



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: August 13, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning & Development, 568-2086
Director:
Contact Info: Jeff Wilson, Assistant Director, Planning & Development, 568-2085
SUBJECT: Approval of Amendment No. 1 to the Professional Services Contract with LSA Associates, Inc. for preparation of the Supplemental Environmental Impact Report (SEIR) for the Orcutt Marketplace Project located on Key Site 1 in the 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 Amendment No. 1 to the Professional Services Agreement BC19189 with LSA Associates, Inc. (LSA), to increase the scope of work and to add funding in the amount of \$19,590.00 for a revised base amount of \$166,490.00 and a total contract amount not to exceed \$183,138.00 for preparation of the SEIR for the Orcutt Marketplace project. The recommended Contract Amendment No. 1 is included as Attachment 1.
- b) Authorize the Director of Planning and Development, or designee, to approve up to a 10% contingency cost of the base amount which is increased by \$1,780.00 for a revised not to exceed of contingency costs of \$16,648.00 for services being performed under the Agreement.
- c) Determine that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

Summary Text:

Additional work beyond the scope of the current contract is required to complete the SEIR for the Orcutt Marketplace project. This Contract Amendment No. 1 includes a request for an additional \$19,590.00 for a total contract amount of \$183,138.00 to fund out-of-scope efforts for Contract Tasks 2-4 which include additional peer review of technical studies, technical analysis and SEIR preparation of the greenhouse gas

emissions, energy, and paleontology sections. The estimate of \$19,590.00 is detailed in the June 7, 2019 memorandum from LSA which is included in Attachment 1 hereto.

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. 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. LSA 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 Impacts:

All costs for this project are fully reimbursed by the project applicant. With this Amendment No. 1, the not-to-exceed total cost for completing the Orcutt Marketplace project SEIR would increase from \$163,548.00 to \$183,138.00. The applicant will deposit the authorized amount (\$19,590.00) upon the Board's approval of the requested Contract Amendment No. 1.

P&D will continue to invoice the applicant for all staff time necessary to administer the Agreement for Services and related planning activities. These funds are budgeted in the Permitting Budget Program on page D-269 of the County of Santa Barbara Fiscal Year 2019-20 budget.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			183,138.00
Total	\$ -	\$ -	183,138.00

The applicant has provided contract funds in the amount of \$163,548.00 and will provide the additional \$19,590.00 to increase the total not-to-exceed cost to \$183,138.00.

Key Contract Risks:

A risk analysis was performed on the original proposed contract and was determined to be of low risk. The contract amendment amount of \$19,590.00 will be paid in-full by the applicant in the form of a deposit to the County. As such, there is low risk to County fiscal resources for the contract amount. The contract will continue to include 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. Funds from the deposit will only be expended upon satisfactory product delivery and performance by LSA.

Staffing Impacts:

Legal Positions: N/A

FTEs: N/A

Special Instructions:

The Clerk of the Board will forward a copy of the executed Amendment 1 to the Agreement for Services and Minute Order to P&D, Development Review Division, attention Dana Eady.

Attachments:

1. Contract Amendment No. 1 to Agreement for Services (BC19189)
2. Board Contract Summary

Authored by: Dana Eady, Planner

ATTACHMENT 1

**AMENDMENT NO. 1 to
AGREEMENT FOR SERVICES OF INDEPENDENT
CONTRACTOR (BC19189)**

BOARD OF SUPERVISORS CONTRACTOR AMENDMENT
NO. 1 TO
AGREEMENT BETWEEN COUNTY OF SANTA
BARBARA AND LSA ASSOCIATES, INC.

This Amendment (hereinafter referred to as Amendment No. 1) constitutes a modification to the original Agreement between County of Santa Barbara (COUNTY) and LSA Associates, Inc. (CONSULTANT), Contract No. **BC19189**, which was entered into on January 29, 2019.

Effective as of August 13, 2019, the original agreement is modified as follows:

1. The following work is added to Exhibit A of the Agreement as attached hereto and incorporated herein by reference:

As described in the LSA Associates, Inc. letter to Santa Barbara County Planning and Development dated June 7, 2019 which is included herein as Appendix 1-A01.

2. Additional funding of \$17,810.00 in base funds and an additional \$1,780.00 in contingency funds are being added to the Agreement. Exhibit B of the Agreement, Section "A" is deleted and replaced in its entirety as follows:

For CONTRACTOR services to be rendered under this Agreement, CONTRACTOR shall be paid a total base contract amount, including cost reimbursements, not to exceed \$166,490.00. Upon written approval by the Director of Planning and Development, or designee, up to a 10% contingency cost of the initial Agreement may be approved beyond the total base amount in an amount not to exceed \$16,648.00, making the overall Agreement total, including cost reimbursements, not to exceed a cost of \$183,138.00.

3. Contractor agrees to comply with the specific compensation budgets for each task as listed in Appendix 1-A01.

CONSULTANT understands and agrees that the compensation granted herein constitutes the total and entire compensation for these changes in the work. All other terms and conditions of the original agreement, as previously amended, if applicable, shall remain in full force and effect.

ATTEST:

CLERK OF THE BOARD

By _____
Deputy Clerk of the Board

Chair, Board of Supervisors

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
County Counsel

Consultant
Jeff Bray, President
LSA Associates, Inc.

By _____

RAY AROMATORIO
Risk Manager

By _____

BETSY SCHAFFER, CPA
Auditor-Controller

APPROVED AS TO FORM:

LISA PLOWMAN, Director
Planning and Development

By _____

By _____

APPENDIX 1-A01

LSA ASSOCIATES INC.
LETTER DATED JUNE 7, 2019