

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT 30 PM 5:28

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: November 12, 2008

RE: **Resolution Authorizing The City Administrator To Negotiate And Execute A Professional Services Agreement With Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) For Preparation Of The Oakland 2009 Housing Element Environmental Impact Report, In An Amount Not To Exceed Three Hundred Thirty-Nine Thousand, Eight-Hundred And Seven Dollars (\$339,807), Plus Ten Thousand, One Hundred and Ninety-Three Dollars (\$10,193) for Contract Compliance Fees, For a Total Project Amount Not to Exceed Three Hundred, Fifty Thousand Dollars (\$350,000)**

SUMMARY

Staff requests City Council approval of a resolution to retain Post, Buckley, Schuh & Jernigan, Inc. (PBS&J), a national infrastructure planning, engineering and architecture firm, with an office in San Francisco, to produce a Environmental Impact Report (EIR) for the 2009-2014 Housing Element (Housing Element). The August 2008 Request for Proposals for environmental consulting services for the Housing Element was administered by Community and Economic Development Agency (CEDA) staff from the Strategic Planning Division and Contract Administration divisions. Two candidate firms responded to the RFP and were asked for interviews, and from these interviews, the firm of PBS&J was chosen. Funding to pay for the project will come from the General Plan Surcharge Fund. The project will produce an EIR for the Housing Element, under the California Environmental Quality Act (CEQA). The project will begin in December 2008 and is scheduled for completion in approximately 13 months. Attachment A is the draft scope of work from PBS&J.

FISCAL IMPACT

The fiscal impact to produce the 2009-2014 Housing Element Environmental Impact Report is reflected in the not-to-exceed amount of the Professional Services Contract of \$339,807. This amount includes \$267,576 for basic services, and a 27% project contingency of \$72,231. An additional 3% of that amount, or \$10,194, will be set aside for the City's contract compliance costs, for a total project cost of \$350,000. As mentioned above, the entire amount of \$350,000 is available and will be funded from the Development Services Fund (2415), Major Projects Org (88211), Miscellaneous Contract Services Account (54919), General Plan Surcharge Project 34010, Major Projects and Strategic Planning Program (SC09). The fiscal impact of preparing

Item: _____
CED Committee
November 12, 2008

the EIR for adoption by the City Council is expected to be limited to the \$350,000 requested in this report.

BACKGROUND

California state law requires every city to have a current Housing Element, adopted as a part of the City's General Plan; Bay Area cities are mandated to have an adopted Housing Element by June 30, 2009. The Housing Element contains an assessment of housing needs and an inventory of resources and constraints to building housing; a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement and development of housing, and a program which sets forth a five-year schedule of actions to implement the policies and achieve the goals and objectives of the Housing Element.

Oakland's Housing Element is being prepared by CEDA staff, specifically Devan Reiff, AICP and Alicia Parker, of the Strategic Planning Division, and Maryann Sargent, of the Housing and Community Development Division. Jeff Levin, the City's Housing and Policy Program Coordinator, is the senior staff to the project.

The Housing Element catalogues sites in Oakland which have the capacity for new housing construction in significant numbers, thus meeting Oakland's Regional Housing Need Allocation (RHNA) of 14,629 new units, to be built between 2009-2014. Oakland received its Housing Need Allocation from the Association of Bay Area Governments (ABAG) on June 1, 2008. Analyzing the environmental impacts of this new housing, and mitigating the effects of these new units on transportation and circulation, air quality, and noise, among other subjects, is the purpose of the environmental document for the Housing Element.

KEY ISSUES AND IMPACTS

Staff has selected the recommended EIR consultant, PBS&J, through a formal consultant selection process. The process began with a competitive Request for Proposals (RFP). Two firms responded to the RFP. After evaluation of the written proposals by members of CEDA staff, both firms were invited to give oral presentations. The two firms were:

- PMC, project management team led by Janet Palma, AICP
- PBS& J, project management team led by Lucy Armentrout, AICP

An objective interview with both teams was made by staff from the CEDA divisions: Transportation Services, Major Projects and Strategic Planning. The teams were rated on the following criteria:

- Overall quality and organization of submittal

Item: _____
CED Committee
November 12, 2008

- Quality and appropriateness of project team
- Proven track record in preparing CEQA documents
- Ability to work with City staff, and staff opinion from previous projects
- Appropriate personnel with required licensure, experience and skills relevant to Housing Element CEQA documents.
- Ability to meet project deadline
- Proposed project budget
- Quality and appropriateness of proposed project elements and scope for Housing Element CEQA documents.
- CEQA approach

A revised scope and budget was requested of both consultant teams, and a second interview with Interim Deputy Director of CEDA Eric Angstadt was held with each team.

The City's Department of Contracting and Purchasing provided a memorandum (Attachment B) evaluating the minimum 20% Local and Small Business Enterprise participation requirement. Both teams met the requirement.

Based on the above criteria, PBS&J was ranked as the top rated firm to produce the EIR for the Housing Element.

The PBS&J team, formerly employed by the environmental consultant EIP Associates before that firm's merger with PBS&J in 2006, brings extensive experience in projects that are similar in scale and scope to Oakland's Housing Element, including EIR's for Oakland's Wood Street residential development, the city of San Francisco's Bicycle Plan, and the City of Sacramento's General Plan update and EIR.

Local sub-consultants, which represent 25% of the EIR contract amount, are:

- Dowling Associates, Inc., a traffic engineering and transportation planning firm, based in Oakland;
- Vernazza Wolfe Associates, Inc., an economics consulting firm, based in Oakland.

The proposal and fee schedule submitted by PBS&J is believed to represent a fair and reasonable fee for services that will fulfill the desired Specific Plan and environmental document objectives, per the submitted scope of services (Attachment A).

City staff is currently negotiating refinements/clarifications to the scope and budget and will present, in a Supplemental Agenda Report, the results of those negotiations. It is not anticipated that the overall contract amount will increase, although the amounts for basic services could go up and the contingency amount will be correspondingly reduced.

Item: _____
CED Committee
November 12, 2008

PROJECT DESCRIPTION

The consultants will produce an EIR for the Housing Element, to be adopted by the City Council upon completion. The EIR will include an Initial Study, which is expected to analyze and evaluate the environmental effects in the following topics, which will be publicly addressed in a scoping session:

- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

The EIR will analyze the following issues in-depth, with existing conditions, regulatory setting, project related impacts, mitigation measures for those project-related changes considered to be significant effects, and cumulative impacts:

- Air Quality
- Climate Change
- Noise
- Transportation and Circulation

The expected schedule for the EIR is anticipated to take approximately 13 months. Staff is working with the consultant team to compress this timeline without sacrificing rigorous analysis. The current milestones for the EIR are:

- Project Initiation – January, 2009
- Notice of Preparation and Initial Study – Winter, 2009
- Public review Draft EIR – Summer, 2009
- Public Review Final EIR – Winter, 2010
- EIR adoption – Spring, 2010

SUSTAINABLE OPPORTUNITIES

Economic: Completion and adoption of an Environmental Impact Report for the 2009-2014 Housing Element will give the City the necessary legal authority to submit the Housing Element to HCD for adoption. An adopted Housing Element is crucial for Oakland's continued development of affordable housing using State and Federal funding sources.

Environmental: The Housing Element has, and will continue to have, a series of policies which encourages infill housing, which, by definition, is environmentally sound policy. The RHNA allocation by ABAG of 14,629 new units includes housing that, were they not built in Oakland, might otherwise be built outside of incorporated city limits, away from infrastructure and services.

Social Equity: Providing affordable housing and access to a variety of goods and services in a mixed use environment with direct access to transportation can increase and improve access to public health resources and increase safety within a community. The Housing Element promotes these public benefits with specific goals, policies and actions.

DISABILITY AND SENIOR CITIZEN ACCESS

The Housing Element has specific sections which explain how the City will meet its need for housing for the disabled and seniors.

RECOMMENDATION(S) AND RATIONALE

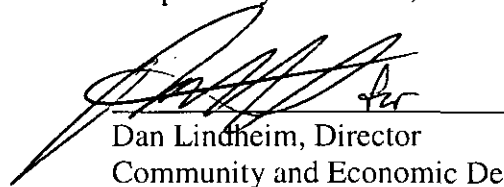
Staff recommends approval of a City resolution authorizing a professional services agreement with PBS&J in an amount not to exceed \$339,807 for environmental review of the Housing Element and project contingency, and provide \$10,193 as a contract compliance set-aside, for a total project cost of up to \$350,000.

Completion and adoption of an Environmental Impact Report for the 2009-2014 Housing Element will give the City the necessary legal authority to submit the Housing Element to HCD for adoption. An adopted Housing Element is crucial for Oakland's continued development of affordable housing using State and Federal funding sources.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council approve the attached resolution, authorizing a professional services agreement with PBS&J in an amount not to exceed \$339,807 for environmental review of the Housing Element and project contingency, and provide \$10,193 as a contract compliance set-aside, for a total project cost of up to \$350,000.

Respectfully submitted,



Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Eric Angstadt, Strategic Planning Manager
Planning Division

Prepared by:
Devan Reiff, AICP, Planner II
Strategic Planning

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:

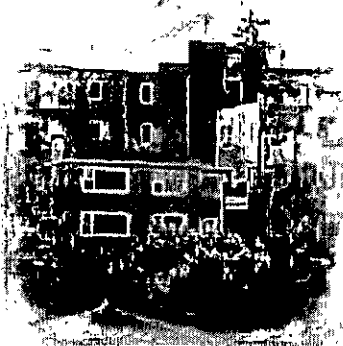
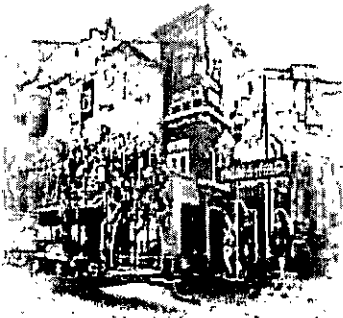


Office of the City Administrator

ATTACHMENT A – Scope of Services—working draft
ATTACHMENT B – Department of Contracting & Purchasing memorandum

Item: _____
CED Committee
November 12, 2008

Scope of Work



Based on recent discussions, the City of Oakland wishes to prepare and circulate a robust initial study followed by a focused environmental impact report (EIR) with sections on transportation and circulation, air quality, and noise. The initial study will serve as a scoping document for the EIR. Each CEQA topic will be reviewed at a level of detail sufficient to focus out additional areas of study in the EIR as appropriate. The initial study will provide a discussion of existing conditions, analyze impacts, and identify mitigation measures as needed. The initial study will make use of the City of Oakland's Uniformly Applied Development Standards, imposed as Standard Conditions of Approval to the extent feasible. Given that individual projects developed under the 2009-2014 Housing Element will be required to comply with the Uniformly Applied Development Standards, PBS&J anticipates that many of the impacts associated with such development will be mitigated through the application of these Standard Conditions of Approval.

The following Scope of Work reflects this approach to the CEQA documentation as well as the City of Oakland's Guidelines for Environmental Consultant Contracts.

Task A. Project Initiation

PBS&J will meet with City of Oakland staff to refine and finalize the work program and schedule and review data and data collection needs. PBS&J will review the key issues from the city's perspective, collect any background information that is needed in addition to data already provided by the city, identify any other foreseeable development whose impacts may accumulate with those of the proposed project, and review and agree on deliverables and deadlines.

At this meeting, the City of Oakland shall provide prior CEQA documents and data relevant to the city's 2009-2014 Housing Element. The city shall also provide the working draft of the 2009-2014 Housing Element and discuss relevant issues and concerns.

At this meeting, PBS&J will finalize the traffic analysis methodology. We anticipate that the city shall supply us with the following documentation in hardcopy:

- Project objectives
- Proposed uses and development program
- The city's most current thresholds of significance
- The city's most current standard conditions of approval

Scope of Work

PBS&J requests that applicable graphics be provided electronically, for incorporation into the environmental document. In addition, PBS&J requests that the following information be provided in electronic format:

- 1 electronic copy of the City of Oakland General Plan EIR
- 1 electronic copy of the proposed General Plan 2009-2014 Housing Element
- 1 electronic copy of a City of Oakland base map
- 1 electronic copy of any other applicable GIS data

PBS&J will prepare and submit to the East Bay Municipal Utility District (EBMUD) a request for a Water Supply Assessment (WSA).

Deliverables

1 electronic copy (.doc) of a draft set of significance criteria

1 electronic copy (.pdf) of significance criteria

1 electronic copy (.doc) of a technical memorandum summarizing the initial city staff meeting and refinements to scope of services, budget, and schedule. The memo will confirm key issues expected to be analyzed in the CEQA review (preliminarily Traffic, Air and Noise) and outline data collection needs.

1 hard copy of the letter to EBMUD requesting a Water Supply Assessment (WSA)

Task B. Initial Study

PBS&J will prepare up to three Administrative Draft Initial Studies (ADIS), one Screencheck Draft IS (SDIS), and one Public Review Draft Initial Study (DIS), using the 2008 CEQA Environmental Checklist Form as amended by the City of Oakland. PBS&J will use the LUTE EIR and the 2004 Housing Element IS-MND to fullest extent possible for background information. Following the close of the public review period PBS&J will prepare one draft and one final Responses to Comments memorandum, responding to comments received on the Draft Initial Study.

Deliverables

12 hard copies of each ADIS (1, 2, and 3)

1 electronic copy (.doc) of each ADIS (1, 2, and 3)

12 hard copies of the SDIS

1 electronic copy (.doc) of the SDIS

75 hard copies

10 electronic copies (.doc and .pdf)

1 draft final responses to comments memorandum

1 final responses to comments memorandum.

Scope of Work

Task C. EIR Scoping and Noticing

PBS&J will attend one scoping meeting with the City of Oakland to review the responses to comments memorandum (prepared under Task B) and scope the environmental impact report.

1. Public Notices

PBS&J will prepare a notice of preparation (NOP) for the City of Oakland to review and will amend the NOP based on any comments received from city staff in redline or strikeout format showing additions and deletions. The city will identify a date for a scoping meeting (to be included in the NOP), develop the public distribution list for the NOP, and distribute the NOP to interested parties.

Deliverables

- 1 electronic copy (.doc) of the Draft NOP
- 1 electronic copy (.pdf) of the NOP

2. Scoping Session Report

PBS&J will prepare a scoping session report, detailing the comments and concerns (related to CEQA and the CEQA documents) raised during the scoping session for the City of Oakland to review and will amend it based on any comments received from city staff in redline or strikeout format showing additions and deletions.

Deliverables

- 1 electronic copy (.doc) of the Draft Scoping Session Report
- 1 electronic copy (.pdf) of the Scoping Session Report

3. Significance Criteria

PBS&J will review the City of Oakland's significance criteria and prepare a draft set of significance criteria for the EIR. PBS&J will submit a draft to the city for review and acceptance prior to undertaking any impact analysis. If any changes to the significance criteria are requested, PBS&J will submit changes to the city in redline or strikeout format and explain reasons for any changes.

Deliverables

- 1 electronic copy (.doc) of the draft set of significance criteria
- 1 electronic copy (.pdf) of the set of significance criteria

Scope of Work

Task D. Draft Environmental Impact Report

1. Administrative Draft EIR

Based on conversations with City of Oakland staff and PBS&J's previous experience in the city, PBS&J anticipates that the following key environmental issues will be addressed in a *focused EIR*:

- Air quality
- Noise
- Transportation and Circulation

PBS&J anticipates that the following environmental issues will be adequately analyzed and mitigated within the initial study and will be scoped out of the *focused EIR*:

- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems

The initial study will present evidence that indicates that environmental effects will be avoided as appropriate. PBS&J will use the significance criteria established with the city under Task B.3 (significance criteria) to complete this analysis.

PBS&J will provide an in-depth analysis of the following key issues by establishing the existing conditions, regulatory setting, project related impacts, mitigation measures for those project-related changes considered to be significant effects, and cumulative impacts:

Air Quality

PBS&J will prepare an EIR air quality analysis that meets all requirements of the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines *Assessing the Air Quality Impacts of Projects and Plans*.

Scope of Work

The EIR air quality setting section will include:

- A description of the climatic and topographic factors that influence air quality in the San Francisco Bay Area and City of Oakland
- The identification of the major criteria air pollutants, toxic air contaminants (TACs), and greenhouse gases (GHG) emitted locally and regionally
- Summaries of recent air pollutant ambient monitoring data
- The identification of existing pollutant-sensitive land uses in the city
- A listing of applicable air pollution control regulations and programs currently in place under the BAAQMD regional attainment plans, CARB TAC exposure guidelines, and other applicable plans

The EIR air quality impact analysis will include the following:

- A description of air pollutant impacts associated with construction activity and an evaluation of the housing element's potential for increasing such activity. Construction equipment emits ozone precursors and construction activities generate particulate matter that could adversely affect regional and local air quality. Areas proposed for more intensive residential development under the housing element will be identified, together with the scale and phasing of the construction activities anticipated there.
- An analysis of the changes in air pollutant emissions from operational area and mobile sources associated with increased residential development anticipated under the housing element. Estimates of area source (building energy use, fireplace or wood-burning stove, consumer products, etc.) and motor vehicle emissions associated with the housing element will be prepared using the CARB's URBEMIS 2007 model initialized with land use, development phasing and traffic data provided by the city and the project transportation consultant. Emissions under the housing element will be compared with those under the existing development patterns.
- An analysis of local ambient carbon monoxide (CO) concentrations at sensitive land uses near major motor vehicle access routes. The potential for traffic associated with the increased residential development under the housing element to cause CO standard violations will be evaluated near the most severely impacted intersections and at the locations of sensitive land uses along major traffic access routes. The CARB's CALINE4 dispersion model will be used to estimate CO levels during weekday peak conditions; the modeled CO concentrations will be compared to the state and federal air quality standards.

Scope of Work

- An analysis of project consistency with applicable regional air quality attainment and maintenance plans. Using the URBEMIS-determined difference in air pollutant emissions between the existing development and that under the housing element, the potential for increasing area and transportation emissions above those anticipated under the current regional air quality plans will be determined and the availability of control strategies to offset any such emissions will be assessed.
- An analysis of potential for adverse TAC impacts. The potential for adverse TAC exposure to residential land uses proposed under the housing element near major TAC sources will be evaluated using the recommended guidelines in the CARB's Air Quality and Land Use Handbook.

The significance of all identified impacts will be evaluated under criteria developed by the BAAQMD, the CARB, or OPR. Strategies for mitigating the housing element's construction-phase and operational impacts will be identified using the BAAQMD Guidelines and the CARB's Air Quality and Land Use Handbook for TAC exposures. Proposed mitigation measures may include:

- Controls on construction equipment and activities
- Phasing or limiting development so that population-employment growth from the project is consistent with regional air quality planning projections
- Implementing sufficient transportation control measures to offset increases in pollutant emissions exceeding planning forecasts
- Strategies in the housing element to reduce motor vehicle trips, energy use, and greenhouse gas emissions
- Providing adequate buffer zones between pollutant sources and residential land uses

Climate Change

The climate change discussion in the EIR analysis will provide additional detail as to projected emissions levels and associated environmental changes as required under Assembly Bill 32. Issues that will receive additional coverage in the EIR could include increased flooding associated with backflow stream gradients (resulting from sea level rise) and impacts on the regional water supply. Both issues could be potentially significant and warrant comprehensive EIR coverage.

Scope of Work

Noise

As part of the initial study, PBS&J will evaluate potential noise impacts of the housing element according to the environmental checklist items of Appendix G of the CEQA Guidelines. A screening evaluation will be performed for each item. Those identified as having the potential for significant impacts will be analyzed in further detail in the EIR.

PBS&J will prepare an EIR noise analysis that addresses all policies of the City of Oakland General Plan Noise Element and the noise control policies of other applicable agencies.

The EIR's noise setting will briefly summarize the acoustical terminology, the physical characteristics of sound and vibration, the disruptive aspects of environmental noise, the quantitative descriptors of noise and vibration impact, and the relevant federal, state, and local standards for assessing noise and vibration impacts.

PBS&J will also present information on the existing noise environment in existing and proposed residential areas as gathered through a comprehensive survey. Noise monitoring will be performed at representative locations (including at least one 24-hour measurement) chosen in consultation with the City of Oakland to characterize ambient noise levels and to provide calibration data for noise models that will be used to estimate future impacts. Monitoring locations will be selected based on the presence of existing and future residential receptors and the various noise sources that affect such receptors in the city.

The potential for construction noise and vibration impacts will be identified in areas of the city proposed for increased residential development under the housing element based on development scheduling information provided by the city. Potential noise impacts from transportation, commercial, and industrial noise sources will be estimated using the US Department of Transportation's Traffic Noise Model (TNM), existing and future noise contour maps from Oakland International Airport, and well-accepted methodologies that relate noise exposure to distance from stationary sources. Construction and transportation source vibration impacts will be estimated using Federal Transit Administration's vibration modeling methodology. TNM modeling will be based on project-specific traffic data provide by the project traffic consultant. Stationary source modeling will focus on major industrial noise sources identified in consultation with the city and quantified by proximate measurements.

Where significant noise and vibration impacts are identified, appropriate changes and or additions to the Housing Element policies (those providing for sound barriers or berms, increased landscaping buffers, alterations to the proposed land use mix, building massing and orientation, etc.) will be developed and presented.

Scope of Work

Transportation and Circulation

PBS&J will prepare the transportation and traffic section based on the project description the City of Oakland provides. As a minimum, this should include the types of housing units being contemplated (market-rate condominiums, low-income apartments, etc.) and the general area within the city (such as neighborhood) in which the units are being contemplated. The comparison between the 2009-2014 Housing Element update and the 1998 General Plan would be key.

Dowling Associates will apply trip generation rates used from its other studies in Oakland to analyze the incremental travel generated by the new housing. Dowling has found that standard ITE rates typically overstate the amount of private vehicle trip making in Oakland because a smaller household size and more use of alternative modes (such as walk, bike, and transit) compared to the standard ITE suburban trip generating model. Trip generation rates will be submitted to the City of Oakland for approval.

To the environmental baseline, Dowling will:

- Conduct traffic counts at up to 14 locations (if elected by the city)
- Contact the city's transportation department, AC Transit, Caltrans, and BART for any proposed transportation improvements programmed or proposed in the change areas
- Obtain a list of approved and proposed land development projects in the change areas from CEDA

Dowling will distribute and assign trips and analyze the traffic level of service using the software preferred by the City of Oakland for such analyses (Synchro). Using the city's standard environmental impact thresholds for traffic, Dowling will determine:

- Where the project would create potential impacts
- What mitigations would be reasonable

Although most of the project impacts would be on the street and highway systems, impacts to AC Transit and BART will be identified and mitigations proposed if applicable.

Contents of the EIR

The EIR is expected to include the following components:

- Cover
- Table of contents
- Introduction

Scope of Work

- Executive summary and standard conditions of approval and mitigation summary table
- Project description
- Environmental setting, regulatory setting, impact analysis (including mitigation measures if necessary), and cumulative impacts
- Other (CEQA required) assessment conclusions (i.e., mandatory findings of significance)
- Project alternatives
- Bibliography
- Technical appendices

The City of Oakland shall circulate the Administrative Draft EIR (ADEIR) to applicable internal agencies. PBS&J will consolidate the reviewers' comments and identify conflicting comments and others that may warrant discussions with the EIR reviewing team. Up to three Administrative Drafts of the EIR will be prepared.

Deliverables

12 hard copies of ADEIR 1
1 electronic copy (.doc) of ADEIR 1

2. Administrative Draft EIR 2

After City of Oakland staff review the ADEIR, PBS&J will consolidate the comments received and identify conflicts and other comments that may warrant discussion with the EIR reviewing team. Comments will be consolidated and reconciled, and appropriate changes to the document will be made.

Deliverables

12 hard copies of ADEIR 2
1 electronic copy (.doc) of ADEIR 2

3. Administrative Draft EIR 3

Based on the comments received on Administrative Draft 2, PBS&J will make changes to the ADEIR.

Deliverables

12 hard copies of the ADEIR 3
1 electronic copy (.doc) of ADEIR 3

Scope of Work

4. Screencheck Draft EIR

After the City of Oakland is satisfied with its administrative review of the ADEIR, PBS&J will prepare a Screencheck Draft EIR (DEIR) showing additions and deletions in redline or strikeout format.

Deliverables

- 3 hard copies
- 2 electronic copies (.doc and .pdf)

5. Public Review Draft EIR

PBS&J will prepare and provide the City of Oakland with a Public Review DEIR.

Deliverables

- 75 hard copies
- 2 camera-ready copies
- 2 electronic copies (.doc and .pdf)
- 10 DVDs or CDs for public distribution and review

PBS&J will send 15 copies of the DEIR and 1 CD to the State Clearinghouse for its use.

6. Public Notices

On completion of the Draft EIR, PBS&J will prepare a notice of completion (NOC) and notice of availability (NOA) of the Draft EIR for the City of Oakland to review and will amend it based on any comments from city staff in redline or strikeout format showing additions and deletions.

Deliverables

- 1 electronic copy (.doc) of the Draft NOC and NOA
- 1 electronic copy (.pdf) of the NOA and NOC

Task E. Final EIR

1. Administrative Draft Final EIR

Following public review of the DEIR, PBS&J will prepare an Administrative Draft Final EIR (ADFEIR), which will include:

- A list of persons, organizations, and public agencies commenting on the Draft EIR
- Copies of all written comments and the responses thereto
- A summary of verbal comments on the Draft EIR received at public hearings and responses thereto
- All necessary revisions to the Draft EIR

Scope of Work

PBS&J will manage responses to comments with substantial amounts of topic-specific detail. PBS&J will discuss the best approach to the responses with City of Oakland staff at a meeting following the close of the comment period, which may include the use of master responses.

Deliverables

12 hard copies
2 electronic copies (.doc and .pdf)

2. Administrative Draft Final EIR 2

After review of the ADFEIR by City of Oakland staff, PBS&J will consolidate the comments received and identify conflicts and other comments that may warrant discussion with the EIR reviewing team. PBS&J will consolidate and reconcile the comments and make appropriate changes to the document.

Deliverables

12 hard copies
1 electronic copy (.doc) of ADFEIR 2

3. Administrative Draft Final EIR 3

Based on the comments received on Administrative Draft 2, PBS&J will make changes to the ADFEIR.

4. Screencheck Final EIR

After the City of Oakland is satisfied with revisions to the ADFEIR 3, PBS&J will prepare a Screencheck FEIR showing additions and deletions in redline or strikeout format.

Deliverables

3 hard copies
2 electronic copies (.doc and .pdf)

5. Public Review Final EIR

PBS&J will prepare and provide the City of Oakland with a Public Review FEIR.

Deliverables

75 hard copies
2 camera-ready copies
2 electronic copies (.doc and .pdf)
25 DVDs or CDs for public distribution and review

PBS&J will send an appropriate number of copies of the FEIR to the State Clearinghouse for its use.

Scope of Work

6. Public Notices

On completion of the Final EIR, PBS&J will prepare a notice of decision (NOD) for the Final EIR for the City of Oakland to review and will amend it based on any comments from city staff in redline or strikeout format showing additions and deletions.

Deliverables

- 1 electronic copy (.doc) of the Draft NOD
- 1 electronic copy (.pdf) of the NOD

Task F. Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

1. Draft SCA/MMRP

PBS&J will prepare the Standard Conditions of Approval-Mitigation Monitoring and Reporting Program (SCA-MMRP) for the proposed project. The SCA-MMRP will identify responsibility for implementing and monitoring each standard condition of approval mitigation measure, along with monitoring triggers and reporting frequency, subject to city staff approval. PBS&J will work closely with city staff to ensure that the program is prepared in a format that will be easy for staff to implement and is tailored to the city's approval procedures. PBS&J will prepare a checklist listing these items and providing a column for verification of compliance. Monitoring will be dovetailed with existing processes of project design, development, and review. The SCA-MMRP will be submitted to city staff for review with the ADFEIR.

Deliverables

- 12 hard copies
- 2 electronic copies (.doc and .pdf) of the Draft SCA-MMRP with the ADFEIR

2. Final SCA-MMRP

The SCA-MMRP will be revised, showing additions and deletions in redline or strikeout format based on city comments. The Final SCA-MMRP will be submitted with the Public Review FEIR.

Deliverables

- 75 hard copies
- 2 camera-ready copies
- 2 electronic copies(.doc and .pdf) of the Final SCA-MMRP with the Public Review FEIR

In addition, the Final SCA-MMRP will be included on the 25 DVDs or CDs of the FEIR.

Scope of Work

Task G. Meetings

PBS&J will be available throughout the Initial Study and EIR preparation period to meet with City staff and the project team. Together we will gather information, review progress, arrive at a reasonable range of alternatives, review preliminary findings, discuss staff comments, and offer input into discussions on project modifications. PBS&J will work with City staff prior to each meeting to prepare an agenda and ensure that the appropriate individuals are requested to attend. PBS&J assumes at least the following seven (7) public meetings and hearings, to prepare and certify the Final EIR:

- Planning commission scoping session
- Landmarks preservation advisory board scoping session
- Hearing on DEIR before planning commission
- Hearing on DEIR before landmarks preservation advisory board
- Planning commission recommendation on environmental document and project
- Community and economic development committee of city council
- City council public hearing

PBS&J also assumes at least the following twelve (12) project meetings with city staff:

- Kickoff
- Project scope
- Meeting after planning commission scoping session
- Meeting for each round of comments on ADFEIR (total of 4)
- Meeting after planning commission DEIR hearing
- Meeting for each round of comments on ADFEIR (total of 4)

Task H. Project Management

PBS&J's project manager and deputy project manager will spend up to two hours a week maintaining client communications, overseeing the subconsultants, and maintaining the project budget and schedule. We will set up a weekly conference call to monitor project progress and exchange information, as appropriate. These conference calls will be key to shared updated project information since the housing element will be in progress by city staff while the initial study and EIR are being researched and prepared. The project director will review all work products prior to submittal. The technical director will be consulted with respect to technical project description or analysis questions and will review the project description prior to the initiation of the environmental analysis. Both project directors will be available for meetings, hearings and/or conference calls on an as-needed basis.

Memo

Department of Contracting and Purchasing (DC&P)
Social Equity Division

To: Devan Reiff, Planner IV, CEDA
 From: Shelley Darensburg, Senior Contract Compliance Officer *S. Darensburg*
 Through: Deborah Barnes, Director, DC&P
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: **September 29, 2008**
 Re: RFP—CEQA Consulting on 2009-20014 Housing Element (EIR) and IS/MND Project No.

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed two (2) proposals in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Below are the results of our findings.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts/Credits	Adjusted Bid Amount		
Pacific Municipal Consultants dba PMC										
Housing Element (EIR)	NA	96%	86%	10%	NA	20%	2	NA	0	Y
IS/MND	NA	96%	86%	19%	NA	20%	2	NA	0	Y
PBS&J										
Housing Element (EIR)	NA	42%	23%	19%	NA	38%	3	NA	0	Y
IS/MND	NA	26.5	16.5%	10%	NA	20%	2	NA	0	Y

Comments: As noted above, all of the firms met and/or exceeded the minimum 20% L/SLBE participation requirement. All firms are EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: There were no non-responsive firms.

If you have any questions or need additional information, please contact Vivian Inman at 238-6261.

LBE/SLBE Participation Pacific Municipal Consultants dba PMC

Project Name: CEQA Consulting on 2009-2014 Housing Element (EIR)

Project No.: P30410		Engineer's Estimate			NA		Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	For Tracking Only			
						LBE/SLBE %	Percentages	Ethn:	MBE	WBE	
PRIME Noise Study Printing	PMC	Oakland	UB	86%		86%	86%	C			
	Ambient Air Quality and Noise Consulting	Carmichael	UB							4.3%	C
	Central Oakland Copymat	Oakland	CB		10%		10%	C		10%	
Project Totals				86%	10%	86%	100%		0%	14%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE: 10%	SLBE: 10%	TRUCKING: 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise				UB = Uncertified Business			
				SLBE = Small Local Business Enterprise				CB = Certified Business			
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise			
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise			
				NPSLBE = NonProfit Small Local Business Enterprise							

LBE/SLBE Participation PBS&J

Project Name: CEQA Consulting on 2009-2014 Housing Element (EIR)

Project No.: P30410		Engineer's Estimate				NA		Under/Over Engineers Estimate:			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn:	MBE	WBE	
PRIME Transportation Subconsultant Productive End Reproduction	PBS&J	San Francisco	UB				58%	C			
	Dowling Associates	Oakland	CB	23%		23%	23%	H	17%		
	Vernazzo Wolfe Assoc. Inc.	Oakland	CB		18%		18%				
	Fast Imaging	Oakland	CB		1%	1%	1%	A	1%		
Project Totals				23%	19%	24%	100%		18%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE:10%	SLBE:10%	TRUCKING:20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

LBE/SLBE Participation Pacific Municipal Consultants dba PMC

Project Name: CEQA Consulting on 2009-2014 Housing Element (IS/MND)

Project No.: P30410		Engineer's Estimate NA				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn.	MBE	WBE	
PRIME Noise Study Printing	PMC	Oakland	CB	86%	10%	86%	86%	C			
	Ambient Air Quality and Noise Consulting	Carmichael	UB							4.3%	
	Central Oakland Copymat	Oakland	CB							10%	
Project Totals				86%	10%	96%	100%		0%	14.3%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise			

LBE/SLBE Participation PBS&J

Project Name: CEQA Consulting on 2009-2014 Housing Element) IS/MND

Project No.: P30410		Engineer's Estimate			NA		Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn:	MBE	WBE	
PRIME Tranportation Productive End Reproduction	PBS&J	San Francisco	UB	16.5%	10%	16.5%	73.5%	C			
	Dowling Associates	Oakland	CB					H	16.5%		
	Fast Imaging	Oakland	CB					A	10%		
Project Totals				17%	10%	27%	100%		26.5%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				LBE = Local Business Enterprise				UB = Uncertified Business			
				SLBE = Small Local Business Enterprise				CB = Certified Business			
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise			
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise			
				NPSLBE = NonProfit Small Local Business Enterprise							



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. P30410

RE: CEQA Consulting on 2009-2014 Housing Element (IS/MND)

CONSULTANT/CONTRACTOR: **PBS&J**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	2	

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **16.5%**
 - b) % of SLBE participation **10%**
- 3. Did the contractor receive bid discount/preference points? **YES**
 (If yes, list the points received) **2 points**

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

9/26/2008

Date

Reviewing Officer:

Vinai Prasad

Date:

9/29/08

Approved By:

Shelley Darenburg

Date:

9/29/08



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. P30410

RE: CEQA Consulting on 2009-2014 Housing Element (IS/IMD)

CONSULTANT/CONTRACTOR: Pacific Municipal Consultants dba PMC

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	2

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement YES
 - a) % of LBE participation 86%
 - b) % of SLBE participation 10%

3. Did the contractor receive bid discount/preference points? YES
 (If yes, list the points received) 2 points

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

9/26/2008

Date

Reviewing Officer: *Muhammad*

Date: 9/29/08

Approved By: *Shelley Darenburg*

Date: 9/29/08



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. P30410

RE: CEQA Consulting on 2009-2014 Housing Element (EIR)

CONSULTANT/CONTRACTOR: PBS&J

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	3	

1. Did the 20% local/small local requirement apply: **YES**

2. Did the contractor meet the 20% requirement **YES**

a) % of LBE participation **23%**

b) % of SLBE participation **19%**

3. Did the contractor receive bid discount/preference points? **YES**

(If yes, list the points received) **3 points**

5. Additional Comments.

[Empty rectangular box for additional comments]

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

9/26/2008

Date

Reviewing Officer:

Vijaya Gammara

Date:

9/29/08

Approved By:

Shelley Darenburg

Date:

9/29/08



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. P30410

RE: CEQA Consulting on 2009-2014 Housing Element (EIR)

CONSULTANT/CONTRACTOR: Pacific Municipal Consultants dba PMC

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	2	

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **86%**
 - b) % of SLBE participation **10%**
- 3. Did the contractor receive bid discount/preference points? **YES**
 (If yes, list the points received) **2 points**

5. Additional Comments.

[Empty rectangular box for additional comments]

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

9/26/2008

Date

Reviewing Officer:

Vivian Jarama

Date: 9/29/08

Approved By:

Shelley Darenburg

Date: 9/29/08

OAKLAND CITY COUNCIL

DRAFT

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. (PBS&J) FOR PREPARATION OF THE OAKLAND 2009 HOUSING ELEMENT ENVIRONMENTAL IMPACT REPORT, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-NINE THOUSAND, EIGHT-HUNDRED AND SEVEN DOLLARS (\$339,807), PLUS TEN THOUSAND, ONE HUNDRED AND NINETY-THREE DOLLARS (\$10,193) FOR CONTRACT COMPLIANCE FEES, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED THREE HUNDRED, FIFTY THOUSAND DOLLARS (\$350,000)

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 30 PM 5:28

WHEREAS, California law (Government Code Section 65583) requires that each city and county adopt a housing element to the General Plan, which determines the City's new housing construction need; and

WHEREAS, the Association of Bay Area Governments (ABAG) has determined, through a regional housing allocation process, that the City's housing need between the years 2009-2014 is 14,629 new units of market rate and affordable housing units; and

WHEREAS, cities are required to accommodate the housing needs of very low-income, low-income, moderate income and above-moderate income residents by providing sufficient sites for housing, with adequate zoning and infrastructure, to make possible the development of these housing units, including providing sites with sufficient density to make possible the development of housing for all income levels; and

WHEREAS, the City of Oakland is in the process of completing the administrative draft of the 2009-2014 Housing Element, prepared by staff of the Community and Economic Development Agency, in advance of the June 30, 2009 deadline established by the California Department of Housing and Community Development; and

WHEREAS, an Environmental Impact Report is the appropriate environmental document required for the 2009-2014 Housing Element under the California Environmental Quality Act;

WHEREAS, the firm of Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) was selected through a review of competitive proposals, professional qualifications and negotiations relative to providing a comprehensive fee and Scope of Work within the City's available budget and authorized Scope of Work for the project; and

WHEREAS, the funds for the contract are proposed to come from the General Plan Surcharge (Fund 2415, Organization 88211, Account 54919, Project 34010, Program SC09); and

WHEREAS, the City Council finds that this agreement is for services of a professional nature, the services under this agreement will be temporary and this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a professional services agreement and a scope of services, in substantial conformance with Attachment A to the City Council Agenda Report dated November 12, 2008, with PBS&J to prepare a Environmental Impact Report to the 2009-2014 Housing Element, in an amount for basic services not to exceed Two Hundred Sixty-Seven Thousand, Five-Hundred and Seventy-Six Dollars (\$267,576), plus an additional Seventy-Two Thousand, Two-Hundred Thirty-One-Dollars (\$72,231) for additional services, additional optional scope items, project contingencies or unforeseen conditions or sub-contracts, for a total not to exceed contract amount of Three-Hundred Thirty-Nine Thousand, Eight Hundred Seven Dollars (\$339,807), subject to the review and approval by the Office of the City Attorney; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to exceed the contract amount for an additional 3% of the amount, or Ten Thousand, One Hundred and Ninety-Four Dollars (\$10,194) for contract compliance costs, for a total project cost of Three Hundred and Fifty Thousand Dollars (\$350,000); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to (a) approve any subsequent amendments to or extensions of said agreement, except those involving compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed and approved by the Office of the City Attorney and filed with the City Clerk's Office, and (b) to take any other necessary steps to develop the Environmental Impact Report, consistent with the terms of this Resolution; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

DRAFT

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California