rincon Consultants, Inc. was the best fit for the City.

CONTACT PERSON
Steven Buckley, Manager, Land Use Division - Planning & Development Department, 510-981-7411

Attachments:
1: Resolution
   Exhibit A: Draft Scope of Work
RESOLUTION NO. ###,###-N.S.

CONTRACT: RINCON CONSULTANTS, INC. FOR SOUTHSIDE ZONING ORDINANCE INITIAL STUDY AND ENVIRONMENTAL IMPACT REPORT

WHEREAS the Council approved the recommendation for Request for Proposals (RFP) for possible issuance as Item 10 on the Consent Calendar for its May 28, 2019 regular meeting; and

WHEREAS the Planning Department issued the RFP (Spec. #19-11332-C) on May 30, 2019, and received two proposals on July 2, 2019; and

WHEREAS based on those written proposals, Rincon Consultants, Inc. was selected as the best qualified and most responsive firm to perform the work; and

WHEREAS, the cost of the contracted service is allocated in the Permit Service Center Fund 621-53-584-622-0000-000-472-612990; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments, with Rincon Consultants, Inc. to prepare an Initial Study and Environmental Impact Report for an amount not to exceed $192,000 for a period of 18 months.

BE IT FURTHER RESOLVED that a record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

Exhibit
A: Draft Scope of Work
SOUTHSIDE INITIAL STUDY AND ENVIRONMENTAL IMPACT REPORT

DRAFT SCOPE OF SERVICES

The consultant will complete the required steps for environmental review discussed below. The work products must meet the requirements of the California Environmental Quality Act (CEQA) statute and Guidelines, the City’s Environmental Review Procedures, and State Planning and Zoning laws. All documents submitted to the City shall only be provided via the City’s FTP site, and all documents submitted for review by the City shall be done so in MS Word format and in PDF format.

1. **Project Management.** The Consultant will serve as project manager for the environmental review process, and will be responsible for the technical accuracy and adequacy of sub-consultant work products, including their findings, recommendations and conclusions. Members of the consultant team will be available for meetings with City staff and/or public presentations to support their analysis. The City will expect monthly progress and budget reports that describe the status of project tasks. The Consultant shall take the lead in developing agendas for meetings held with the City regarding CEQA issues. The City’s in-house project manager will take the lead in logistics related to organizing City-Consultant team meetings.

2. **Initial Project Coordination Meeting.** The Consultant and appropriate sub-consultants will prepare for and attend an initial project coordination meeting with City staff and project representatives. The purpose is to discuss the expectations of stakeholders in this process, identify concerns and issues, the type and magnitude of Zoning Ordinance amendments to study in the environmental analysis, and review information needs, work products and schedules.

3. **Project Description.** The Consultant shall work with City staff to analyze Zoning Ordinance amendments based on City Council referrals and develop a description of the project to be studied in the Initial Study and EIR. The Consultant shall assume no more than two (2) rounds of review of the Project Description by City staff prior to conducting any analysis.

4. **Initial Study.** The Consultant shall prepare an Initial Study which documents the existing conditions, project impacts (if any), applicable City Conditions of Approval, mitigation measures (if required), and resulting level of significance for each of the topical areas required under CEQA. The scope of work for the Initial Study (IS) shall include preparation of adequate analyses for the following topics:
   - Aesthetics;
   - Agricultural and Forestry Resources;
   - Air Quality;
   - Biological Resources;
   - Energy;
   - Geology and Soils;
   - Hazards and Hazardous Materials;
   - Hydrology and Water Quality;
   - Mineral Resources;
   - Noise;
   - Public Services;
   - Recreation;
   - Tribal Cultural Resources;
   - Utilities and Service Systems; and
   - Wildfire.

   It is assumed that the following topics will be analyzed in the EIR: Cultural Resources; Greenhouse Gas Emissions; Land Use and Planning; Population and Housing; and Transportation. The transportation analysis should use Vehicle Miles Traveled (VMT) as the primary metric, but also include a sampling of Level of Service (LOS) at selected intersections. For the purposes of this scope of work, it should be assumed that one (1) Administrative Draft IS, one (1) Screencheck Draft IS and one (1) Printcheck IS will be required.
5. **Notice of Preparation.** The Consultant will prepare and circulate a Notice of Preparation (NOP), notifying the public that an EIR will be prepared for the project. The Consultant shall satisfy all CEQA public noticing requirements. It should be assumed that the Initial Study will be circulated with the NOP.

6. **Scoping Meeting.** The Consultant shall attend a publicly noticed Scoping meeting to facilitate public comment on the scope of the EIR. The Consultant shall review all written and oral comments received during project scoping and shall alert the City if the scope of work should be revised in response to any comments.

7. **CEQA Review and Preparation of Environmental Document(s).** It is anticipated that an EIR will need to be prepared. The required components of review and preparation of the EIR are outlined below.

   a. **Administrative Draft EIR (ADEIR).** The Consultant shall prepare an ADEIR to address any potentially significant and unavoidable impacts identified in the Initial Study, or issues of specific interest or concern. At this time, the topics anticipated to be addressed in the EIR include: Cultural Resources; Greenhouse Gas Emissions; Land Use and Planning; Population and Housing; and Transportation. The EIR will also include the following discussions: Introduction; Summary; Project Description; Alternatives (assume three (3) for the purpose of this scope); Other CEQA Considerations; and Report Preparers and References. The City of Berkeley Environmental Review Procedures require that a Mitigation Monitoring and Reporting Program (MMRP) be drafted earlier in the process than is usually required. The consultant shall include a draft MMRP with the ADEIR.

   The City anticipates that there will be one (1) ADEIR, one (1) Screencheck Draft and one (1) Public Review Draft. The Consultant should be prepared that a second iteration may be required for any ADEIR section that does not meet the City’s expectations. The City will consolidate all staff comments and edits for each round to ensure consistency. The consultant shall meet with City staff to review comments on the ADEIR.

   b. **Draft EIR (DEIR).** As directed by the City, the Consultant will revise the ADEIRs and produce 15 hard copies of the DEIR, suitable for public distribution, including copies of all referenced technical documents and the Notice of Availability. The Consultant shall also provide one (1) electronic copy (on CD or flash drive) of the document and any technical appendices in in native file and PDF formats, along with 15 hard copies of the Summary Chapter for submittal to the State Clearinghouse. The Consultant shall attend one (1) public meeting (e.g. Planning Commission) during the 45-day comment period.

   c. **Comments and Responses Matrix.** After the close of the DEIR comment period, the Consultant will develop and submit a matrix of comments received, preliminary thoughts on the response to each comment, and indication where City staff is expected to take the lead on a response. Standard language for non-CEQA related comments should also be proposed. The purpose of this matrix is to allow staff to provide early input on how to approach the comments, and reduce the need for extensive revisions to the Administrative Draft of the Response to Comments. The matrix will then be discussed at a meeting with staff.

   d. **Prepare Administrative Draft Response to Comments (ADRTC).** The ADRTC will include the following sections: Introduction; List of Commenters; Comments and Responses (including enumerated copies of all letters received and captioner’s record from hearings on the DEIR); and, DEIR Text Revisions. The Consultant shall assume one administrative draft and one (1) Screencheck draft. The City will consolidate all staff comments and edits for each round to ensure consistency.

   e. **Final Response to Comments (FRTC).** Once the Screencheck RTC is approved, a Final RTC will be prepared. The consultant shall prepare a legally adequate final environmental document based on comments received on the DEIR and any additional analysis or information that is needed, and provide 15 hard copies of the final document and one electronic copy of document and all technical appendices in native file and PDF format. The Consultant shall attend two (2) public meetings during the adoption of the Final EIR.

   f. **CEQA Findings and Statement of Overriding Considerations.** The Consultant shall prepare for use by the City all CEQA findings to facilitate action on the project.