



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 and  
Development (P&D)  
**Department No.:** 053  
**For Agenda Of:** December 13, 2022  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** 4/5

---

**TO:** Board of Supervisors

**FROM:** Department Lisa M. Plowman, (805) 568-2086  
Director(s)  
Contact Info: Dan Klemann, (805) 568-2072

**SUBJECT:** Agreement for Consultant Services to Prepare, Conduct Public Outreach for, and Prepare a Programmatic Environmental Impact Report (PEIR) for, Zoning Ordinance and Other Related Comprehensive Plan Amendments

---

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

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 with Miller Planning Associates et al (Attachment 1) to provide professional services that include preparing, conducting public outreach for, and preparing a PEIR for, certain zoning ordinance and other related Comprehensive Plan amendments, for the period of December 14, 2023, to June 30, 2026, with a base amount not to exceed \$1,003,113;
- b) Authorize the Planning & Development Department (P&D) Director, or the P&D Director's designee, to:
  - i. Approve up to a 10 percent contingency cost not to exceed \$100,311 for services being performed under the Agreement for Services of Independent Contractor, for a total Agreement amount not to exceed \$1,103,424;
  - ii. Approve changes or additions in the services being performed under the Agreement for Services of Independent Contractor, provided the Agreement does not exceed the base Agreement amount plus the 10 percent contingency identified in the Agreement; and

- iii. Make immaterial changes in accordance with Section 35 of the Agreement for Services of Independent Contractor.
- c) Determine that the Agreement for Services of Independent Contractor, budget revision, and the Board of Supervisors' actions are not a project and, therefore, are exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

**Background:**

The Fiscal Year (FY) 2022 – 2023 P&D budget and Long Range Planning Division Work Program includes a Supervising Planner position to manage a team of consultants responsible for preparing Comprehensive Plan amendments to:

- Comprehensively update the County's sign regulations
- Either rezone to another commercial designation, or substantially revise/update the regulations that apply to, property that is located in the Shopping Center (SC) zone
- Allow residential mixed use development in all commercial zones
- Revise the Design Residential (DR) zone and Planned Residential Development (PRD) zone development standards to incentivize residential development for very low and low income categories
- Develop countywide outdoor lighting standards that address light pollution, energy efficiency, site security, community character, etc.
- Relax the permitting requirements for certain uses/development

Accordingly, during the first quarter of FY 2022 – 2023 P&D selected the Supervising Planner to manage the project and initiated a bid process for consultant services on August 24, 2022, that concluded on September 26, 2022. (See the request-for-proposals included as Attachment 2 to this Board letter.) Miller Planning Associates submitted a timely proposal on behalf of a consultant team that involves Miller Planning Associates as the lead consultant, and Urban Planning Partners, Rincon Consultants, and Fehr & Peers as subconsultants who would be responsible for completing specific tasks based on their subject matter expertise (Attachment 1). The consultant team has extensive experience working both directly for the County, as well as other clients, providing the types of services that are needed for the Comprehensive Plan and Zoning Ordinance Amendments project. The proposal (Attachment 1) reflects the required scope of services; demonstrates relevant, previous experience in the project area; and demonstrates professional qualifications necessary for satisfactory performance of the services required.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

Funding for this project is budgeted in P&D's Long Range Planning Division Budget Program on page 404 of the County of Santa Barbara FY 2022 – 2023 adopted budget. The FY 2022 – 2023 budget included \$550,000 in general fund revenue for staff and consultant services expenses in FY 2022 – 2023.

Additional funding will be required in future fiscal years in order to account for future, anticipated environmental and administrative costs. Staff originally estimated that consultant services for this project would not exceed \$996,500 (total) over a three-year period (FY 2022 – 2023 through FY 2024 - 2025). However, the bid process revealed that actual costs likely will exceed initial estimated costs. The additional costs are due mainly to certain transportation/climate change-related impacts that must be evaluated in the environmental impact report to be prepared for the project and, to a lesser degree, administrative tasks/services (e.g., filing public notices, filing environmental documents, providing security at public workshops, and providing Spanish translation services) for the project. The adopted budget also was based on the assumption that consultant services would be required for approximately three fiscal years (FY 2022 – 2023 through FY 2024 – 2025). However, Attachment 2 anticipates that consultant services will be required in FY 2025 – 2026 to complete the Coastal Commission certification process for this project.

The total additional costs for consultant services will be \$116,924 (i.e., \$106,924 for the consultant services plus \$10,000 for administrative tasks/services), bringing the total estimated costs for consultant services to \$1,113,424 to be incurred from FY 2022 – 2023 through FY 2025 - 2026. P&D will work with the CEO's office to address the additional costs in future P&D budgets.

**Key Contract Risks:**

P&D staff performed a risk analysis on the proposed Agreement. It is a medium to high risk proposal because of the high Agreement value, the term of the Agreement, and the project has medium complexity. The Agreement applies the County's standard independent contractor terms and conditions in accordance with State of California laws and regulations. The risk mitigation includes insurance coverage appropriate for the level of risk involved as determined by P&D in conjunction with the County Risk Manager, and the Agreement indemnifies County agents, officers, and employees, from any claims that may arise from activities performed under the Agreement. The Agreement also includes a Termination for Convenience clause to further mitigate risk.

**Staffing Impacts:**

No additional staffing is needed to implement and manage this Agreement.

**Special Instructions:**

Please forward one original executed Agreement and a copy of the hearing Action Summary to P&D, Hearing Support, Attention: David Villalobos.

**Attachments:**

1. Proposal
2. RFP for Consultant Services
3. Agreement for Services of Independent Contractor
  - Exhibit A: Statement of Work
  - Exhibit B: Payment Arrangements
  - Attachment B1: Fee Schedule
  - Exhibit C: Indemnification and Insurance Requirements
  - Exhibit D: Contractor Proposal

**Authored by:**

Dan Klemann, (805) 562-2072