



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning &
Development
Department No.: 053
For Agenda Of: January 29, 2019
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Dianne Black, Director, Planning & Development, 568-2086
Director(s)
Contact Info: Jeff Wilson, Deputy Director, Planning & Development, 568-2518
SUBJECT: Authorization of Professional Services Contract with LSA Associates, Inc. to prepare a Supplemental Environmental Impact Report for the proposed Orcutt Marketplace Project (Key Site 1), Orcutt Community Plan area, 4th Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute an Agreement for Services of Independent Contractor (Attachment 1) with LSA Associates, Inc. to complete a Supplemental Environmental Impact Report (SEIR) for the Orcutt Marketplace project for a base amount of \$148,680.00 and a total contract amount not to exceed \$163,548.00.
- b) Authorize the Director of Planning and Development, or designee, to approve up to a 10% contingency cost of the base amount not to exceed \$14,868.00 for services being performed under the Agreement.
- c) Approve and authorize the Director of Planning and Development, or designee, to make immaterial changes in accordance with Section 35 of the Agreement.
- d) Determine that this action is exempt from CEQA pursuant to Section 15378(b)(5), which addresses organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

Summary Text:

The proposed Orcutt Marketplace project is a request to develop an approximately 422,000 square foot (sq. ft.) mixed-use residential/commercial shopping center on Key Site 1. The previously approved original project was a 320,663 sq. ft. commercial shopping center without residences. Residential development on Key Site 1 was not analyzed in the Orcutt Community Plan Final Environmental Impact Report (95-EIR-01) for future development on the site. Therefore, pursuant to State CEQA Guidelines Sections 15063 and 15162(3), the County of Santa Barbara Planning and Development Department [i.e. the "Lead Agency"] reviewed the request and determined that the proposed project will require the preparation of a SEIR to 95-EIR-01 to comply with the CEQA. Appendix 1 of the attached Agreement for Services includes the proposal for completing the SEIR. Board authorization of an Agreement is required when the cost of preparing an EIR will exceed \$100,000.00.

Background:

The project site (known as Key Site 1) is located at the northwest corner of Highway 101 and Clark Avenue. Key Site 1 is designated as General Commercial and zoned C-2 (Retail Commercial). The Orcutt Community Plan designates Key Site 1 as a "gateway" site for development of a commercial center. LSA Associates, Inc. will be responsible for preparing the SEIR for the project. Tasks involved with the preparation of the environmental document include, but are not limited to, peer review of technical reports, independent field survey of the project site, and independently and objectively evaluating potential project generated impacts and identification of mitigation measures if necessary to reduce impacts to less than significant levels. Planning and Development will oversee completion of the SEIR which analyzes the project's impacts on the environment and circulate the SEIR for public review and comment.

Fiscal and Facilities :

All costs for consultant preparation and processing of the SEIR will be fully reimbursed by the project applicant. The cost of completing the SEIR is for an amount not to exceed \$163,548.00, which includes a base cost of \$148,680.00 and a 10 percent contingency cost of \$14,868.00. The project applicant will deposit \$163,548.00 prior to work commencing to pay the costs for LSA Associates, Inc. to complete the SEIR. Any contingency funds used must be identified by the consultant and approved by the Planning and Development Director, or designee, prior to the work commencing. Planning and Development will invoice the project applicant for all staff time necessary to administer the Agreement for Services and related planning actions. Funding for this project is budgeted in the Permitting Budget Program on page D-272 of the adopted Fiscal Year 2018-19 budget.

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
General Fund	\$ -	\$ -	
State	\$ -	\$ -	
Federal	\$ -	\$ -	
Fees	\$ -	\$ -	
Other:			\$163,548.00
Total	\$ -	\$ -	\$163,548.00

Key Contract Risks:

A risk analysis was performed on the proposed contract and the contract was determined to be of low risk. The amount of \$163,548.00 will be paid in-full by the applicant in the form of a deposit to the County. As such, there is no risk to County fiscal resources for the contract amount. The contract includes payment arrangements based on periodic compensation at selected milestones. Payments will not be made until all services have been completed, delivered and found to be satisfactory for the various milestones. This ensures that funds from the deposit will only be expended upon satisfactory product delivery and performance by LSA Associates, Inc.

Special Instructions: Clerk of the Board will forward a copy of the Minute Order and executed contract to Planning & Development, Development Review Division, Attn: Dana Eady. Planning & Development will issue a Notice-to-Proceed to LSA Associates, Inc.

Attachments:

- Attachment 1: Agreement for Services of Independent Contractor
- Attachment 2: Board Contract Summary

Authored by:

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