



Proposal for Professional Services to  
Prepare Environmental Documentation for the  
Grocery Outlet, Fort Bragg, CA



March 28, 2022

Submitted to:

Attn: June Lemos, MMC, City Clerk  
City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437

Submitted by:

**De Novo Planning Group**

A Land Use Planning, Design, and Environmental Firm

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# De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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## FIRM DESCRIPTION

### DE NOVO PLANNING GROUP



De Novo Planning Group is a land use and environmental planning firm specializing in general plan updates, community planning, environmental studies (CEQA and NEPA), and sustainability planning. The founding principals have successfully completed over 200 projects consisting of comprehensive general plans, specific plans, housing elements, environmental impact reports, negative declarations, initial studies, NEPA analyses, climate action plans, biological assessments, wetland delineations, and development projects throughout California.

The founding principals have over 50 years of combined experience and have successfully completed hundreds of projects consisting of environmental impact reports, negative declarations, initial studies, NEPA analyses, climate action plans, biological assessments, wetland delineations, general plans, specific plans, housing elements, and development projects throughout California. Our areas of expertise include environmental documentation, permitting, and compliance, with technical abilities in air quality, agricultural resources, biology, climate change, land use, and water resources.

Our mission is to provide municipal and private sector clients with world-class professional services, through principal-level attention to every client and every project. We pride ourselves on our ability to work with clients to balance the often-conflicting goals of economic, social, environmental, legal, and political forces. Our services result in an integrated planning and environmental solution for every project that is technically sound, cost-effective, and delivered within the client's schedule.



Mr. Saxelby has been practicing acoustic and noise control engineering for the past 15 years and is a Board Certified member of the Institute of Noise Control Engineering (INCE). He is an expert in the requirements of the California Environmental Quality Act (CEQA) relating to noise impacts and has been involved in the preparation of hundreds of noise studies, including CEQA Environmental Impact Reports (EIR) and Mitigated Negative Declarations (MND). He is also a recognized expert witness in issues relating to building acoustics and noise control and has given testimony on various legal projects including construction defect claims and CEQA litigation.

## RELEVANT EXPERIENCE AND REFERENCE

The following three summaries are provided to illustrate EIR experience that included community opposition and potential legal challenges. It is noted that our firm has significant experience on other similar projects, and can provide a more comprehensive list of other projects upon request. It is also noted, that the project manager, Steve McMurtry, serves as an expert witness for several law firms in northern and southern California.

### CITY OF DAVIS – CANNERY MASTER PLAN EIR



The De Novo team completed a detailed and complex project-level EIR for the Cannery Project in Davis. The Cannery project consists of redevelopment and reuse of a 100-acre industrial site, formerly used as a tomato cannery. The project includes approximately 550 residential units, 136,000 square feet of mixed commercial and office space, parks, extensive bicycle networks, and urban farm, and a wide range of off-site infrastructure improvements. The project received an exceptionally high level of public scrutiny, and underwent several significant changes during development of the EIR. The project received an exceptionally high level of public scrutiny, and underwent several significant changes during development of the EIR. De Novo successfully addressed a wide range of complex environmental issues in the EIR, and the EIR was successfully certified by the City Council in November 2013. The American Planning Association has labeled the project as one of

the most “Innovative New Smart Growth Communities” in the country.

#### Reference:

Katherine Hess, Community Development Administrator, City of Davis  
(530) 757-5652 | [khess@cityofdavis.org](mailto:khess@cityofdavis.org)

Budget: \$233,000



## KEY PERSONNEL QUALIFICATIONS

### **STEVE MCMURTRY – PROJECT MANAGER/PRINCIPAL PLANNER**

Steve has successfully led multidisciplinary teams to complete hundreds of environmental, transportation and land use planning, and development projects throughout California. Steve’s experience includes service in engineering and planning firms, as well as in the home-building industry. His environmental experience encompasses field research, public outreach, mitigation development, document writing, and permitting. During his tenure in the construction industry he was responsible for planning, design, and construction of projects valued over \$300 million for a Fortune 500 company, which included the construction of roadways, utilities, pump stations, parks, and trails. Steve graduated from Cal Poly San Luis Obispo with a bachelor’s degree in Natural Resource Management with graduate studies in Biological Sciences at San Jose State University.



### **BEN RITCHIE – PRINCIPAL PLANNER**



Ben is a Principal with De Novo and is responsible for the management of complex CEQA and NEPA projects, climate action plans, sustainable policy development, general plan updates, specific plans, redevelopment plans, and municipal service reviews. His experience includes residential, commercial, mixed-use, transportation, annexation and redevelopment projects throughout California. Ben has served as an Environmental Coordinator for municipalities, which included oversight of an Environmental Planning Division. Ben graduated from Cal Poly, San Luis Obispo with a bachelor’s degree in Political Science and a Master of City and

Regional Planning (MCRP) where he received the California Planning Foundation Scholarship for Academic Excellence.

### **ELISE CARROLL – SENIOR PLANNER**

Elise specializes in environmental impact reports and urban planning for both the public and private sectors. As an experienced environmental impact assessment practitioner (CEQA and NEPA), Elise analyzes and summarizes the environmental impacts of existing and proposed developments. On behalf of De Novo Planning Group, she regularly provides informative research summaries and mitigation recommendations to public and private agencies. Elise holds a bachelor’s of science degree from University of California, Davis in Environmental Policy Analysis and Planning (with an emphasis in Urban & Regional Planning).





### **JOSH SMITH – ASSOCIATE PLANNER**

Josh has been in the planning industry since 2010, and is responsible for the preparation of CEQA/NEPA documents, climate change planning for local governments, development of air quality and greenhouse gas technical studies, and Health Risk Assessments. Josh has expertise utilizing best-practice standards for developing greenhouse gas (GHG) inventories and context-specific GHG mitigation measures, as well as developing custom air pollutant emissions calculators for complex projects. He also has prior experience working in state and local government. Josh graduated from UC Davis in 2010 with a Bachelor's of Science in Environmental Policy Analysis & Planning, where he participated in the Davis Honors Challenge Program. He is a LEED AP O+M professional.



### **LUKE SAXELBY - PRINCIPAL**



Mr. Saxelby has been practicing acoustic and noise control engineering for the past 15 years and is a Board Certified member of the Institute of Noise Control Engineering (INCE). He is an expert in the requirements of the California Environmental Quality Act (CEQA) relating to noise impacts and has been involved in the preparation of hundreds of noise studies, including CEQA Environmental Impact Reports (EIR) and Mitigated Negative Declarations (MND). He is also a recognized expert witness in issues relating to building acoustics and noise control and has given testimony on various legal projects including construction defect claims and CEQA litigation.

Mr. Saxelby has extensive experience in the use of complex noise modeling programs including the Federal Highway Administration (FHWA) Traffic Noise Model (TNM), the CadnaA (Computer Aided Noise Abatement) sound prediction model, the SoundPLAN acoustic model, the Federal Aviation Administration's (FAA) Integrated Noise Model (INM), and the Enhanced Acoustic Simulator for Engineers (EASE) model.

## PROJECT UNDERSTANDING, APPROACH, AND SCOPE OF WORK

### PROJECT UNDERSTANDING

The City of Fort Bragg is seeking proposals from qualified firms interested in contracting with the City to prepare an Environmental Impact Report (EIR) for the proposed Grocery Outlet Project, in accordance with the California Environmental Quality Act (CEQA) and the City's Local Coastal Program.

An Initial Study and Mitigated Negative Declaration was prepared for a proposed Grocery Outlet in Fort Bragg, which was circulated for a 30-day review period January 14 – February 16, 2021. It was adopted by the Planning Commission on June 9, 2021 and affirmed by the City Council on July 12, 2021. Due to a lawsuit, the applicant has vacated their existing permits and will reapply. They have requested that the City prepare an Environmental Impact Report.

The proposed site consists of 1.63 acres of land in the Coastal Zone and Commercial General Zone. The proposed project is a 16,000 ft<sup>2</sup> grocery store with a 54-space parking lot surrounded by urban uses, located at 825, 845, and 851 South Franklin Street, Fort Bragg. The proposed Project will require Planning Commission approval for the following: Coastal Development Permit, Design Review, and a Lot Merger.

The original application was submitted in 2019, and was reviewed by the California Coastal Commission, California Department of Fish and Wildlife, Caltrans, Fort Bragg Fire Department, Mendocino County's Department of Planning and Building Services, and City of Fort Bragg Public Works Department. We understand that there are a variety of technical studies, which will require peer review, but are anticipated to be valuable information that can be used in an analysis of the Project.

### APPROACH

The De Novo Team will prepare an Environmental Impact Report (EIR) for the proposed project. An EIR is an informational document intended to inform public decision-makers, responsible or interested agencies and the general public of the potential environmental effects of a project, and where applicable, provide mitigation measures that can be implemented to reduce or avoid the potential adverse environmental effects.

While CEQA requires that major consideration be given to avoiding adverse environmental effects, the lead agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including the economic and social benefits of a proposed project, in determining whether a proposed project should be approved. A Project-level EIR is described in State CEQA Guidelines § 15161 as:

*“The most common type of EIR (which) examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.”*

## SCOPE OF WORK

### TASK A – PROJECT INITIATION

Within one week of project commencement, the De Novo team will meet with City Staff to discuss the following:

- Refinement of project work scope and schedule,
- City preferences for point of contact, method of communication, meeting responsibilities, project updates, etc.
- Collection of relevant background documents (adopted documents, reports, and studies), and
- Project deliverables.

### TASK B – PREPARE PROJECT DESCRIPTION

De Novo will prepare a detailed description including text and graphics utilizing the information provided to the City by the applicant and applicant’s engineer. The project description will include a regional and local setting, project history and land uses, past ownership, objectives, characteristics, important project features including discretionary actions and entitlements, consistency with the General Plan and zoning designations, a list of responsible and other agencies expected to use the product document in decision making, and a list of approvals for which the product document will be used. We will provide the draft project description to the City staff for review and comment. Upon receipt of comments from the City staff we will finalize the project description for use in the NOP/Initial Study as described in Task C, which will involve a second review of the Project Description along with the Initial Study.

### TASK C – NOP/INITIAL STUDY

De Novo will prepare an Initial Study and Notice of Preparation (NOP) in an administrative draft form for City staff to review. Comments received will be incorporated into the Initial Study and Notice of Preparation for public circulation. After the document is “Screen Checked” by City staff, we will finalize the document. The public draft will be published and distributed with the proper notices to the State Clearinghouse. We will provide City staff with a copy to be filed by the City with the County Clerk, and a newspaper of regional circulation. The results of the Initial Study and NOP will be presented at a public scoping meeting in coordination with City staff.

The intent of the Initial Study/NOP and public scoping meeting is to narrow the focus of the environmental analysis in the EIR to the most pertinent and relevant environmental issues. The Initial Study will review the following topics: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Mineral Resources, Population, Public Services, Noise, Recreation, Traffic, Tribal Resources, and Utilities. Once the Initial Study is completed, we may find that the project will not have significant adverse impacts

on certain topics and a cursory level of analysis is all that would be needed in the EIR for that particular topic. For other topics, we would require a full EIR analysis of the topic.

From our initial review of the project relative, we believe that the following topics will be scoped out of the EIR: Aesthetics/Visual Resources, Agricultural Resources, Cultural and Tribal Resources, Geology/Soils/Seismicity, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Population and Housing, Public Services/Recreation, and Wildfires. If the above topics are scoped out during the NOP phase of the project, we would have the following topics be the focus of the EIR: Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Land Use Planning, Noise, Traffic, and Utilities. This Scope of Work is based on these assumptions. Additional topics may need to be added to the scope after the NOP phase concludes, which would require additional budget.

The Initial Study and Scoping Meeting will also serve as an opportunity to define and solidify the project alternatives in a public forum. This will be an important step during this project task in an effort to streamline the Environmental Review process. We will review all available community information to assist in the development of up to four (4) project alternatives to be addressed in the EIR.

*Deliverables: One (1) electronic copy of the Admin Draft NOP with appendices, in MS Word and PDF format. One (1) electronic copy of the Final NOP with appendices, in MS Word and PDF format. Hard copies can be prepared at time and materials if requested.*

#### TASK D – TECHNICAL STUDIES

The following discusses the individual technical studies that will be prepared for the project.

#### HEALTH RISK ASSESSMENT (HRA)

The objective of the HRA is to determine the public health risks from existing emissions from nearby rail and other toxic air sources, combined with the new public health risks from project-related traffic. The HRA consists of two main tasks: 1. Exposure Assessment, and 2. Risk Calculations.

- *Task 1 Exposure Assessment:* The main steps involved in exposure assessment includes estimating the emission rates of toxic air pollutants and running an air dispersion model to calculate the concentration of a toxic air pollutant at each location in the modeling domain. The modeling domain would include proposed project site, portions of adjacent roadways, and any other known source(s) of toxic air pollutants proximate to the site. The main toxic air contaminant (TAC) associated with industrial uses is diesel particulate matter (DPM), although various manufacturing uses also emit TACs. The emission rates of DPM will be calculated on the basis of site-specific characteristics. We propose to use the AERMOD air dispersion model with 5 years of meteorological data collected at the closest monitoring station. The proposed dispersion model is recommended by the Air District.

- *Task 2 Risk Calculations:* We propose to calculate the residential (70 year) cancer health risks by multiplying the concentration of DPM by its unit risk factor. The current unit risk factor recommended by the Office of Environmental Health Hazard Assessment is  $4.15 \times 10^{-4}$  (ug/m<sup>3</sup>)-1. The resulting cancer risks will be plotted on the base map.

This section will provide an analysis including the methodology, thresholds of significance, a consistency analysis, cumulative impact analysis, and a discussion of feasible mitigation measures that should be implemented to reduce impacts on air quality.

#### RUN CALCEEMOD

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The project's unmitigated and mitigated NO<sub>x</sub> and PM<sub>10</sub> emissions will be modelled with the CalEEMod. The model will incorporate project details as provided to the City by the Project Applicant. We will confer with the City and Project Applicant regarding the feasibility of a wide variety of project NO<sub>x</sub> and PM<sub>10</sub> emissions reduction (mitigation) measures.

#### NOISE STUDY

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The De Novo team includes Saxelby Acoustics to prepare a Noise and Vibration Study. The following outlines the scope of work for this study:

1. 1A. Existing Noise Environment:
  - **Traffic Noise:** Existing noise levels due to nearby transportation noise sources will be quantified. Saxelby Acoustics uses the Federal Highway Administration (FHWA) traffic noise prediction model for the prediction of traffic noise levels. Direct inputs to the traffic model will include traffic data provided by the project traffic consultant, existing posted speed limits, truck count information, and 24-hour traffic split data collected by Saxelby Acoustics.
  - **Community Noise Survey:** Saxelby Acoustics will conduct a noise survey within the project site to quantify existing background noise levels. The noise survey will consist of short-term noise level measurements and continuous noise level measurements for a minimum period of 24-hours.
2. **Analysis of Transportation Noise Environment:** Saxelby Acoustics will evaluate increased traffic noise levels at existing sensitive receptors in the project vicinity. This task will be performed using traffic volumes provided by the traffic engineer. We anticipate providing traffic noise levels for existing, existing plus project, cumulative, and cumulative plus project scenarios. However, should additional scenarios be included in the traffic study, we will also evaluate those scenarios. We will also calculate exterior and interior traffic noise levels on the proposed residential uses. If necessary, we will evaluate any required exterior or interior noise control measures needed to achieve compliance with the City noise level standards.
3. **Analysis of Stationary Noise Environment:** Saxelby Acoustics will provide an analysis of the noise and vibration impacts associated with construction of the project at existing

sensitive receptors in the project vicinity. It is expected that this analysis will follow the assumptions used in the project air quality analysis.

4. Report Preparation: Saxelby Acoustics will provide a draft report which details our findings, methodology, and noise reduction measures (if required). The report will be prepared to meet the requirements of the City and CEQA.
5. Response to Comments: Saxelby Acoustics will respond to comments on the draft technical report. After comments are received, a final report will be provided.

#### TASK E –ADMINISTRATIVE DRAFT EIR

De Novo will prepare the project-level EIR for the project in an administrative draft form for City staff to review. The EIR will be intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the project.

The EIR will consider the potential environmental effects of the project to determine the level of significance and will analyze these potential effects to the detail necessary to make these determinations on significance. Each section will include GIS graphics and figures to create an easy to comprehend document that is user-friendly. It is noted that the scope of the EIR is focused on the following topics: Air Quality, Biological Resources, Energy, Greenhouse Gas Emissions, Land Use Planning, Noise, Traffic, and Utilities.

The EIR will consist of the following sections:

#### EXECUTIVE SUMMARY

This section will provide a concise description of the project, the potential areas of controversy, issues to be resolved, project alternatives, and a summary of impacts and mitigation measures. The intent of this section is to provide the City and the public with a simple and easy to understand overview of the project and related issues, which will be analyzed and discussed much more thoroughly in the contents of the EIR.

#### INTRODUCTION

The Introduction will serve as an overview of the EIR, describing its purpose and relevant environmental review procedures, the document organization, and the methodology used.

#### PROJECT DESCRIPTION

The Project Description section will consist of a detailed description of the project (See Task B), including the proposed actions, the project goals and objectives, and the relationship of the project to other regional plans and projects. This section will also present the City's and other agency involvement in the project, and the use of the EIR by other agencies, including permits and approvals. This section will be consistent with the requirements of State CEQA Guidelines Section 15124.

De Novo will prepare the Project Description prior to including it in the Initial Study and Notice of Preparation. The Project Description will be provided in an administrative draft form for City staff to review. Comments received will be incorporated into the revised Project Description and included in the Initial Study and Notice of Preparation. After the document is “Screen Checked” by City staff, we will finalize the Project Description for public release.

#### ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES

The Environmental Setting, Impacts, and Mitigation Measures section will present a detailed discussion of each individual environmental topic. Each discussion will include the following:

- An environmental setting and environmental baseline conditions (including figures and GIS graphics);
- The applicable local, state, and federal regulatory setting;
- The threshold of significance used for each impact determination;
- The methodology used for conducting the environmental analysis and making significance determinations;
- An analysis of all identified direct and indirect impacts associated with project;
- An analysis of the cumulative impacts associated with the project;
- Identification of mitigation measures to reduce impacts; and
- A determination of the significance of each impact after mitigation.

De Novo will work closely with City staff to formulate the appropriate mitigation measure language and timing that is appropriate for inclusion in the EIR. Each EIR section will be organized concisely for ease of use and future reference.

#### AIR QUALITY

The project will include an assessment of short-term construction-related emissions and long-term operational emissions, primarily attributable to emissions from vehicle trips and from energy consumption by the uses. We will consult with the local Air District regarding the project’s potential to cause impacts, and the applicability of the Air District’s Rules and Regulations. The Air Quality analysis will include the following:

- Regional air quality and local air quality in the vicinity of the project site will be described. Meteorological conditions in the vicinity of the project site that could affect air pollutant dispersal or transport will be described. Applicable air quality regulatory framework, standards, and significance thresholds will be discussed.
- Short-term (i.e., construction) increases in regional criteria air pollutants will be quantitatively assessed. The ARB-approved CalEEMod computer model will be used to estimate regional mobile source and particulate matter emissions associated with the construction of the proposed project.
- Long-term (operational) increases in regional criteria air pollutants will be quantitatively assessed for area source, mobile sources, and stationary sources. The ARB-approved

CalEEMod computer model will be used to estimate emissions associated with the proposed project. Exposure to odorous or toxic air contaminants will be assessed through a screening method as recommended by the Air District.

- Local mobile-source CO concentrations will be assessed through a CO screening method as recommended by the Air District. Mobile source CO concentrations are modeled for signalized intersections expected to operate at unacceptable levels of service (i.e., LOS E or worse). If the screening method indicates that modeling is necessary, upon review of the traffic analysis, CO concentrations will be modeled using the Caltrans-approved CALINE4 computer model.

We will incorporate the results of the HRA and CalEEMod modeling identified in a previous task. This section will provide an analysis including the methodology, thresholds of significance, a consistency analysis, cumulative impact analysis, and a discussion of feasible mitigation measures that should be implemented to reduce impacts on air quality. Greenhouse Gases and Climate Change will be addressed in a separate chapter.

#### BIOLOGICAL RESOURCES

We plan to utilize the Wildland Resource Manager’s Wetland Report and Biological Review to prepare this section of the EIR. This task does not include any new analysis, but will include a reconnaissance level survey by a qualified biologist to verify site conditions.

#### ENERGY

De Novo will prepare an Energy analysis pursuant to the requirements of CEQA. This will include an evaluation of the energy consumption (electricity, oil, and natural gas) and a review of the project related to the Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards (Standards), including the CALGreen standards. In order to ensure that energy implications are considered in project decisions, Appendix F of the CEQA Guidelines requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. The goal of conserving energy implies the wise and efficient use of energy.

Per Appendix G of the State CEQA Guidelines, the proposed project would result in a significant impact on energy use if it would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

This section will provide an analysis including the methodology, thresholds of significance, a consistency analysis, cumulative impact analysis, and a discussion of feasible mitigation measures that should be implemented to reduce impacts associated with energy consumption.



#### GREENHOUSE GASES AND CLIMATE CHANGE

De Novo will prepare a Green House Gas Emissions analysis pursuant to the requirements of federal, state, regional, and local laws and regulations related to thresholds and methodology for this analysis. The analysis will follow the California Air Pollution Control Officers Association (CAPCOA) white paper methodology and recommendations presented in Climate Change & CEQA, which was prepared in coordination with the California Air Resources Board and the Governor’s Office of Planning and Research as a common platform for public agencies to ensure that GHG emissions are appropriately considered and addressed under CEQA. This analysis will consider a regional approach toward determining whether GHG emissions are significant, and will present mitigation measures to reduce impacts. The discussion and analysis will include quantification of GHGs generated by the project using ARB-approved CalEEMod computer model as well as a qualitative discussion of the project’s consistency with any applicable state and local plans to reduce the impacts of climate change. The De Novo team will work with City staff to implement a methodology and mitigation strategy that meets all legal requirements and is consistent with current City policies and preferences.

This section will provide an analysis including the methodology, thresholds of significance, a consistency analysis, cumulative impact analysis, and a discussion of feasible mitigation measures that should be implemented to reduce impacts associated with greenhouse gas emissions.

#### LAND USE AND PLANNING

This section will include a detailed discussion of the project entitlements as it relates to the existing General Plan, Zoning Code, and other local regulations. We will discuss and map the existing and planned land uses and the character of the region. The local, regional, state, and federal jurisdictions potentially affected by the project will be identified, as well as their respective plans, policies, laws, and regulations (including zoning), and potentially sensitive land uses. We will evaluate the proposed project for consistency the General Plan, the Zoning Ordinance, and any other relevant planning document. Planned development and land use trends in the region will be identified based on currently available plans. Reasonably foreseeable future development projects within the region will be noted, and the potential land use impacts associated with the project will be presented.

This section will provide an analysis including the methodology, thresholds of significance, a consistency analysis, cumulative impact analysis, and a discussion of feasible mitigation measures that should be implemented to ensure consistency with the existing and planned land uses.

#### NOISE

The De Novo Team includes Saxelby Acoustics, an acoustical consulting firm with exceptional local knowledge and experience. The scope of work includes the preparation of a noise study described in a previous task, which will be incorporated into this section of the EIR.

This EIR section will include a full discussion of any existing noise environment, an analysis of station noise generated by the project, including proposed loading docks, on-site truck circulation, parking lots, and any proposed mechanical equipment. We will also conduct an analysis of the noise and vibration impacts associated with construction of the project at existing sensitive receptors in the project vicinity. This section will include a comprehensive mitigation plan to address any potentially significant impacts identified.

#### TRANSPORTATION AND CIRCULATION

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We plan to utilize the KD Anderson traffic report and addendum to prepare this section of the EIR. The Traffic Report includes a VMT analysis to comply with the requirements of SB 743, and a LOS Analysis for compliance with General Plan policy. This task does not include any new analysis.

#### UTILITIES AND SERVICES SYSTEMS

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We understand that an engineer has been retained by the applicant to perform civil engineering for this project, and that the applicant’s plan has been engineered to City specifications. We will utilize the engineering design/calculations performed by the engineer in the preparation of this section of the EIR. This section will focus on wastewater, water, and storm drainage infrastructure, as well as other utilities (i.e. solid waste, gas, electric, etc.) that are needed to serve the proposed project. It is noted that these topics are relevant to the Utilities Department and the appropriate level of coordination will be performed to confirm that the plans are acceptable and that the project description is accurate. This section will provide an analysis, including the methodology, thresholds of significance, a consistency analysis, cumulative impact analysis, and a discussion of feasible mitigation measures that should be implemented to reduce impacts associated with utilities and service systems.

#### CUMULATIVE IMPACT SUMMARY

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De Novo will analyze the environmental impacts of the project when viewed in combination with other known, approved, or reasonably foreseeable projects in the region. The cumulative analysis will address each topic covered in the environmental analysis and will identify appropriate mitigation measures for any significant impacts identified. This cumulative analysis will be based on a list of known projects in the region as well as forecasts.

#### ALTERNATIVES

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De Novo will coordinate with City staff to formulate up to four (4) alternatives for analysis in the EIR as required by the CEQA Guidelines. Our efforts will result in an EIR that will include an examination of a range of reasonable alternatives that could feasibly achieve the basic objectives of the project.

The CEQA Guidelines require that a “No Project” alternative be analyzed among the range of alternatives. An alternative location must also be analyzed unless it is determined by the lead

agency that a feasible alternative location does not exist. If the lead agency determines that an alternative location does not exist, it must disclose the reasons for this conclusion in the EIR.

The alternatives section will provide a description and comparison of the alternatives. Finally, an environmental superior alternative will be selected. From our experience with similar EIRs, we will provide suggested alternatives for City staff to consider. Once the alternatives are initially formulated, they will be presented at the public scoping meeting and refined based on public input. (*Note: We do not anticipate the need to analyze the alternatives at an equal level to the proposed project.*)

#### OTHER CEQA REQUIREMENTS

The section will include the other required CEQA sections including issues previously determined to be less than significant, growth-inducing impacts, significant irreversible environmental effects, and a summary of significant and unavoidable impacts.

#### REPORT PREPARERS AND REFERENCES

This section will provide a list of all persons, agencies, and references used to prepare the EIR.

*Deliverables: One (1) electronic copy of the Admin Draft EIR with appendices, in MS Word and PDF format. Hard copies can be prepared at time and materials if requested.*

#### TASK F – PUBLIC DRAFT EIR AND NOTICE OF COMPLETION

Comments received from City staff regarding the Administrative Draft EIR will be incorporated into the Draft EIR for public circulation. De Novo will generate a “Screen-check” Draft EIR for a final staff review before we produce the document for public review. After the document is finalized, we will publish the document and distribute it with the proper notices to the State Clearinghouse. We will provide City staff with a copy to be filed by the City with the County Clerk, and a newspaper of regional circulation.

*Deliverables: One (1) electronic copy of the Public Draft EIR with appendices, in MS Word and PDF format. Hard copies can be prepared at time and materials if requested.*

#### TASK G – ADMINISTRATIVE FINAL EIR

Upon completion of the public review period De Novo will coordinate with City staff and prepare a written response to the public comments, and where necessary the appropriate revisions will be made to the EIR text. Any additional text will be marked in underline format and any deleted text will be marked in ~~strikeout~~ format. All responses will be prepared pursuant to Section 15088 of the State CEQA Guidelines and provided to Stockton staff for review.

We anticipate 20 or fewer comment letters, two to three pages in length. Excessively long comment letters, or those that are complicated and require a significant effort and/or additional analysis to respond to are considered outside the scope of work and cost estimate.

*Deliverables: One (1) electronic copy of the Admin Final EIR with appendices, in MS Word and PDF format. Hard copies can be prepared at time and materials if requested.*

#### TASK H – FINAL EIR AND MMRP

Comments received from City staff regarding the Administrative Draft Final EIR will be incorporated into the Final EIR for public circulation. De Novo will generate a “Screen-check” Final EIR for a final staff review before we produce the document for public review. After the document is finalized, we will produce the document and deliver it to the City for distribution.

This task will also include the preparation of a Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section 21081.6 of the Public Resources Code. The MMRP will consolidate information contained in the environmental analysis, including the specific mitigation measure, the party responsible for implementation, the party responsible for monitoring, the time frame for implementation, and a section for confirmation of implementation.

*Deliverables: One (1) electronic copy of the Public Final EIR with appendices, in MS Word and PDF format. Hard copies can be prepared at time and materials if requested.*

#### TASK I – FINDINGS OF FACT/ OVERRIDING CONSIDERATIONS

De Novo will prepare the required CEQA Findings of Fact and Statement of Overriding Considerations pursuant to requirements of Sections 15091 and 15093 of the State CEQA Guidelines. These findings shall be prepared using Stockton’s format and will be provided to City staff for an administrative review. Comments received from staff regarding the Administrative Findings will be incorporated into a final version of the Findings for use by the City at the public hearings.

*Deliverables: One (1) electronic copy of the findings.*

#### TASK J – ATTENDANCE AT PLANNING COMMISSION/CITY COUNCIL MEETINGS

De Novo will attend up to two (2) public hearings, which includes a Planning Commission and City Council hearing. De Novo will be responsible for preparing any exhibits that may be necessary for display at these meetings, presentations, and responses to public comment. We anticipate that the Project Manager or Senior Planner will be required for each meeting. Technical support from other members is not included, but can be accommodated on a time and material basis.

#### TASK K – NOTICE OF DETERMINATION

Upon certification of the EIR De Novo will prepare a Notice of Determination for filing with the State Clearinghouse. The applicant will be responsible for paying the CDFW filing fees, which are approximately \$3,445.25, but are anticipated to increase on January 1, 2022. The applicant will also be responsible for paying the Clerk fee, which is \$50.

*Deliverables: One (1) electronic copy of the NOD.*

TASK L-ADMINISTRATION/PROJECT MANAGEMENT

This task includes time to administer the contract, invoicing, coordination with the City staff, developer team, and consultant team.

# BUDGET AND SCHEDULE OF CHARGES



Task #	Task Description	McMurtry Project Manager \$175	Ritchie Prin. Planner \$175	Carroll Senior Planner \$135	Smith Senior Planner \$135	De Novo Support/GIS \$105	Direct Costs	Totals
	<i>Task J</i>	\$ 3,500.00	\$ -	\$ -	\$ -	\$ -	\$ 400.00	\$ 3,900.00
<b>K Notice of Determination</b>								
K.1	Prepare Notice of Determination	1.0						1.0
K.2	File with State Clearinghouse	1.0					\$ 75.00	1.0
	<i>Subtotal</i>	2.0	0.0	0.0	0.0	0.0		2.0
	<i>Task K</i>	\$ 350.00	\$ -	\$ -	\$ -	\$ -	\$ 75.00	\$ 425.00
<b>L Administration/Project Management</b>								
L.1	Project Management/Coordination	17.0	2.0	8.0	8.0			35.0
L.2	Administration	10.0	1.0	8.0	8.0	4.0		31.0
	<i>Subtotal</i>	27.0	3.0	16.0	16.0	4.0		66.0
	<i>Task L</i>	\$ 4,725.00	\$ 525.00	\$ 2,160.00	\$ 2,160.00	\$ 420.00	\$ -	\$ 9,990.00
<b>De Novo Project Subtotals</b>								
	Project Subtotal Hours	104.3	23.0	110.0	51.0	25.5		313.75
	Project Subtotal Cost	\$ 18,243.75	\$ 4,025.00	\$ 14,850.00	\$ 6,885.00	\$ 2,677.50	\$ 9,331.25	\$56,012.50
<b>Total Project Cost</b>								<b>\$56,012.50</b>



## WORK SCHEDULE

<i>Project Task</i>	<i>Time Period (days)</i>	<i>Start</i>	<i>Finish</i>
<b>Task A and B– Project Initiation and Project Description</b>			
Notice to Proceed	-	15-Apr-21	15-Apr-21
Kickoff Call	2	15-Apr-21	17-Apr-21
Draft Project Description	1	15-Apr-21	16-Apr-21
<i>Staff Administrative Review</i>	<i>1</i>	<i>16-Apr-21</i>	<i>17-Apr-21</i>
Prepare Revised Project Description	1	17-Apr-21	18-Apr-21
<b>Task C – NOP</b>			
NOP	3	15-Apr-21	18-Apr-21
<i>Staff Administrative Review</i>	<i>2</i>	<i>18-Apr-21</i>	<i>20-Apr-21</i>
Complete Public NOP	1	20-Apr-21	21-Apr-21
<i>Staff Screencheck Review</i>	<i>1</i>	<i>21-Apr-21</i>	<i>22-Apr-21</i>
Statutory 30-day Public Review Period	30	22-Apr-21	22-May-21
Public Scoping Meeting	1	TBD (estimated 5/11/22)	TBD (estimated 5/11/22)
<b>Task D and E – Tech Reports and Admin Draft EIR</b>			
Health Risk Assessment	20	15-Apr-21	5-May-21
CalEEMod Modeling	20	15-Apr-21	5-May-21
Noise Report	20	15-Apr-21	5-May-21
Administrative Draft EIR	25	15-Apr-21	10-May-21
<i>Staff Administrative Review of Draft EIR</i>	<i>10</i>	<i>10-May-21</i>	<i>20-May-21</i>
<b>Task F – Public Draft EIR/NOC</b>			
Screen-check Draft EIR	5	20-May-21	25-May-21
<i>Staff Screencheck Review of Draft EIR</i>	<i>1</i>	<i>25-May-21</i>	<i>26-May-21</i>
Complete Public Draft EIR	3	26-May-21	29-May-21
<b>Statutory 45-day Public Review Period</b>	<b>45</b>	<b>29-May-21</b>	<b>13-Jul-21</b>
<b>Task G – Admin Final EIR</b>			
Complete Administrative Final EIR	21	13-Jul-21	3-Aug-21
<i>Staff Administrative Review</i>	<i>7</i>	<i>3-Aug-21</i>	<i>10-Aug-21</i>
<b>Task H – Final EIR and MMRP</b>			
Screen-check Final EIR and MMRP	7	10-Aug-21	17-Aug-21
<i>Staff Screen check Review of Final EIR</i>	<i>14</i>	<i>17-Aug-21</i>	<i>31-Aug-21</i>
Complete Final EIR and MMRP	2	17-Aug-21	19-Aug-21
Send Final EIR to all Commentors	2	19-Aug-21	21-Aug-21
<b>Task I – Findings of Fact/Overriding Considerations</b>			
Admin Findings / Overriding Considerations	7	21-Aug-21	28-Aug-21
<i>Staff Review Findings / Overriding Considerations</i>	<i>7</i>	<i>28-Aug-21</i>	<i>4-Sep-21</i>
Complete Findings / Overriding Considerations	7	4-Sep-21	11-Sep-21
<b>Task J – Public Hearings for Draft EIR</b>			
Public Hearing	10	11-Sep-21	21-Sep-21
<b>Task K – Notice of Determination</b>			
File NOD with SCH/County Clerk	5	21-Sep-21	26-Sep-21

## SAMPLE WORK PRODUCT

The link below will take you to a recent Draft EIR and Appendices for the Lumina at Machado Ranch Project in the City of Manteca, San Joaquin County. I have also provided you with a link to the State Clearinghouse CEQAnet database for all documents prepared for this project. Additional samples can be provided at your request.

[Planning Division Documents | City of Manteca](#)

[Lumina Ranch \(ca.gov\)](#)

## INSURANCE

We have reviewed the insurance requirements and will provide an insurance certification upon a contract award in accordance with the insurance specification.

## CONSULTANT AGREEMENT

The following are contractual text edits requested to the City Professional Services Agreement provided in Attachment 2 of the RFP.

- Paragraph 1.3 – Add *“Satisfactory work shall mean work that follows customary good professional standards. The CITY will inform CONSULTANT of any unsatisfactory work within 30-days of receipt of the work being delivered to CITY”*
- Paragraph 6.8 – Modify as follows: *“If Consultant is not a design professional performing “design professional” services under this Agreement, as that term is defined in Civil Code Section 2782.8, Consultant agrees to defend, indemnify, hold free and harmless the City, its elected and appointed officials, officers, agents and employees, at Consultant’s sole expense, from and against ~~any and~~ all claims, demands, actions, suits or other legal proceedings brought against the City, its elected and appointed officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply whenever any claim, action, complaint or suit asserts liability against the City, its elected and appointed officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the ~~sole active~~ negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City’s specifications or Consultant’s Proposal, which shall be of no force and effect.*  
*Notwithstanding the foregoing, for any claim alleging the negligent performance of work by Consultant, the Consultant has no immediate obligation to provide the defense of the City. The Consultant will reimburse indemnified parties their reasonable defense costs ultimately determined to have been caused by the negligence of the Consultant and proportionate to the degree of fault of the Consultant.”*
- Paragraph 6.15 Responsibility for Errors – Add *“To the extent that any errors or omissions are attributable to the City, the City’s representatives, or information provided by others to the City, the Consultant shall not be responsible.”*



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De Novo is committed to practices that demonstrate sustainability and stewardship. Our company provides a working environment that enables our team members to make contributions to improving the environment in which we live.

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