

RESOLUTION NO. 2022-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CONTRACT AMENDMENT WITH RINCON CONSULTING TO PROVIDE
URBAN PLANNING SERVICES TO COMPLETE THE DOWNTOWN SPECIFIC PLAN FOR A
CONTRACT AMOUNT NOT TO EXCEED \$470,339

WHEREAS, the City of Marina desires to complete the Downtown Specific Plan, and

WHEREAS, completion of the Downtown Specific Plan will provide a basis for important decisions that shape future city projects and meet the City's Regional Housing Needs Allocation (RHNA) obligations as identified by the California Department of Housing and Community Development (State HCD) and the Association of Monterey Bay Area Governments (AMBAG), and

WHEREAS, completion of the Downtown Specific Plan requires an agreement with Rincon Consulting for urban planning services, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve a contract amendment with Rincon Consulting to provide Urban Planning Services to complete the Downtown Specific Plan for an amount not to exceed \$470,339; and
2. Authorize the Finance Director to make necessary accounting and budgetary entries, and
3. Authorize the City Manager to execute a contract amendment on behalf of City with Rincon Consulting subject to final review by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 15th of February 2022 by the following vote:

AYES, COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**Rincon Consultants, Inc.**

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February 9, 2022

Project Number 19-07378

Guido Persicone, Community Development Director
City of Marina Community Development Department
211 Hillcrest Avenue
Marina, California 93933
Via email: gpersicone@cityofmarina.org

Subject: Revised Add-Services Request #3: Marina Downtown Vitalization Specific Plan EIR

Dear Mr. Persicone:

As a follow up to our meetings on December 23, 2021 and January 11, 2022, this letter shall serve as a proposal to amend the Marina Downtown Vitalization Specific Plan (DVSP) Focused EIR contract dated May 21, 2019. Our project understanding and the additional services and fee are described in detail below.

Background

In 2019, through Rincon's on-call planning services contract, the City of Marina requested the preparation of a Focused EIR to support environmental review of the DVSP prepared by City of Marina staff. On April 23, 2021, the City of Marina amended the on-call planning services contract to have Rincon complete and incorporate the Public Facilities and Infrastructure and Implementation chapters into the DVSP. The scope of the amendment was limited to the revision and completion of these two chapters, with reliance on existing data and an otherwise complete draft of the Specific Plan provided by City staff. A second amendment was recently approved for Rincon to provide additional GIS services to enable completion of the DVSP (as originally scoped). This effort is currently in process and includes inventorying and assembling the City's GIS data, the creation of maps for the Public Facilities and Infrastructure and Implementation chapters, and updates to the citywide General Plan and Zoning maps.

Project Understanding

Rincon recently met with City staff to discuss recommended revisions to the DVSP to ensure it continues to meet the City's needs and objectives. As we understand it, certification of the City of Marina's 5th cycle Housing Element is contingent upon adoption of the DVSP. However, the Specific Plan has been developed over several years with the most recent iteration relying on studies and data last updated in 2017. The DVSP does not address recent legislation, including a need for objective standards. In addition, there has been a pause since approximately December 2018 in active engagement with the public on the DVSP. A significant amount of new housing legislation has been introduced since 2017 that will have implications for the City's upcoming 6th cycle Housing Element Update, the City's permitting processes and zoning. In addition, the new housing legislation is also triggering updates to the General



Plan, in particular the Safety Element and Environmental Justice. While it has been discussed that there is a need to move forward with the DVSP to ensure compliance and certification of the 5th cycle Housing Element, other options may also be viable that align with the requirements of the California Department of Housing and Community Development (HCD).

The 2015-2023 Housing Element relied on the City's ability to develop mixed-use housing in the downtown area using the existing Commercial zoning designations. However, existing mixed use development standards were deemed inadequate to facilitate lower income housing by HCD. To address the HCD comments and to respond to market trends, the City began developing the DVSP. The City has refined the draft DVSP using in-house staff; however, the document remains incomplete and is unadopted. Adoption of the DVSP was identified as part of Program 1.1 of the Housing Element to ensure that adequate sites to accommodate the Regional Housing Needs Allocation (RHNA) were provided during the planning period. Based on discussions with City staff and Veronica Tam, the team believes a Housing Overlay zone can be used to achieve the objectives outlined in the 5th Cycle Housing Element programs. The Housing Overlay zone would include specific designation of sites within the DVSP that are most feasible for the densities and type of housing development needed to accommodate the RHNA.

Furthermore, based on a discussion with City staff and Veronica Tam, the primary need is to accommodate the balance of the lower income RHNA and to do that as quickly as possible in order to receive credit from HCD for the 5th cycle planning period. The benefit of a Housing Overlay is that it is a focused regulatory solution that can be tailored to meet the needs of the 5th cycle Housing Element and it is expected to move through the adoption process more quickly than the DVSP. Based on discussions with City staff, we understand that City staff would like assistance from Rincon to prepare a Housing Overlay zone and in parallel support a comprehensive clean-up of the DVSP. In addition, we understand that City staff would like Rincon to support community engagement for both of these planning efforts.

Project Approach

Our approach to the Marina DVSP and Housing Overlay is based on our initial understanding of the perceived challenges, the City's stated objectives for the planning effort, and our team's experience assisting other jurisdictions prepare similar documents. The following highlights key elements of our approach.

Housing Overlay Zone and IS-MND

As stated previously, the Housing Overlay zone must be adopted as quickly as possible to comply with the 5th cycle HE requirements. Therefore, our approach will include:

- Prioritizing preparation of the Housing Overlay and ensuring the necessary environmental review to support adoption
- Leveraging, to the degree possible, the work completed to date on the DVSP EIR as a starting point for the IS-MND
- Preparation of a site feasibility analysis for the Housing Overlay that focuses on the Multi Family District within the DVSP and expands out to other districts within the DVSP only as needed
- Collaboration with City staff on targeted engagement efforts to ensure an understanding of the process and the need to move forward quickly toward adoption of the Housing Overlay district



- Working sessions with City staff to efficiently work through issues, discussion options and identify solutions
- focusing the Housing Overlay on the necessary regulations to achieve 5th cycle Housing Element compliance including density and objective design and development standards to provide multi-family residential design guidance in compliance with SB 330

DVSP and Focused EIR

In parallel, the Rincon team will work toward clean-up and completion of the DVSP. Our approach will include:

- **A Focus on Internal Consistency and Usability.** The DVSP provides a significant amount of background information and process history in the body of the document. This includes discussions that rely on outdated materials and demographic information. While it is important to establish the context for the planning effort, the DVSP should serve as a living document and support the City's objectives to enable streamlined reviews and ministerial approvals within the DVSP. We recommend consolidating existing conditions and historical context in a more summarized and consolidated section and updating demographic information to use more current data (2020). More detailed information, such as public participation input and previous studies can be pushed to a background discussion in the Appendix. We also recommend ensuring clarity between policy and implementation programs and eliminating excess and redundant "objectives". In addition, we recommend consolidating the regulatory components (permitted uses, setbacks/form-based standards, design standards) of the DVSP. Furthermore, based on a review of the April 2019 version of the DVSP posted on the City's website, the August 2019 version of the DVSP circulated with the NOP and the publisher documents we received from the City, there is a need to reconcile the different versions of the DVSP.
- **Objective Policies and Standards.** Per SB 330 (Housing Crisis Act of 2019), jurisdictions are prohibited from taking certain zoning actions that would reduce the intensity of residential land use and set prohibitions on design standards unless they are "objective design standards". The current version of the DVSP includes subjective policies and standards. We recommend removing subjective policies and standards and a review and update (as needed) of any objective standards.
- **Regulatory/Form-based Code Updates.** The April 2019 version of the DVSP includes Design Standards and Guidelines (Part II, Section A) and Zoning Regulations (Part II, Section B, also listed as Implementation). The Design Standards and Guidelines include some form-based standards addressing primarily building envelope and projections. Additionally, it is unclear how the Specific Plan relates to the zoning code and allowable land uses (Table 3-6 is the only reference to allowable land uses). As stated above, we recommend consolidating the regulatory components in one section and would need further guidance from City staff to ensure all standards are reviewed, complete, and provide sufficient guidance for streamlined reviews within the DVSP.
- **Community Engagement.** As stated previously, active community engagement has been paused since late 2018. The community has been particularly concerned about how nonconforming uses and buildings will be addressed within the DVSP. We recommend re-engaging with the community and holding study sessions with the Planning Commission and City Council, as further detailed in the scope of work.



- **Working Sessions.** Similar to the above approach for the Housing Overlay, the Rincon team recommends working sessions with staff to efficiently address issues, receive sufficient guidance, discuss options and identify solutions.

GIS Services

At the request of the city, Rincon has included a task to create an interactive GIS map with zone districts and general plan land use layers. This task was previously included in Add Services Request #2 as an optional task.

Scope of Work

Task 14 Project Management/Coordination

This task includes coordination with City staff throughout the Housing Overlay and DVSP projects. This task will cover biweekly check ins, project oversight, budget and schedule management, project accounting including billing and accounts receivable efforts and up to three working sessions with City staff. Working sessions are anticipated to be up to two- hour virtual meetings to develop and discuss the details of the Housing Overlay zone and the DVSP updates. The working sessions will:

- Clarify RHNA obligation and relationship to Multifamily district within DVSP and other districts identified in the plan, if needed
- Discuss criteria for overlay site selection
- Discuss the relationship between regulatory authority of overlay zone district and DVSP
- Discuss updates to the format, regulatory provisions and other aspects of the DVSP
- Discuss coordination with environmental documentation and the CEQA team
- Other project coordination, as needed

Rincon will prepare agendas and meetings notes for meetings with City staff.

Deliverable

- Agenda
- Meeting Notes

Task 15 Housing Overlay Best Practices Memorandum

Rincon will prepare a memo that includes a review of best practices from around the State related to Housing Overlay Zones. The memo will share how jurisdictions are using this zoning tool toward RHNA obligations and affordability requirements, best practices related to standards, how jurisdictions apply design standards and/or guidance within the housing overlay, and discuss practices related to SB 330 and other new housing legislation.

The team will work with city staff to identify existing documents that must be considered in the process, including but not limited to the City of Marina General Plan, City of Marina Zoning Code, as well as anticipated future adoption of the DVSP.



Deliverable

- Housing Overlay Best Practices Memorandum

Task 16 Housing Overlay Site Inventory Analysis

The team will prepare a site inventory analysis for the Housing Overlay. The site inventory analysis will include the following steps:

- **Develop Criteria for Site Selection.** The team will work with city staff to develop criteria for candidate sites including, but not limited to adequate acreage, density, and other criteria related to high resource areas as defined by TCAC/HCD Opportunity Areas map and other objectives of the city.
- **Draft Site Inventory.** The team will work with information from the 2015-2023 Housing Element and GIS staff to identify appropriate areas to apply the housing overlay. The Rincon team will begin with an inventory of the Multifamily district identified in the DVSP to identify if the minimum RHNA obligation can be achieved with sites only in this area. The Rincon team will prepare a draft Site Inventory/Housing Overlay map. We have assumed review of this map through the interactive web portal. Additional scope and fee may be required to facilitate any reviews through hard copy maps.
- **Final Site Inventory.** Final site selection will be made following a review and consultation with city staff. The objective of the selection will be to ensure the RHNA housing obligations from the 5th cycle housing element are met and that the sites are contained within the DVSP in order to leverage existing environmental analysis.

Deliverable

- Draft Site Inventory/Housing Overlay Map
- Final Site Inventory/Housing Overlay Map

Task 17 Housing Overlay - Zoning Code Amendment

The Rincon team will prepare the Housing Overlay Zone. This task assumes the following steps:

Task 17.1 Housing Overlay Outline

Rincon will prepare a Housing Overlay zone outline for City staff review. The Housing Overlay is anticipated to be a stand-alone section in Article 3 of Chapter 17 in the city's municipal code. The Housing Overlay zone will follow a similar structure to other overlay zones (e.g. -MHR or Marina Heights Residential District) and is anticipated to include the following sections:

- Purpose
- Permitted uses
- Site area
- Site width, site depth, setbacks
- Site coverage
- Building height
- Parking



- Open space
- Regulations for specific multi-family housing type (e.g., Apartment, Row house, townhome)
- Site and design review

Task 17.2 Administrative Draft Housing Overlay

Rincon will prepare an administrative draft of the Housing Overlay for City staff review. It is anticipated that staff will play a primary role in identifying any other amendments that will be required to other code sections to ensure consistency with the Housing Overlay.

Task 17.3 Public Review Draft Housing Overlay

Based on one set of consolidated comments, Rincon will prepare a Screencheck Draft Housing Overlay for City staff review. It is assumed that minimal comments will be provided on the Screencheck Draft. Rincon will prepare a Public Review Draft Housing Overlay to be circulated along with the IS-MND as further described in Task 20.1.

Deliverables

- Outline structure of Housing Overlay zone
- Admin Draft of Housing Overlay zone
- Screencheck and Public Review Draft of Housing Overlay zone

Task 18 DVSP Revisions

Task 18.1 DVSP Outline and DVSP Assessment Memorandum

The Rincon team will prepare a detailed draft outline to guide the reorganization and revisions to the DVSP. In addition, the team will prepare a memorandum containing an explanation of the major changes recommended to the DVSP.

As stated previously, the changes are anticipated to address:

- Internal consistency and usability
- Objective policies and standards
- Completion and clarification of regulatory standards – including updates to form based standards

This scope assumes that the DVSP update will not change any land use, development or circulation assumptions previously relied upon in the previously drafted EIR, or make any other substantial changes that would trigger a more in-depth update to the Focused EIR as further discussed in Task 20.3.

Task 18.2 Administrative Draft DVSP

Rincon will prepare an Administrative Draft version of the DVSP. This will include updates to approximately 10-12 figures, , and no more than 8-10 additional maps and illustrative exhibits to support the revised DVSP.



Task 18.3 Screencheck Draft and Public Review Draft

Based on one set of consolidated comments, Rincon will prepare a Screencheck Draft DVSP for City staff review. It is assumed that minimal comments will be provided on the Screencheck Draft. Rincon will prepare a Public Review Draft DVSP to be circulated along with the Focused EIR.

Deliverables

- Outline of DVSP and Recommendations Memorandum
- Admin Draft DVSP
- Screencheck and Public Review Draft DVSP

Task 19 Web Mapping Portal

Rincon will create a web mapping portal that will be used to share online, interactive maps and allow the City to add comments regarding necessary changes to zoning, general plan land use, and other data layers for the Housing Overlay and DVSP. The portal will consist of an interactive web mapping viewer accessible to the City (though for future needs, could be made available to the public with additional licensing). The portal will allow users to explore layers in a centralized location. Users will be able to search by address, APN, or location or zoom in on specific locations and parcels to review related information. Some or all of the GIS data assembled to date can be integrated into this portal for review and display.

Rincon will provide data support and technical support for this application for the duration of the project. This will include modification of the portal based on out of the box functionality. This could include additional tool additions, color changes, wording changes, map layer ordering, and the adding or removal of any of the general plan data. Additionally, Rincon will provide an initial virtual training for City staff to outline the capabilities and use of the new system. An accompanying document and slide show will be provided in addition to the virtual training. The following assumptions were used to scope this project and budget:

- All functionality will be based on the Esri ArcGIS Online platform.
- Data will be hosted in ArcGIS Online by Rincon for the duration of the project or up to 1 year. Rincon can host and provide maintenance beyond this time frame for an additional cost.
- Only data relevant to the project work will be housed in Rincon's ArcGIS Online.
- Web map will be delivered to an existing ArcGIS Online account owned by the City (if desired).
- 1 ArcGIS Online license will be provided to the City for use during this project and the 1-year hosting period.
- Any additional data management or functionality expansion beyond allotted hours can be provided on a time and material basis.

Deliverables

- ArcGIS Online Web mapping portal
- Virtual Training session and documentation



Task 20 Prepare Environmental Documents

Task 20.1 Initial Study for Housing Overlay Zone

Rincon proposes to prepare an Initial Study for the Housing Overlay Zone. This level of environmental review is expected to be adequate, as no significant and unavoidable impacts are anticipated. If at any point during the preparation of the Initial Study, potentially significant impacts are identified, the City will be notified immediately, and a scope of work for an EIR will be prepared.

1. **Project Description.** Concurrent with Task 17, Rincon will prepare an internal review draft project description. Organization of this information is critical since it forms the basis for environmental evaluation under CEQA. The project description will focus on the boundary of the proposed overlay zone and the maximum buildout that would be allowable under the proposed rezone. Because no development plans are available at this time, the project description will make reasonable assumptions regarding building height, massing, and design of the future structures, based on applicable City standards and guidelines.

The project description will be submitted in Word format. Rincon assumes one round of review of the project description by City staff prior to conducting the analysis described in subsequent tasks. Upon approval of the project description, it will be relied upon by the Rincon for evaluation purposes.

2. **Administrative Draft IS-MND.** After City staff review and approval of the project description, Rincon will prepare an internal review (Administrative) Draft Initial Study which documents existing conditions, project impacts, mitigation measures, and resulting level of significance for each of the topical areas required under CEQA. Each of the environmental issue areas included in the CEQA Environmental Checklist Form will be addressed at a level of detail sufficient to allow Rincon to make determinations of significance. Given the nature of the project, the analysis will consider reasonable buildout assumptions for the project area and a programmatic approach to the analysis and mitigation will be taken. The IS-MND will rely on the previously prepared Initial Study completed for the DVSP, with updates to discussion sections as needed.

Key issues are described briefly below.

- a. **Air Quality.** The air quality analysis will be prepared in conformance with the methodologies and significance thresholds outlined in the Monterey Bay Air Resources District (MBARD) CEQA Air Quality Guidelines. Long-term emissions will be quantified for the proposed project using the California Emissions Estimator Model (CalEEMod) based on standard trip generation rates. Area source emissions (e.g., those associated with natural gas consumption, landscaping, and architectural coatings) will also be quantified. Short-term construction-related emissions will be estimated based on standard regional assumptions for equipment activity and construction duration and compared to current state and federal Air Quality Standards and MBARD construction emissions thresholds. If significant impacts are identified, appropriate mitigation measures will be provided in consultation with MBARD.
- b. **Biological Resources.** It is anticipated that a desktop review of biological resources will be adequate to address potential impacts, as no new construction or ground disturbance would occur as a result of the project. The desktop review will include review of readily available existing information, project plans, aerial imagery, databases (i.e., California Natural Diversity Database [CNDDB] and California Native Plant Society [CNPS] rare plant inventory) and other available literature. In addition, it is assumed the reconnaissance level surveys completed for the DVSP IS-



MND will be adequate since no major redevelopment has occurred in the DVSP area since the previous survey effort was completed. It is anticipated that programmatic mitigation measures will be required to address potential impacts to special-status species that may be present within the proposed overlay zone.

- c. **Cultural and Tribal Cultural Resources.** Future construction would require excavation, which has the potential to unearth archaeological resources. To assess potential impacts to archaeological resources, Rincon will rely on a new CHRIS and SLF records searches completed for the DVSP, which includes all areas of the overlay zone (refer to Task 6.2). The findings will be summarized in the IS-MND, with recommendations for additional research and/or preliminary mitigation procedures if warranted. The IS-MND will generally describe the project sites and current setting, research conducted, and results. Any previously recorded archaeological or historical resources will not be formally evaluated at this stage.

Rincon will rely on the historic resource analysis previously conducted for the DVSP, since no major redevelopment has occurred in the DVSP area since the previous analysis was completed. This analysis will be updated as necessary to discuss any additional potentially historic structures since preparation of the prior DVSP Initial Study, given the passage of time. This analysis will be based on previous surveys, the CHRIS records search, and other available data provided by the City; no fieldwork or historical resources evaluations will be completed. The results will be summarized in the IS-MND with mitigation provided as needed. It is anticipated that programmatic mitigation measures will be required to address potential impacts to archaeological and historic resources that may be present within the proposed overlay zone.

This scope of work assumes the City will conduct all tasks associated with Native American government-to-government consultation in accordance with Assembly Bill 52. However, Rincon can assist with these activities for an additional fee, described below as an optional task. The results of this consultation will be summarized in the tribal cultural resources section of the IS-MND.

- d. **Geology and Soils.** Future construction would require excavation, which has the potential to unearth paleontological resources. To assess potential impacts to paleontological resources, a Rincon Paleontologist will identify the underlying geologic units, determine their sensitivity, and summarize the results of the paleontological locality search of records and maps conducted previously for the DVSP in 2019. The findings will be summarized in the IS-MND, with recommendations for additional research and/or programmatic mitigation procedures if warranted. The IS-MND will generally describe the overlay zone and current setting, research conducted, and results.
- e. **Hazards and Hazardous Materials.** Rincon will conduct a review of the California Department of Toxic Substances Control EnviroStor and California State Water Resources Control Board GeoTracker databases for current published hazardous materials records in the vicinity of the overlay zone. This section of the IS-MND will evaluate the potential for significant impacts related to hazardous materials and, if necessary, provide mitigation measures. In addition, the section will assess the potential for exposure of future on-site users to loss, injury, or death as a result of wildland fire and consistency with Fire Department requirements for adequate emergency access. The IS-MND will examine these issues and provide appropriate mitigation.

f. **Noise.** The noise analysis will include evaluations of temporary impacts associated with construction and long-term impacts associated with operation of development in accordance with the overlay zone. The analysis of temporary noise and vibration impacts associated with construction within the overlay zone will be based on typical construction noise and vibration levels and standard noise and vibration attenuation factors. Noise and vibration levels associated with construction activities will be quantified and projected at the nearest noise-sensitive land uses and compared to applicable thresholds. Noise measurements collected in 2019 will be used to establish baseline noise levels. Impacts associated with vehicular traffic will be based on the projected traffic increases associated with the anticipated development within the overlay zone. Noise associated with on-site activities will also be evaluated and performance measures used to reduce any potential impacts from future development. The exposure of nearby sensitive receptors to traffic and other operational noise will be assessed in terms of the Community Noise Exposure Level (CNEL) and compared to applicable Noise Element and ordinance standards. Noise associated with onsite activities will also be evaluated with respect to noise standards in the City's Municipal Code. As necessary, mitigation will be developed.

g. **Transportation.** This section of the IS-MND will evaluate the potential transportation impacts of the overlay zone. Consistent with Section 15064.3 of the CEQA Guidelines, vehicle miles traveled (VMT) will be used as the primary metric by which transportation impacts are evaluated. It is anticipated that the City's screening thresholds can be applied to Housing Overlay Zone project due to proximity of the anticipated extent of the zone to high-quality transit; therefore, this section of the IS-MND will not include a formal traffic study, rely on the DVSP traffic study, or include modeling of VMT. Instead, this section will discuss VMT qualitatively, relying on VMT screening thresholds that account for factors such as walkability to commercial and neighborhood services, and proximity to high quality transit, consistent with OPR's Technical Advisory on Evaluating Transportation Impacts in CEQA (December 2018) and the City's Draft SB 743 Implementation Guidelines (December 2020). This section will explain and demonstrate how and why the project would not substantially increase VMT in the region given these factors.

However, if the screening criteria do not apply, a quantitative VMT analysis would be required, and we assume that the City's traffic engineer, Kimley-Horn, would complete this analysis. Upon completion, the results of the analysis will be summarized in the IS-MND, and included as a technical appendix to the IS-MND. However, if Kimley-Horn identifies a significant VMT impact, then an EIR would be required.

h. **Hydrology and Water Quality, and Utilities and Service Systems.** Rincon will evaluate the overlay zone's impact on existing service systems, including water, wastewater, and utilities. Anticipated utilities providers include:

- i. Electrical: Central Coast Community Energy (3CE) via Pacific Gas and Electric Company (PG&E) infrastructure
- ii. Natural gas: PG&E
- iii. Solid waste: collected by GreenWaste Recovery and delivered to Monterey Peninsula Landfill
- iv. Wastewater conveyance and disposal: Monterey One Water
- v. Stormwater conveyance and disposal: City of Marina
- vi. Water supply: Marina Coast Water District (MCWD)



It is assumed that development in accordance with the overlay zone will not result in the installation of new groundwater well(s) or pump groundwater from existing wells, and that all water supply for such development will be obtained from MCWD.

MCWD completed a Water Supply Assessment (WSA) for the DVSP in April 2020. For consistency among documentation, we will use the DVSP WSA to address impacts. Rincon will review the WSA and determine if the WSA requires updating due to the availability of more recent data and rapidly changing circumstances related to water supply in the City. If it does not, the results of the WSA will be used to assess impacts. However, if the WSA requires updating, Rincon can coordinate with MCWD to update the WSA as an optional task (described in more detail below).

Under this scope of work, we will review available long-range water supply planning documents, including but not limited to the applicable Urban Water Management Plans, to assess existing water sources and supply availability conditions in the area. The IS-MND will describe the existing water sources, supply availability conditions, and assess whether adequate supply is available to serve buildout of the overlay zone. Mitigation measures will be identified, as appropriate.

Remaining issues will be addressed briefly in the Initial Study checklist, relying on the previously prepared Initial Study completed for the DVSP. This scope of work assumes a streamlined and qualitative discussion for remaining issue areas, with no other impacts requiring mitigation. The Administrative Draft IS-MND will be submitted in digital (Microsoft Word) format.

If, during the course of analysis, a significant impact that is unable to be mitigated to a less than significant level is identified, Rincon will immediately notify the City to discuss an appropriate course of action.

3. **Public Review Draft IS-MND.** Rincon will respond to City comments on the Administrative Draft IS-MND and prepare the Public Review Draft IS-MND. We assume comments on the Administrative Draft will be provided in a consolidated, electronic and editable format and will not be substantive or require additional analysis.

Rincon will submit the Public Review Draft IS-MND and Notice of Intent (NOI) digitally to the State Clearinghouse. Hard copies can be provided for an additional fee and cost, but are not included in this scope. The City will be responsible for posting the NOI with the County Clerk and other noticing required under CEQA, including coordination and payment for any newspaper notices. However, Rincon can assist with these tasks for an additional fee on a time and materials basis. We will provide an electronic (PDF) copy of the Public Review Draft IS-MND for posting on the City website. It is assumed that the City does not require the PDF to be meet Americans with Disabilities Act (ADA) accessibility requirements.

4. **Responses to Comments/Final IS-MND.** Upon receipt of public comments on the Draft IS-MND, Rincon will prepare draft response to comments and an Administrative Final IS-MND for review by City staff. For the purposes of cost estimating, this scope of work assumes that up to five comment letters will be received, including one lengthy (over three pages) and/or substantive letter, that can be adequately responded to in a maximum of 18 professional staff hours. The actual level of effort required to respond will depend on the length, detail, and sophistication of the comments, in addition to the number of letters received. We reserve the right to reevaluate the effort level and request a scope amendment upon close of the public comment period.



Upon receipt of comments on the Administrative Final IS-MND, we will incorporate changes and prepare the Final IS-MND. This task will also include preparation of the Mitigation Monitoring and Reporting Program (MMRP), which will include a list of mitigation measures, monitoring timing, and responsibility.

5. **Notice of Determination.** If the project is approved, Rincon will prepare a Notice of Determination (NOD) for the City to file with the County Clerk. The City will be responsible for payment of County Clerk and California Department of Fish & Wildlife (CDFW) CEQA fees.

Deliverables (Digital Only, No Hard Copies)

- Internal Review Draft Project Description
- Administrative Draft IS-MND
- Public Review Draft IS-MND
- Notice of Intent to Adopt an IS-MND
- Response to Comments
- Administrative Final IS-MND
- Final IS-MND
- Mitigation Monitoring and Reporting Program
- Notice of Determination

Task 20.2 Recirculate NOP and IS for DVSP

We recommend recirculation of the NOP and Initial Study for the DVSP, given the amount of time that has passed and the substantial changes to the DVSP. This task also includes updating the Initial Study to reflect the revised DVSP. It is anticipated that no substantial changes to the analysis will be required.

A new search of records and maps maintained by the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) at Sonoma State University will be required, as the prior search for the DVSP was conducted in April 2019 and is out of date. It is assumed that the records search will cost no more than \$1,000. Additionally, Rincon will request a new search of the Sacred Lands File (SLF) and contact list from the Native American Heritage Commission (NAHC). The results of the new searches will be incorporated into the revised Initial Study cultural resources analysis.

This task includes coordination of a public scoping meeting. Rincon will conduct the public scoping meeting during the 30-day NOP period to introduce the community and interested agencies to the updated DVSP, provide an overview of the EIR process, and obtain input on the EIR scope of work. The scoping meeting will include a presentation with graphic imagery, followed by the formal recordation of input from meeting attendees. Rincon will prepare a PowerPoint presentation for the meeting and present during the meeting.

Deliverables

- Notice of Preparation
- Initial Study
- Public Scoping Meeting materials (PowerPoint presentation, recordation of public comments)



Task 20.3 Revised Administrative Draft Focused EIR for DVSP

It is anticipated that the majority of the previously drafted EIR for the DVSP (previously denoted as Task 5), with the exception of the Project Description, can be used to analyze the final draft DVSP. However, the EIR will require updates to address changes to the DVSP as well as updating source citations to ensure the EIR is relying on the most recent data. It is assumed that the WSA will require updating, to be completed by MCWD. This scope assumes no more than one round of updates to the WSA will occur. Additionally, minor revisions to the traffic analysis will be necessary to address comments during NOP circulation from the Transportation Agency of Monterey County (TAMC). It is assumed that substantial changes to the transportation analysis will not be required. This scope assumes that the DVSP update will not change any land use assumptions previously relied upon in the previously drafted EIR, or any other substantial changes that would trigger a more in-depth update to the EIR.

Deliverables

- Administrative Draft Focused EIR

Task 20.4 Update Remaining EIR Task Budgets with 2022 Fee Schedule

To account for Rincon's annual escalation of fees, Tasks 6 through 10 under our original contract have been recalculated using Rincon's 2022 Fee Schedule. This results in a total fee increase of \$7,268 across these five tasks. The State Clearinghouse has transitioned to electronic-only submittals; therefore, no hard copies of the EIR are required. The original budget for printing hard copies (\$1,118) has been reallocated to Tasks 6 through 10 to account for this change. Therefore, the total budget increase for this task is \$6,150.

Task 20.5: WSA Update.

Rincon will coordinate with MCWD following a review of the DVSPWSA to assist with necessary updates to the WSA. This task assumes four, one-hour meetings with MCWD staff to discuss the existing WSA, necessary revisions, and ensure adequacy of the revised WSA.

Deliverables

- Four meetings with MCWD (virtual), one-hour each
- WSA Update

Task 20.6: AB 52 Consultation Assistance.

Rincon will assist with AB 52 consultation. This includes completion of draft AB 52 consultation letters, a tracking sheet, and instructions for City staff; up to two (2) conference calls with tribal representatives; and coordination.

Deliverables

- Two conference calls with tribal representatives
- Draft consultation letters, a tracking sheet and instructions for City staff



Task 21 Community Engagement

Rincon will support City staff with community engagement activities on the Housing Overlay and DVSP as requested. These engagement efforts will support a reintroduction of the project(s) since engagement was paused in 2018. At the City's request and subject to additional scope and fees, Rincon can provide additional community engagement support.

- **Community Workshops-** Members of the Rincon team will participate in up to two, in-person community workshops on the DVSP and/or Housing Overlay. It is assumed that the workshops will be organized and noticed by the City. Rincon will prepare a PowerPoint presentation for each workshop.
- **Subcommittee Meetings** – Rincon will attend up to two virtual subcommittee meetings to discuss the Housing Overlay and to review proposed changes to the DVSP. The subcommittee meetings will be organized and noticed by the City. Rincon will prepare PowerPoint presentations for each meeting.
- **Study Sessions** – Rincon staff will present at up to two study sessions. Rincon will prepare PowerPoint presentations for each meeting.

Deliverables

- Participation and Power Point presentations for up to two Community Workshops (in-person)
- Participation and Power Point presentations for up to two Subcommittee Meetings (virtual)
- Participation and Power Point presentations for up to two Study Sessions (up to two, in-person)

Task 22 Public Hearings

Rincon will attend up to three, in-person public hearings on the project, which are anticipated to include one Planning Commission hearing and two City Council hearings. Rincon assumes that City staff will make the necessary presentations, but Rincon will be available to answer questions about the planning documents and environmental review process and conclusions.

Deliverables

- Attendance at up to three public hearings

Task 23: Staff Reports.

Rincon will prepare the Planning Commission and City Council staff reports, including all attachments. This task assumes preparation of staff reports for up to three public hearings (as described in Task 22). This task assumes that staff will provide a standard staff report template to Rincon. The budgeted hours for this task have assumed the preparation of staff reports generally consistent in format and level of detail as those currently posted on the City's website. This task assumes one round of revisions to each staff report based on consolidated comments provided by City staff.

Deliverables

- Draft and final staff reports for up to three public hearings



Cost

Please note that Rincon's 2017-2018 fee schedule in the original contract for this project is outdated. With this amendment, we have applied costing consistent with our current 2022 fee schedule (effective January 1, 2022, see Attachment 1). Rincon's estimated cost to complete the above tasks is **\$227,710**, as detailed in Attachment 2. When added to our existing authorized budget of \$221,329 (as further detailed in Table 1 below), the total project budget would be **\$449,039**.

Table 1- Rincon Contract(s) Summary

Amendment	Date	Service order	Approved amount	Note
Original Scope and budget	March 2019	Service Order #4	\$135,148	Scope for IS and DVSP Focused EIR
Amendment 1 – Specific Plan	March 2021	Service Order #11	\$48,647	Added scope and budget for DVSP sections
Amendment 2 - GIS Amendment	July 2021	Service Order #1	\$37,534	Added scope and budget for GIS work
Current Budget Total			\$221,329	
Amendment 3	January 2022	Going to City Council for approval Feb 15	\$227,710	Added Overlay District, updates to DVSP, CEQA Compliance, and online GIS portal
Proposed Total			\$449,039	

Schedule

A proposed schedule to complete the Housing Overlay, DVSP, and corresponding environmental reviews is provided in Attachment 3.



Thank you for your consideration of this request. We look forward to continuing to work with you on this assignment.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in blue ink, appearing to read "M Jones", with a stylized flourish at the end.

Megan Jones, MPP
Principal

A handwritten signature in blue ink, appearing to read "Kimiko Lizardi", with a stylized flourish at the end.

Kimiko Lizardi
Director

Attachments

- Attachment 1 Fee Schedule
- Attachment 2 Cost Estimate
- Attachment 3 Project Schedule

Attachment 1

Fee Schedule



Rincon Consultants, Inc.

Standard Fee Schedule for Environmental Sciences and Planning Services

Professional, Technical and Support Personnel*	Hourly Rate
Principal II	\$295
Director II	\$295
Principal I	\$280
Director I	\$280
Senior Supervisor II	\$245
Supervisor I	\$228
Senior Professional II	\$212
Senior Professional I	\$197
Professional IV	\$174
Professional III	\$161
Professional II	\$145
Professional I	\$128
Associate III	\$117
Associate II	\$102
Associate I	\$95
Senior GIS Specialist	\$160
GIS/CADD Specialist II	\$140
GIS/CADD Specialist I	\$125
Technical Editor	\$130
Project Accountant	\$110
Billing Specialist	\$95
Production Specialist	\$105
Clerical	\$95

*Professional classifications include environmental scientists, urban planners, biologists, geologists, marine scientists, GHG verifiers, sustainability experts, cultural resources experts, and other professionals. Expert witness services consisting of depositions or in-court testimony are charged at the hourly rate of \$375.

Reimbursable Expenses

Direct Cost	Rates
Photocopies – Black and White	\$0.20 (single-sided) & \$0.40 (double-sided)
Photocopies – Color	\$1.50 (single-sided) & \$3.00 (double-sided)
Photocopies – 11 x 17	\$0.50 (B&W) & \$3.30 (color)
Oversized Maps	\$8.00/square foot
Digital Production	\$15/disc and \$20/flash drive
Light-Duty and Passenger Vehicles*	\$88/day
4WD and Off-Road Vehicles*	\$140/day

* \$0.65/mile for mileage over 50 and for all miles incurred in employee-owned vehicles.

Other direct costs associated with the execution of a project, that are not included in the hourly rates above, are billed at cost plus 15%. These may include, but are not limited to, laboratory and drilling services, subcontractor services, authorized travel expenses, permit charges and filing fees, mailings and postage, performance bonds, sample handling and shipment, rental equipment, and vehicles other than covered by the above charges.

Annual Escalation. Standard rates subject to annual escalation. **Payment Terms.** All fees will be billed to Client monthly and shall be due and payable upon receipt or as indicated in the contract provisions for the assignment. Invoices are delinquent if not paid within ten (10) days from receipt or per the contractually required payment terms.



Rincon Consultants, Inc.

Equipment	Day Rate
Environmental Site Assessment	
Soil Vapor Extraction Monitoring Equipment	\$155
Four Gas Monitor	\$133
Flame Ionization Detector	\$107
Photo Ionization Detector	\$80
Hand Auger Sampler	\$60
Water Level Indicator, DC Purge Pump	\$45
Natural Resources Field Equipment	
UAS Drone	\$268
Spotting or Fiberoptic Scope	\$165
Pettersson Bat Ultrasound Detector/Recording Equipment	\$165
Sound Level Metering Field Package (Anemometer, Tripod and Digital Camera)	\$110
GPS (Sub-meter Accuracy)	\$65
Infrared Sensor Digital Camera or Computer Field Equipment	\$55
Scent Station	\$22
Laser Rangefinder/Altitude	\$11
Pit-fall Traps, Spotlights, Anemometer, GPS Units, Sterilized Sample Jar	\$9
Mammal Trap, Large/Small	\$1.50/\$0.50
Water and Marine Resources Equipment	
Boat (26 ft. Radon or Similar)	\$600
Boat (20 ft. Boston Whaler or Similar)	\$335
Multi Parameter Sonde (Temp, Cond, Turbidity, DO, pH) with GPS	\$165
Water Quality Equipment (DO, pH, Turbidity, Refractometer, Temperature)	\$60
Refractometer (Salinity) or Turbidity Meter	\$37
Large Block Nets	\$110
Minnow Trap	\$95
Net, Hand/Large Seine	\$55
Field Equipment Packages	
Standard Field Package (Digital Camera, GPS, Thermometer, Binoculars, Tablet, Safety Equipment, and Botanic Collecting Equipment)	\$110
Remote Field Package (Digital Camera, GPS, Thermometer, Binoculars, Tablet and Mifi, Delorme Satellite Beacon, 24-Hour Safety Phone)	\$140
Amphibian/Vernal Pool Field Package (Digital Camera, GPS, Thermometer, Decon Chlorine, Waders, Float Tube, Hand Net, Field Microscope)	\$165
Fisheries Equipment Package (Waders, Wetsuits, Dip Nets, Seine Nets, Bubblers, Buckets)	\$55
Underwater and Marine Sampling Gear (U/W Photo/Video Camera, Scuba Equipment (Tanks, BCD, Regulators, Wetsuits, etc.))	\$55/diver
Marine Field Package (PFDs – Personal Flotation Devices, 100-foot Reel Tapes with Stainless Carabiners, Pelican Floats, Underwater Slates, Thermometer, Refractometer, Anemometer, Various Field Guides)	\$55
Insurance, Hazard and Safety Fees	
L&H Dive Insurance	\$55/diver
Level C Health and Safety	\$65 person

Attachment 2

Cost Estimate



RINCON CONSULTANTS, INC.

19-07378 Marina Downtown Vitalization SP EIR

Cost Estimate

	Rate	Hours	Labor Budget	Direct Expenses	Total Budget
Add On Request Marina DVSP		1,227.73	222,833.00	4,877.00	227,710.00
Task 14:Project Management/Coordination		220.00	44,726.00	0.00	44,726.00
Director I	280.00	34.00	9,520.00		
Principal I	280.00	12.00	3,360.00		
Senior Planner II	212.00	66.00	13,992.00		
Planner IV	174.00	86.00	14,964.00		
Planner II	145.00	16.00	2,320.00		
Admin Assistant/Billing Specialist	95.00	6.00	570.00		
Task 15: Housing Overlay Best Practices Memorandum		24.00	4,152.00	0.00	4,152.00
Director I	280.00	2.00	560.00		
Senior Planner II	212.00	6.00	1,272.00		
Planner II	145.00	16.00	2,320.00		
Task 16: Housing Overlay Site Inventory Analysis		28.00	4,712.00	0.00	4,712.00
Director I	280.00	2.00	560.00		
Senior Planner II	212.00	6.00	1,272.00		
Planner II	145.00	16.00	2,320.00		
GIS/CADD Specialist II	140.00	4.00	560.00		
Task 17: Housing Overlay - Zoning Amendments		86.00	14,696.00	0.00	14,696.00
Task 17.1 Housing Overlay Outline		14.00	2,568.00	0.00	2,568.00
Director I	280.00	2.00	560.00		
Senior Planner II	212.00	4.00	848.00		
Planner II	145.00	8.00	1,160.00		
Task 17.2 Administrative Draft Housing Overlay		46.00	7,716.00	0.00	7,716.00
Director I	280.00	4.00	1,120.00		
Senior Planner II	212.00	8.00	1,696.00		
Planner II	145.00	32.00	4,640.00		
Technical Editor	130.00	2.00	260.00		
Task 17.3 Public Review Draft Housing Overlay		26.00	4,412.00	0.00	4,412.00
Director I	280.00	2.00	560.00		
Senior Planner II	212.00	6.00	1,272.00		
Planner II	145.00	16.00	2,320.00		
Technical Editor	130.00	2.00	260.00		
Task 18: DVSP Revisions		206.00	33,850.00	0.00	33,850.00
18.1 DVSP Outline and DVSP Assessment Memorandum		34.00	5,736.00	0.00	5,736.00
Director I	280.00	2.00	560.00		
Senior Planner II	212.00	8.00	1,696.00		
Planner II	145.00	24.00	3,480.00		
18.2 Administrative Draft DVSP		120.00	19,638.00	0.00	19,638.00
Director I	280.00	6.00	1,680.00		
Senior Planner II	212.00	24.00	5,088.00		
Planner II	145.00	80.00	11,600.00		
Technical Editor	130.00	4.00	520.00		
GIS/CADD Specialist I	125.00	6.00	750.00		
18.3 Screencheck Draft and Public Review Draft DVSP		52.00	8,476.00	0.00	8,476.00
Director I	280.00	4.00	1,120.00		
Senior Planner II	212.00	8.00	1,696.00		
Planner II	145.00	32.00	4,640.00		
Technical Editor	130.00	4.00	520.00		
GIS/CADD Specialist I	125.00	4.00	500.00		
Task 19: Web Mapping Portal		68.00	9,000.00	0.00	9,000.00
Senior GIS Specialist	160.00	4.00	640.00		
GIS/CADD Specialist II	140.00	24.00	3,360.00		
GIS/CADD Specialist I	125.00	40.00	5,000.00		
Task 20: Prepare Environmental Documents		402.73	72,669.00	1,265.00	73,934.00
Task 20.1 Initial Study for Housing Overlay		148.00	26,267.00	1,265.00	27,532.00
Principal I	280.00	14.00	3,920.00		
Senior Planner I	197.00	45.00	8,865.00		
Planner III	161.00	62.00	9,982.00		
Senior GIS Specialist	160.00	8.00	1,280.00		
Technical Editor	130.00	9.00	1,170.00		
Production Specialist I	105.00	10.00	1,050.00		
Admin Assistant/Billing Specialist	95.00	0.00	0.00		
Record Search				1,265.00	
Task 20.2 Recirculate NOP and IS for DVSP		68.00	12,980.00	0.00	12,980.00
Principal I	280.00	12.00	3,360.00		
Senior Planner I	197.00	20.00	3,940.00		
Planner III	161.00	30.00	4,830.00		
Senior GIS Specialist	160.00	4.00	640.00		
Production Specialist I	105.00	2.00	210.00		
Task 20.3 Revised Administrative Draft Focused EIR for DVSP		114.00	20,152.00	0.00	20,152.00
Principal I	280.00	12.00	3,360.00		
Senior Planner I	197.00	26.00	5,122.00		
Planner III	161.00	60.00	9,660.00		
Senior GIS Specialist	160.00	6.00	960.00		



RINCON CONSULTANTS, INC.

19-07378 Marina Downtown Vitalization SP EIR

Cost Estimate

Production Specialist I	105.00	10.00	1,050.00		
Task 20.4 Update Fee Schedule for EIR Tasks		33.80	6,150.00	0.00	6,150.00
Principal I	280.00	7.00	1,960.00		
Senior Planner I	197.00	8.00	1,576.00		
Planner III	161.00	14.00	2,254.00		
Project Assistant	75.00	4.80	360.00		
Task 20.5 WSA Update		26.00	5,120.00	0.00	5,120.00
Principal I	280.00	2.00	560.00		
Senior Planner II	212.00	8.00	1,696.00		
Senior Planner I	197.00	8.00	1,576.00		
Planner III	161.00	8.00	1,288.00		
Task 20.6 AB 52 Consultation Assistance		12.93	2,000.00	0.00	2,000.00
Principal I	280.00	1.00	280.00		
Archaeologist II	145.00	9.93	1,440.00		
ior Archaeologist/Principal Investigator	140.00	2.00	280.00		
Task 21: Community Engagement		98.00	18,318.00	2,447.00	20,765.00
Director I	280.00	7.00	1,960.00		
Senior Planner II	212.00	49.00	10,388.00		
Planner II	145.00	36.00	5,220.00		
GIS/CADD Specialist I	125.00	6.00	750.00		
Travel - Mileage				1,367.00	
Travel (airfare, ground trans, lodging)				1,080.00	
Task 22: Public Hearings		75.00	16,470.00	1,165.00	17,635.00
Principal I	280.00	15.00	4,200.00		
Senior Planner II	212.00	30.00	6,360.00		
Senior Planner I	197.00	30.00	5,910.00		
Travel - Mileage				625.00	
Travel (airfare, ground trans, lodging)				540.00	
Task 23: Staff Reports		20.00	4,240.00	0.00	4,240.00
Senior Planner II	212.00	20.00	4,240.00		
Project Total		1,227.73	222,833.00	4,877.00	227,710.00

Attachment 3

Project Schedule



Schedule

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21	Week 22	Week 23	Week 24	Week 25	Week 26	Week 27	Week 28	Week 29	Week 30	Week 31	Week 32	Week 33	Week 34	Week 35	Week 36	Week 37	Week 38	Week 39	Week 40	Week 41	Week 42	Week 43	Week 44	Week 45	Week 46	Week 47
Tasks																																															
Task 14: Project Management/Coordination																																															
Task 15: Housing Overlay Best Practices Memorandum																																															
Task 16: Housing Overlay Site Inventory Analysis																																															
Task 17: Housing Overlay - Zoning Code Amendment																																															
Task 17.1 Housing Overlay Outline																																															
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Task 18.3 Screencheck Draft and Public Review Draft																																															
Task 19: Web Mapping Portal																																															
Task 20: Prepare Environmental Documents																																															
Task 20.1 Initial Study for Housing Overlay Zone																																															
Task 20.2 Circulate NOP and IS for DVSP																																															
Task 20.3 Revised Administrative Draft Focused EIR for DVSP																																															
Task 20.5 WSA Update																																															
Task 20.6 AB 52 Cosultation Assistance																																															
Task 21: Community Engagement																																															
Task 22: Public Hearings																																															
Task 23: Staff Reports																																															

- City review
- Public Review
- Optional task
- Working Session Recommended
- Workshop/Study Session
- Subcommittee Meeting
- Public Hearing



Note:
** Assumes that a Project Description can be prepared around week 13 of Task 18.2. If a complete Project Description cannot be prepared at that time, the schedule may need to be adjusted.

February 10, 2022

Item No. **8g(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of February 15, 2022

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2022-, APPROVING A CONTRACT AMENDMENT WITH RINCON CONSULTING TO PROVIDE URBAN PLANNING SERVICES TO COMPLETE THE DOWNTOWN SPECIFIC PLAN FOR AN AMOUNT NOT TO EXCEED \$470,339; AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT ON BEHALF OF CITY WITH RINCON CONSULTING SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY.

RECOMMENDATION: City Council consider

1. Adopt a Resolution No. 2022-, approving a contract amendment with Rincon Consulting to provide Urban Planning Services to complete the Downtown Specific Plan for an amount not to exceed \$470,339; and
2. Authorize the Finance Director to make necessary accounting and budgetary entries, and
3. Authorize the City Manager to execute a contract amendment on behalf of City with Rincon Consulting subject to final review by the City Attorney.

BACKGROUND:

Contract History

In 2019, through Rincon's on-call planning services contract, the City of Marina requested the preparation of a Focused EIR to support environmental review of the Downtown Specific Plan (DVSP) prepared by City of Marina staff. On April 23, 2021, the City of Marina amended the on-call planning services contract to have Rincon complete and incorporate the Public Facilities and Infrastructure and Implementation chapters into the DVSP. The scope of the amendment was limited to the revision and completion of these two chapters, with reliance on existing data and an otherwise complete draft of the Specific Plan provided by City staff. A second amendment was recently approved for Rincon to provide additional GIS services to enable completion of the DVSP (as originally scoped). This process currently includes inventorying and assembling the City's GIS data, the creation of maps for Public Facilities and Infrastructure and Implementation chapters, and updates to the citywide General Plan and Zoning maps.

Housing Element Background

The 2015-2023 Housing Element relied on the City's ability to develop mixed-use housing in the downtown area using the existing Commercial zoning designations. However, existing mixed use development standards were deemed inadequate to facilitate lower income housing by HCD. To address the HCD comments and to respond to market trends, the city began developing the DVSP. The city has refined the draft DVSP using in-house staff; however, the document remains incomplete and is unadopted. Additionally, the DVSP has been developed over several years with the most recent iteration relying on studies and data last updated in 2017. Additionally, the DVSP does not address recent legislation, including a need for objective standards. Finally, there has been a significant pause in the active community engagement of this project since December 2018.

ANALYSIS:

Based on discussions with Rincon and Veronica Tam, the City’s Housing Element consultant, City staff believes a Housing Overlay zone can be used to achieve the objectives outlined in the 5th Cycle Housing Element programs. The Housing Overlay zone would include specific designation of sites within the DVSP that are most feasible for the densities and type of housing development needed to accommodate the Regional Housing Needs Allocation (RHNA). Under the proposal, if an applicant meets all of the Downtown Specific Plan objective zoning standards, submits a proposal for 30-60 dwelling units an acre and agrees to at least 20% of the units to be affordable, the project would be approved as a “by right” use. In essence the city would be creating an SB 35 process which would streamline development and provide documented evidence to the California Department of Housing and Community Development (State HCD) that the City Marina is focused on meeting its housing obligations as defined by the RHNA process. As part of this process, Rincon will prepare a memo that includes a review of best practices from around the State related to Housing Overlay Zones. The memo will share how jurisdictions are using this zoning tool toward RHNA obligations and affordability requirements, best practices related to standards, how jurisdictions apply design standards and/or guidance within the housing overlay, and discuss practices related to SB 330 and other new housing legislation.

Objective Policies and Standards.

The other key component of this proposal is to ensure that all the standards within the Specific Plan are objective design standards. Per SB 330 (Housing Crisis Act of 2019), jurisdictions are prohibited from taking certain zoning actions that would reduce the intensity of residential land use and set prohibitions on design standards unless they are objective design standards:

standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal

The current version of the DVSP includes subjective policies and standards. Table 1 summarizes a few of said standards that need further refinement:

Table 1-Current Downtown Specific Plan Standards	
Subjective Standards	Staff Input
Specific Plan Objective #4-Ensure streets conditions are “comfortable” and safe for pedestrians	Having a “comfortable” street is too subjective. This needs to be further refined
The third story of a building may be stepped back to reduce the scale of facades facing narrower streets.	We need to give applicants a specific step back for the third story as of January 1, 2020.
“Heavier” materials shall be used to form the building base and not located above the first floor	Need to define the types of metals that are either allowed or prohibited on downtown buildings.

Community Engagement

At the core of urban planning is community outreach and engagement. As such, City staff are recommending that the community engagement piece of the project be restarted to ensure input is apart of this deliberative process.

- Participation and Power Point presentations for up to two Community Workshops (in-person)
- Participation and Power Point presentations for up to two Subcommittee Meetings (virtual)
- Participation and Power Point presentations for up to two Study Sessions (up to two, in-person)
- The scope of work also includes Rincon’s attendance at three (3) public hearings

FISCAL IMPACT:

The contract amount shall not exceed \$470,329.

Table 2-Rincon Downtown Specific Plan Contract History				
Amendment	Date	Service order	Approved amount	Note
Original Scope and Budget	March 2019	Service Order #4 (to 2018 On-Call Contract)	\$135,148	Scope for IS and Focused EIR
Amendment 1 – Discrete Specific Plan Assistance	March 2021	Service Order #11 (to 2018 On-Call Contract)	\$48,647	Added Specific Plan sections
Amendment 2 - GIS Support	July 2021	Service Order #1 (to 2021 On-Call Contract)	\$37,534	Added GIS work
Current Budget Total			\$221,329	
Amendment 3 - Housing Overlay and DVSP	January 2022	Going to City Council for approval Feb 15 Subtotal: Objective Standards (Tasks 16-17-18)-\$53,258 Community Engagement (6) (Task 21)-\$20,765 Public Hearings (3) (Task 22)-\$17,635	\$227,710	Added Overlay District, updates to SP, CEQA Compliance and GIS portal
Sub Total			\$449,039	
10% Contingency			\$21,000	
Contract Amount			\$470,329	

The funding for this project would come from \$176,500 previously allocated to the Downtown Specific Plan and an additional \$294,000 from Unallocated General Fund Balance, which currently has a balance of approximately \$770,000.

It should be noted that lack of Housing Element compliance with the State of California has far greater fiscal implications for the City of Marina:

- *Active Transportation Program (ATP) Funds*-Recently, the Marina Public Works Department was ineligible to file for two million dollars in ATP funds to upgrade Imjin Parkway because the City does not have a certified Housing Element.
- *Safe Routes to School Funds*-The City did not file for one million dollars in Safe Routes to School funds in 2021 due to not having a Housing Element.
- *State Law Compliance*-As part of AB 72 (2017-2018) the California Office of the Attorney General may be notified that the City's Housing Element is out of compliance with Housing Element law, and the City may be subject to enforcement actions.
- *Loss of Local Land Use Controls*-The courts may suspend the locality's authority to issue building permits or grant zoning changes, variances, or subdivision map approvals.

- *Fees*-If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys. These fees can easily exceed \$100,000.

CONCLUSION

In conclusion, city staff are recommending approval of this contract to meet the City's long term Regional Housing Needs Allocation (RHNA) obligations and to complete the Downtown Specific Plan.

REVIEWED/CONCUR:

Guido F. Persicone, AICP
Community Development Director
City of Marina

Layne Long
City Manager
City of Marina