



Office of the City Manager

CONSENT CALENDAR
February 27, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Contract: Rincon Consultants for Environmental Justice Element, Safety Element Update, and Equitable Climate and Resilience Metrics

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to award a contract and execute any amendments, extensions, or change orders with Rincon Consultants, Inc. in an amount not-to-exceed \$634,000 over a three-year period, to update Berkeley's General Plan Safety Element, develop a new General Plan Environmental Justice (EJ) Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard.

FISCAL IMPACTS OF RECOMMENDATION

The total project budget is \$849,042. Funding for this project comes from two sources:

- \$497,042 from a grant awarded to the City, in partnership with the Ecology Center and the Berkeley Climate Equity Collaborative, by the Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program.
- \$352,000 from the General Fund allocated in FY 2023 and carried over to FY 2024 in budget code 011-53-584-622-0000-000-441-612990. Of this amount, \$300,000 was directly allocated for this project and \$52,000 is being re-allocated from unspent funds from other land use policy projects.

\$215,042 of the total budget will go to the Ecology Center, and \$634,000 toward the contract with Rincon Consultants. The amount requested for the contract is a not-to-exceed amount.

CURRENT SITUATION AND ITS EFFECTS

On October 27, 2023, the City of Berkeley released a Request for Proposals (RFP) Specification Number 24-11641-C to update Berkeley's General Plan Safety Element, develop a new General Plan Environmental Justice Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard (Safety Element Update, EJ Element, and Community-Driven Metrics). The City held a pre-bid meeting on November 8, 2023, and accepted proposals through December 12, 2023.

The City received valid proposals from three respondents for this solicitation. Staff assessed the proposals according to the selection criteria in the RFP, including project standing and approach, client references, qualifications and experience, scope of work, and price proposal.

Based on a thorough review, including interviews and reference checks, staff recommends awarding a contract to Rincon Consultants, Inc. for a total amount of not to exceed \$634,000. Rincon Consultants, Inc.'s proposal included a partnership with Equity First, CivicMakers and Fehr & Peers to provide expertise in equity, engagement, emergency evacuation, and hazardous materials training. The team was selected for its extensive experience updating General Plan Elements, demonstrated expertise in integrating evacuation planning with land use policy, and its long history and successful track record working alongside community-based organizations to serve and engage vulnerable residents. In particular, Rincon Consultants, Inc. has extensive experience working in the City of Berkeley, providing on-call planning and environmental services for the Land Use Planning Department for over 10+ years, developing the Environmental Impact Report for the 6th Cycle Housing Element Update, and working with the City, as well as the Ecology Center, on the creation of the Berkeley Existing Building Electrification Strategy.

BACKGROUND

The City of Berkeley's current Disaster Preparedness and Safety Element was adopted on April 23, 2002, and has since been amended to incorporate the City's Local Hazard Mitigation Plan (LHMP) in 2014 and 2019. Pursuant to Senate Bill (SB) 1035, the City is required to review and update the Safety Element, as needed, every eight years in line with the adoption of the General Plan Housing Element.

On February 28, 2023, the Housing Element Update was adopted by City Council and certified by the California Department of Housing and Community Development, thus triggering the requirement to update the Safety Element. Additionally, Program 27 of the Housing Element committed to update the City's Land Use Element, Safety Element, and Environmental Justice Element. The City committed to initiate this work within one year of certification of the Housing Element.

The City chose to initiate a concurrent update to the Safety Element and creation of the Environmental Justice Element in accordance with State law:

- SB 1000 requires that cities and counties with disadvantaged communities adopt an Environmental Justice Element. Under SB 1000, the City of Berkeley is required to adopt an Environmental Justice Element at the same time that the Housing and Safety Elements are updated.
- SB 1035 and SB 379 require a full update to the General Plan Safety Element, and require that all cities to address climate change adaptation and resilience in their General Plan Safety Element.

- Assembly Bill (AB) 747 and AB 1409 require that the General Plan Safety Element identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios, due to presence of Very High Fire Hazard Severity Zones (VHFHSZ).
- SB 99 requires that the General Plan Safety Element identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

On June 8, 2023, the Governor's Office of Planning and Research (OPR) awarded the City of Berkeley and the Ecology Center \$497,042 to create a new Environmental Justice Element, update the General Plan Disaster Preparedness & Safety Element, and develop community-driven climate and resilience metrics as part of the Adaptation Planning Grant Program (APGP). On July 25, 2023, City Council passed Resolution No. 70,998-N.S. (Attachment 2) accepting this grant.

As outlined in the grant agreement, the project includes co-creating with community an update to Berkeley's General Plan Safety Element, development of a new General Plan Environmental Justice Element, and creation of an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard. As part of this work, the team will conduct additional technical analyses that will assess environmental justice impacts, which will guide strategies, goals and policies of the Safety and Environmental Justice Elements, as well as future General Plan Element updates. The intent of the project is to co-create equitable climate adaptation and resilience policies with vulnerable communities, as well as identify meaningful metrics for monitoring and evaluation that are specific and measurable.

Deliverables will include:

1. Climate Adaptation Assessment
2. Groundwater Rise and Toxic Material Analysis
3. Hazardous Railway Materials Training and Training Materials
4. Final Environmental Justice (EJ) Element, including:
 - Existing Conditions Memorandum
 - Evaluation of Environmental Hazard and Pollution section
 - Draft EJ Element goals, objectives, policies and programs and assessment of draft EJ Element goals, objectives, policies and program
5. Final Safety Element, including:
 - Evaluation of existing Safety Element Memorandum
 - Evaluation of Hazards Memorandum

- Assessment of draft Safety Element goals, objectives, policies and programs
- 6. Climate Action Monitoring and Evaluation Goals, Objectives and Metrics
- 7. Climate and Resilience Monitoring and Evaluation Dashboard/Storytelling
- 8. Matrix or memo detailing all Elements that must be amended for internal consistency and suggested language for updated goals and policies
- 9. Environmental Impact Report (EIR)

The City of Berkeley has a long and strong commitment to climate action and community resilience, and has developed numerous long-range plans and short-term strategies from an equity and community-driven perspective for outreach and engagement. Several relevant City-led planning efforts, either recently completed or currently underway, will inform this project, both in terms of technical analysis and community engagement approach, including the Berkeley Wellness Blueprint, the Local Hazard Mitigation Plan (LHMP), and the Community Wildfire Protection Plan. Additionally, the Ecology Center, which will be serving as a partner on this project, has been engaging closely with vulnerable communities to create the Berkeley Climate Equity Collaborative, which will also be a key partner in all phases of the proposed scope of work. The City and its partners will incorporate significant community engagement activities through the duration of the project. Staff estimate that the General Plan updates will ultimately be advanced to City Council for review and adoption by the fall of 2026.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project envisions developing a replicable model for a planning process that prioritizes the needs of Berkeley's most vulnerable and historically disadvantaged communities. These communities continue to experience adverse health impacts correlated to inadequate housing and other environmental factors due to historically low investment driven by deep-rooted racist policies. The City will create and implement a community-driven methodology to measure equitable outcomes and achieve multiple climate and resilience benefits for the community. This contract will further advance the City's climate and resilience goals, as well as the City's commitment to social and racial equity, one of the goals of its Strategic Plan.

RATIONALE FOR RECOMMENDATION

This contract directly responds to the goals set forth in the Council-adopted 2023-2031 Housing Element Update, and in particular Program 27, in which the City commits to update the Safety and Environmental Justice Elements of the General Plan by December 2026, as well as SB 1035 (requiring a full Safety Element Update by 2026) and SB 1000 (requiring cities with disadvantaged communities to add an Environmental

Justice Element when two or more General Plan Elements are updated concurrently). Awarding this contract will help the City of Berkeley implement the Housing Element, comply with State law, and advance the City's Strategic Plan goals.

ALTERNATIVE ACTIONS CONSIDERED

City staff considered managing and executing the project exclusively with staff resources. However, the scope of the work and the level of effort required to complete the tasks addressed required to update the Safety Element, create the Environmental Justice, as mandated by State law, and develop climate action monitoring and evaluation dashboard, as required by the OPR grant, exceeds the capacity of existing City staff. City staff also considered recommending awarding the contract to one of the other respondents but ultimately determined that the team led by Rincon Consultants, Inc. was the best qualified for the project.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534
Alisa Shen, Principal Planner, Land Use Planning Division, 510-981-7409
Zoe Covello, Associate Planner, Land Use Planning Division, 510-981-7418

Attachments:

- 1: Resolution
2. Resolution No. 70,998-N.S., adopted July 25, 2023, accepting grant funds from the Governor's Office of Planning and Research

RESOLUTION NO. ##,###-N.S.

CONTRACT: ENVIRONMENTAL JUSTICE ELEMENT, SAFETY ELEMENT UPDATE,
AND EQUITABLE CLIMATE AND RESILIENCE METRICS

WHEREAS, California Government Code Section 65300 et seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

WHEREAS, the City of Berkeley adopted its current Disaster Preparedness and Safety Element on April 23, 2002 and does not currently have an Environmental Justice Element; and

WHEREAS, Senate Bill 1035 amended Government Code Section 65302 to require all cities to address climate change adaptation and resilience in their general plan safety element; and

WHEREAS, Senate Bill 1000 amended Government Code Section 65302 to require that cities and counties that have disadvantaged communities incorporate Environmental Justice (EJ) policies into their general plans, either in a separate EJ element or by integrating related goals, policies, and objectives throughout the other elements upon the adoption or next revision of two or more elements concurrently; and

WHEREAS, on March 31, 2023, the City of Berkeley, in partnership with the Ecology Center as a co-applicant, submitted a proposal in response to the APGP Round 1 opportunity to fund the creation of a new General Plan Environmental Justice Element, update to the existing General Plan Disaster Preparedness and Safety Element, and develop community-driven climate and resilience metrics; and

WHEREAS, on July 25, 2023, Berkeley City Council authorized the City Manager or their designee to accept the California Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) grant in the amount of \$497,042 and to execute any resulting grant agreement, for the duration of August 31, 2023 through January 31, 2026; and

WHEREAS, the City of Berkeley released a Request for Proposals on October 27, 2023 (Specification No. 24-11641-C); and

WHEREAS, a selection committee reviewed the proposals and determined Rincon Consultants, Inc., in partnership with the Equity First, CivicMakers, and Fehr & Peers was the best qualified team to provide the services needed for developing and implementing a new General Plan Environmental Justice Element, and create an Equitable Climate and Resilience Monitoring and Evaluation Strategy and Dashboard for a cumulative amount not-to-exceed \$634,000; and

WHEREAS, the cost of the contracted service of an amount not-to-exceed \$634,000 is covered by the California Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) and budget code 011-53-584-622-0000-000-441-612990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to award a contract and execute any amendments, extensions, or change orders Rincon Consultants, Inc. for an amount not to exceed \$634,000, for a three-year period from contract execution.

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

RESOLUTION NO. 70,998-N.S.

RESOLUTION TO ACCEPT GRANT FROM CALIFORNIA OFFICE OF PLANNING
AND RESEARCH (OPR) ADAPTATION PLANING GRANT PROGRAM (APGP)

WHEREAS, California Government Code Section 65300 et seq. requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

WHEREAS, Senate Bill 1000 (Leyva, 2016) amended Government Code Section 65302 to require that both cities and counties that have disadvantaged communities incorporate Environmental Justice (EJ) policies into their general plans, either in a separate EJ element or by integrating related goals, policies, and objectives throughout the other elements upon the adoption or next revision of two or more elements concurrently; and

WHEREAS, on March 31, 2023, the City of Berkeley, in partnership with the Ecology Center as a co-applicant, submitted a proposal in response to the APGP Round 1 opportunity to fund the creation of a new General Plan Environmental Justice Element, update to the existing General Plan Disaster Preparedness and Safety Element, and develop community-driven climate and resilience metrics; and

WHEREAS, on June 1, 2023, OPR announced that the City of Berkeley proposal was one of fourteen winners of the APGP Round 1 funding.


NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to accept the California Governor's Office of Planning and Research (OPR) Adaptation Planning Grant Program (APGP) grant in the amount of \$497,042, and to execute any resulting grant agreement, for the duration of August 31, 2023 through January 31, 2026.

The foregoing Resolution was adopted by the Berkeley City Council on July 25, 2023 by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Harrison.



Jesse Arreguin, Mayor

Attest:



Mark Numainville, City Clerk