

**BOARD OF SUPERVISORS CONTRACT AMENDMENT No. 1
TO
AGREEMENT BETWEEN COUNTY OF SANTA BARBARA
AND ENVICOM CORPORATION**

This Amendment hereinafter referred to as Amendment No. 1 constitutes a modification to the original agreement between County of Santa Barbara and Envicom Corporation, Contract No. BC 06125, which was entered into on June 27, 2006.

Effective as of May 6, 2008 the original agreement is modified as follows:

1. The changes in compensation addressed the following additional work as explained in the attached letter from Envicom Corporation dated November 16, 2008 (revised April 10, 2008):
 - Additional time needed to respond to comments on the Draft EIR beyond what was originally anticipated due to the volume and nature of the comments received;
 - The need for additional studies and analysis for several EIR sections that require additional staff time; and
 - Increased production costs due to the size of the EIR.
2. Total contract compensation is increased by \$85,968, raising the NOT TO EXCEED AMOUNT from \$331,702 to \$417,670 as made necessary by the work requested beyond the scope of the original contract.

CONSULTANT understands and agrees that the compensation and time 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:
MICHAEL F. BROWN
CLERK OF THE BOARD

By _____
Deputy Clerk of the Board

Chair, Board of Supervisors

Consultant
[Signature]

Consultant Title

DANIEL WALLACE
County Counsel

By *[Signature]*

ROBERT W. GEIS, CPA
Auditor-Controller

By *[Signature]*

DEPUTY

RAY AROMATORIO
Risk Program Manager

By *[Signature]*



**ENVICOM
CORPORATION**

Environmental Analysis & Compliance

Urban Planning & Design

Real Estate Development & Entitlement

Environmental Restoration

Real Estate Economics & Valuation

Via Email

April 10, 2008

County of Santa Barbara
Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Attn: Alex Tuttle, Planner

Subj: Santa Barbara Botanic Garden Vital Mission Plan EIR – Revised Request for Budget Amendment, Response to Comments and Final EIR (Envicom Project # 66-968-001)

Dear Alex:

This letter and the attached cost table revise our November 16th budget amendment request letter. The revisions contained herein reflect changes to the project description and resolution of certain issues that were outstanding at the time of our previous estimate. Project description changes include the following:

- (1) The project will be revised to eliminate 5 of the proposed additional on-site residential units.
- (2) The fencing plan will be revised to include a spilt rail fence design around the property perimeter rather than the previously proposed chain link perimeter fence. The perimeter fence will be set back from the street to avoid pedestrian safety issues. There may be some chain link fencing internal to the property to protect sensitive areas.
- (3) Our previous budget amendment assumed up to two new or revised alternatives. We have revised our cost estimate based on the understanding that there will not be any new alternatives, however we will need to revise the No Project Alternative to use a 1.8% per year growth rate instead of the 1 percent per year used in the DEIR analysis.

Changes made to the cost estimate are as follows:

- **Aesthetics** – I reduced Jack Block's time by 4 hours to account for reduced field inspection regarding the perimeter fence.
- **Fire/Don Oaks** – I replaced the original estimate of \$12,000 for Task 4.1 with \$4,500, which allows for 15 hours of his time. This is based on the current understanding that the County Fire Department will review the revised FPP and that County staff will prepare most of the responses in coordination with the Fire Department. I also reduced the budget for his time on Task 4.2 from \$1,800 to \$1,200.
- **McKenna et al.** – I have included a budget of \$2,300, which allows for four days of Jeanette McKenna's time to assist with response to comments and

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revisions to the EIR section. This is based on our understanding that the County will separately contract with another firm for the preparation of a cultural resource study that will assess the historic value of the Garden property as a whole, including its potential significance as a historic landscape. The study will also identify potential impacts of each of the project elements with respect to the historic significance of the site. The County will be responsible for reviewing this report; Envicom/McKenna will not conduct a peer review of the study.

- **Traffic/LLG** – A reduction of \$750 was made to account for the elimination of one new/revised alternatives analysis. However, in reviewing the prior estimate I discovered an error in that the amount shown for LLG under Task 4 included only the additional costs for this task but should have included the entire cost since the existing budget is subtracted later on in the table. The total cost should have been \$10,700. Therefore, the revised amount is \$9,950 (\$10,700 - \$750). Should it be determined after review of the seasonal visitor data provided by the Garden that the model does not have to be rerun, a cost reduction of \$4,500 will be made.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Ballin".

Lisa Ballin
Senior Project Manager

Santa Barbara Botanic Garden
RTC/FEIR Cost Estimate

Task	Staff Assigned	Hours	Hourly Rate	Cost
LABOR COSTS				
Task 4.1 Prepare Administrative Proposed Final EIR (Response to Comments and Final EIR)				
	Lisa Ballin	200	\$125.00	\$25,000.00
	Jack Blok	61	\$105.00	\$6,405.00
	Carl Wishner	80	\$125.00	\$10,000.00
	Clint Harris	48	\$90.00	\$4,320.00
	Tyler Barns	80	\$65.00	\$5,200.00
	Renee Mauro	50	\$65.00	\$3,250.00
	Erin Evarts	60	\$65.00	\$3,900.00
	Chris Boye	28	\$80.00	\$2,240.00
	Joe Johns	16	\$210.00	\$3,360.00
	Don Oaks		<i>subconsultant</i>	\$4,500.00
	McKenna et al.		<i>subconsultant</i>	\$2,300.00
	Giroux and Associates		<i>subconsultant</i>	\$800.00
	Wilson Geosciences		<i>subconsultant</i>	\$5,920.00
	LLG		<i>subconsultant</i>	\$9,950.00
			Subtotal Task 4.1	\$87,145.00
Task 4.2 Prepare Screencheck Proposed Final EIR				
	Lisa Ballin	60	\$125.00	\$7,500.00
	Jack Blok	8	\$105.00	\$840.00
	Carl Wishner	8	\$125.00	\$1,000.00
	Tyler Barns	24	\$65.00	\$1,560.00
	Renee Mauro	32	\$65.00	\$2,080.00
	Erin Evarts	24	\$65.00	\$1,560.00
	Chris Boye	12	\$80.00	\$960.00
	Joe Johns	8	\$210.00	\$1,680.00
	Don Oaks		<i>subconsultant</i>	\$1,200.00
	Giroux and Associates		<i>subconsultant</i>	\$200.00
	Wilson Geosciences		<i>subconsultant</i>	\$680.00
	LLG		<i>subconsultant</i>	\$700.00
			Subtotal Task 4.2	\$19,960.00
Task 4.3 Prepare Proposed Final EIR				
	Lisa Ballin	24	\$125.00	\$3,000.00
	Tyler Barns	18	\$65.00	\$1,170.00
	Renee Mauro	20	\$65.00	\$1,300.00
	Chris Boye	12	\$80.00	\$960.00
	Erin Evarts	12	\$65.00	\$780.00
	Joe Johns	4	\$210.00	\$840.00
	Don Oaks		<i>subconsultant</i>	\$1,200.00
	Giroux and Associates		<i>subconsultant</i>	\$200.00
	Wilson Geosciences		<i>subconsultant</i>	\$240.00
	LLG		<i>subconsultant</i>	\$300.00
			Subtotal Task 4.3	\$9,990.00
			Total Tasks 4.1-4.3	\$117,095.00
				- EXISTING BUDGET FOR TASKS 4.1-4.3
				-39,015.00
				ADDITIONAL LABOR BUDGET REQUESTED
				78,080.00
DIRECT COSTS				
				PRODUCTION OF FEIR (2 admin, 2 screencheck, 30 final copies, 1,400 Pages plus 30 color graphics)
				\$7,740.00
				- EXISTING BUDGET
				-\$2,052.00
				TOTAL ADDITIONAL PRODUCTION COSTS
				\$5,688.00
				ADDITIONAL FIELD SURVEYS (TWO)
				\$400.00
				GENERAL MATERIALS, REPRODUCTION, COMMUNICATIONS, DELIVERY
				\$1,800.00
				TOTAL ADDITIONAL DIRECT COST BUDGET REQUESTED
				\$7,888.00
				TOTAL ADDITIONAL COSTS (LABOR PLUS DIRECT COST)
				\$85,968.00



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November 16, 2007

RECEIVED Mail

NOV 21 2007

S.B. COUNTY
PLANNING & DEVELOPMENT

County of Santa Barbara
Planning and Development Department
123 East Anapamu Street
Santa Barbara, CA 93101

Attn: Alex Tuttle, Planner

Subj: Santa Barbara Botanic Garden Vital Mission Plan EIR - Request for Budget Amendment, Response to Comments and Final EIR (Envicom Project # 66-968-001)

Dear Alex:

This letter provides a cost estimate for Response to Comments and Preparation of the Final EIR for the Santa Barbara Botanic Garden Vital Mission Plan. We have an existing budget for these tasks (Tasks 4.1 through 4.3 in our original proposal), however the volume and nature of the comments received on this DEIR requires a response effort that extends well beyond that which was originally anticipated at the time of the EIR proposal. It was understood that the budget for these tasks was an estimate that would need to be reviewed upon receipt of the public comments, as indicated in our proposal.

Approximately 153 letters/public hearing speeches were received (counting all of the petitions as one letter, although many had additional comments). We recognize that there are a number of repetitive themes throughout these comments and some of the comment letters are simple statements of support or opposition. However, on the other end of the range are comment letters containing more than 100 comments each. The letters include comments written or supported by technical experts and legal counsel for a local community group. Our responses will require a substantive level of effort, on par with the level of effort that went into preparation of the comments. Responses will be drafted by Envicom Corporation, our subconsultants, and the County. However, Envicom Corporation will be responsible for reviewing and assembling all of the responses.

The Response to Comments/FEIR effort is also anticipated to involve additional studies and impact analyses, with resulting revisions to the EIR document. As part of our work to date, we have reviewed the comments for each of the major issue areas and provided our opinion as to the additional survey work, research or analysis that is required to adequately respond. For some of the issue areas, individual memos have been prepared that discuss the scope of work as well as information needs. These are attached to this letter, as indicated below, along with the following additional scope of work assumptions used in preparing this estimate:

- Aesthetics/Visual Resources – see attached memo dated October 29, 2007.
- Air Quality – revise analysis as per revised traffic study.

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- Biological Resources – see attached memo dated November 1, 2007 (please note that, as per our discussion yesterday, a survey of bryophytes and lichens on the site may be warranted if these species are determined to meet the CEQA definition of endangered, rare or threatened species. Carl is in the process of researching this issue. As such our scope of work at this point does not include such surveys).
- Cultural and Historic Resources – a proposal has been previously submitted by McKenna et al. (October 23, 2007) and is currently under review by the County and the applicant. **The cost for McKenna et al.'s work has not been included in this estimate**, however, this estimate includes Envicom Corporation's cost for managing and reviewing this study, and revisions to the EIR resulting from this study.
- Fire Protection – it is our understanding that the applicant is revising its Fire Protection Plan (FPP) in accordance with the measures specified in the DEIR mitigation. Don Oaks will be tasked with a peer review of the revised FPP, response to comments, and revision of the EIR fire protection section. **He is not able to provide us with a cost estimate until he has received the revised FPP, however we have included a rough estimate based on previous costs to be revised upon receipt of Don's estimate.**
- Geology and Water Resources – see attached memo dated October 22, 2007.
- Transportation and Circulation – the cost estimate provided by LLG includes a revised traffic analysis to account for a revised baseline assumption, analysis of up to two new/revised alternatives, and preparation of responses to comments.
- Noise - revise analysis as per revised traffic study.
- Alternatives – this cost estimate assumes up to two new/revised alternatives. In addition, changes to the conclusions of the project impact analysis will also need to be reflected in the alternatives analysis.
- Executive Summary – revise as per changes throughout the document.

The revised FPP is an important additional study that may or may not have substantial implications for the impact analysis. The EIR needs to assess the impacts of the measures included in this FPP. In cases where we have identified the need for additional field survey, we will conduct this survey after receipt of the revised FPP so that if the FPP identifies any additional impact areas we can assess these at the same time within the cost estimate provided herein. Our estimate assumes that we will incorporate the revised FPP into the EIR analysis, which may require some revisions to the DEIR analysis. However, should the revised FPP include elements that require substantial new analysis (perhaps, for example, a major road widening or a new secondary access), such new analysis would not be within the estimate provided herein.

Our cost estimate also assumes that all revisions to the project description (e.g., baseline issues, fence design), as well as revisions to alternatives, are made prior to our analysis and do not change once the analysis is underway. We have assumed that there will be two rounds of County review similar to the review of the



administrative and screencheck DEIR. Our cost estimate does not include recirculation of the DEIR (or portions of the DEIR).

As shown on the attached cost table, we have broken down the cost estimate into Task 4.1 Prepare Proposed Administrative FEIR, Task 4.2 Prepare Screencheck Proposed FEIR, and Task 4.3 Prepare Public Proposed FEIR, similar to our original proposal. Task 4.1 includes preparation of responses to comments AND revisions to the EIR analysis. We prepared our estimate combining these tasks since we anticipate writing the responses and revising the EIR analysis simultaneously. As mentioned above, there are about 153 letters. We have provided for a total of 627 in-house staff hours, which equates to an average of about 4 hours per comment letter for reviewing the comments, marking and assigning each comment within each letter, responding to the comment, revising the EIR as necessary, reviewing all responses for adequacy and internal consistency. We recognize that the total number of hours and the associated costs adds up to a substantial number; however we believe that our estimate is on par with the volume and intensity of the comments received along with the anticipated revisions to the EIR project assumptions and impact analyses, which will have ripple effects throughout the document.

Task 4.2 covers the effort associated with revising the document in response to the County's review of the Administrative document. It is difficult to estimate this task prior to receipt of the County's comments. The number of hours provided in this estimate is based on our anticipation that there will be a substantial level of coordination between us to assure that the analysis and text are sufficient to fully respond to the issues raised and to withstand potential legal challenge. The fact that the response to comments section will be quite lengthy and that there will be revisions throughout the EIR for the County to review also contribute to our estimated level of effort for this task.

Task 4.3 allows for final revisions to the document after the County has reviewed the Screencheck document. We hope that at this point, the revisions would be minor but given the complexity of the issues raised, it would unrealistic to assume that the second round of comments will be simple final edits. As such, we have allocated time to allow for remaining comments that are more than final edits and we have included nominal time for our technical experts to iron out any remaining issues or questions. Our intent is to provide a budget that will allow us to make sure the document can withstand the anticipated scrutiny once it is published.

The total additional budget required for Response to Comments and preparation of the FEIR (excluding the cultural resource study) is estimated at \$91,238.00.

The schedule for these tasks is dependent upon a few critical path items, including the revised FPP, the cultural study, and identification of any project or analysis assumption (e.g., baseline) changes. In order to efficiently prepare responses and make any necessary EIR revisions, we would not commence most of the work until these are determined. Once these items are resolved, we estimate that we will need about 8-10 weeks to prepare the Administrative FEIR.



Finally, given that the response to comments and FEIR efforts are dependent on lengthy technical studies (i.e., cultural study and FPP), much of the subconsultants' efforts are typically completed earlier in the process, and there may be unanticipated bumps in the road (i.e., potential for circulation) that may substantially affect the project schedule, we would like to request that these tasks be billed and paid on a monthly basis.

Should you have any questions regarding this requested budget amendment, please feel free to contact me at (818) 879-4700.

Sincerely,

A handwritten signature in cursive script that reads 'Joseph G. Johns' with the initials 'RJM' written below it.

Joseph G. Johns
President

Attachments:

1. Response to Comments and Final EIR Cost Estimate.
2. Memo re: Scope of Work and Information Needs for Response to Comments on Biological Resources, November 1, 2007.
3. Memo Scope of Work and Information Needs for Response to Comments on Visual Impacts, October 29, 2007.
4. Memo re: Cost Estimate for Response to Public Comments Botanic Garden (Geology and Water Resources), October 22, 2007.

Santa Barbara Botanic Garden
RTC/FEIR Cost Estimate

Task	Staff Assigned	Hours	Hourly Rate	Cost
LABOR COSTS				
Task 4.1 Prepare Administrative Proposed Final EIR (Response to Comments and Final EIR)				
	Lisa Ballin	200	\$125.00	\$25,000.00
	Jack Blok	65	\$105.00	\$6,825.00
	Carl Wishner	80	\$125.00	\$10,000.00
	Clint Harris	48	\$90.00	\$4,320.00
	Tyler Barns	80	\$65.00	\$5,200.00
	Renee Mauro	50	\$65.00	\$3,250.00
	Erin Evarts	60	\$65.00	\$3,900.00
	Chris Boye	28	\$80.00	\$2,240.00
	Joe Johns	16	\$210.00	\$3,360.00
	Don Oaks *		subconsultant	\$12,000.00
	McKenna et al.		subconsultant (submitted under separate cover)	
	Giroux and Associates		subconsultant	\$800.00
	Wilson Geosciences		subconsultant	\$5,920.00
	Don Oaks		subconsultant (to be provided upon receipt of FPP)	
	LLG		subconsultant	\$9,000.00
			Subtotal Task 4.1	\$91,815.00
Task 4.2 Prepare Screencheck Proposed Final EIR				
	Lisa Ballin	60	\$125.00	\$7,500.00
	Jack Blok	8	\$105.00	\$840.00
	Carl Wishner	8	\$125.00	\$1,000.00
	Tyler Barns	24	\$65.00	\$1,560.00
	Renee Mauro	32	\$65.00	\$2,080.00
	Erin Evarts	24	\$65.00	\$1,560.00
	Chris Boye	12	\$80.00	\$960.00
	Joe Johns	8	\$210.00	\$1,680.00
	Don Oaks *		subconsultant	\$1,800.00
	Giroux and Associates		subconsultant	\$200.00
	Wilson Geosciences		subconsultant	\$680.00
	LLG		subconsultant	\$700.00
			Subtotal Task 4.2	\$20,560.00
Task 4.3 Prepare Proposed Final EIR				
	Lisa Ballin	24	\$125.00	\$3,000.00
	Tyler Barns	18	\$65.00	\$1,170.00
	Renee Mauro	20	\$65.00	\$1,300.00
	Chris Boye	12	\$80.00	\$960.00
	Erin Evarts	12	\$65.00	\$780.00
	Joe Johns	4	\$210.00	\$840.00
	Don Oaks *		subconsultant	\$1,200.00
	Giroux and Associates		subconsultant	\$200.00
	Wilson Geosciences		subconsultant	\$240.00
	LLG		subconsultant	\$300.00
			Subtotal Task 4.3	\$9,990.00
			Total Tasks 4.1-4.3	\$122,365.00
			- EXISTING BUDGET FOR TASKS 4.1-4.3	-39,015.00
			ADDITIONAL LABOR BUDGET REQUESTED	83,350.00
DIRECT COSTS				
			PRODUCTION OF FEIR (2 admin, 2 screencheck, 30 final copies, 1,400 Pages plus 30 color graphics)	\$7,740.00
			- EXISTING BUDGET	-2,052.00
			TOTAL ADDITIONAL PRODUCTION COSTS	\$5,688.00
			ADDITIONAL FIELD SURVEYS (TWO)	\$400.00
			GENERAL MATERIALS, REPRODUCTION, COMMUNICATIONS, DELIVERY	\$1,800.00
			TOTAL ADDITIONAL DIRECT COST BUDGET REQUESTED	\$7,888.00
			TOTAL ADDITIONAL COSTS (LABOR PLUS DIRECT COST)	\$91,238.00
			* Don Oaks is not able to provide an estimate for his taks until receipt of the revised FPP. As such, the cost estimate provided herein represents Envicom's rough estimate based on previous costs and will be revised upon receipt of Oak's estimate	



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Memorandum

Date: November 1, 2007

To: Alex Tuttle
County of Santa Barbara Planning and Development Department

From: Lisa Ballin, Carl Wishner

Subj: Scope of Work and Information Needs for Response to Comments on Biological Impacts

Based on our review of comments on the Santa Barbara Botanic Garden DEIR pertaining to biological resources, additional survey work is proposed to:

- Assess conditions in areas proposed for fuel modification (to be conducted upon receipt of the revised Fire Protection Plan). In the event that the FPP identifies new areas of physical impact, these will be assessed as well;
- Review potential impacts on native trees (sycamores and Bays) in the vicinity of the proposed Mission Creek Bridge (the remainder of the tree impact analysis will be based on the applicant's tree removal plan, however, that plan may have missed some trees in this location);
- Inspect areas of proposed fencing in relation to existing fencing. A detailed survey of the proposed fence alignment will not be conducted due to difficulty in accessing and locating the alignment that is located through dense vegetation and on steep slopes.
- General supplemental survey of impact areas.

There may be a need to be a survey of bryophytes and lichens on the site if these species are determined to meet the CEQA definition of endangered, rare or threatened species. Carl is in the process of researching this issue. As such our scope of work at this point does not include such surveys.

The remainder of the scope of work pertaining to biological resources involves writing responses to comments and expanding the impact discussion and/or mitigation measures accordingly. In total there are about 50 comments to be addressed.

The following information is requested of the applicant:

- 1) Detailed construction plans for the Mission Creek Bridge and Cavalli footbridge, including, for the Mission Creek Bridge in particular, staging, access, and work areas for the construction of the bridge.
- 2) If the Garden has any information pertaining to the presence of lichens or bryophytes that are included on the California Department of Fish and Game's List of Special Vascular Plants, Bryophytes and Lichens, that would be appreciated.

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Memorandum

Date: October 29, 2007

To: Alex Tuttle
County of Santa Barbara Planning and Development Department

From: Lisa Ballin, Jack Block

Subj: Scope of Work and Information Needs for Response to Comments on
Visual Impacts

There are approximately 55 comments on the Santa Barbara Botanic Garden DEIR pertaining to aesthetic issues. Although many of these comments have multiple themes, many are also repetitive. These comments were raised by members of the public as well as professionals/experts. Based on our review of these comments, we recommend the following tasks in order to adequately respond:

- 1) Inspection of the perimeter fencing that has been installed to date (along public thoroughfares) and a review of the rest of the perimeter areas where it has yet to be installed (locations that fall readily into public view) so we can assess the potential significance of the proposed 6-foot high fence upon visual conditions. Prior to this task, we would like to have the County's review the fencing information provided in the DEIR (Figure 2-3) to confirm that the areas shown as existing fencing accurately represents the baseline condition for purposes of our impact analysis. In addition, it is our understanding that the applicant may modify the fence design. We would need this information and any other changes to the fencing plan prior to beginning this assessment.
- 2) Field analysis of approximately four public street locations where the required brush clearance of under-story vegetation (within the 100-foot Zone 3 areas) around existing and proposed structures may create partial view gaps through existing native vegetation of both existing and proposed structures. This may be modified if the revised Fire Protection Plan calls for substantially greater fuel modification that was assumed in the DEIR.
- 3) A review of "paved" and unpaved trails, to allow for a comparative qualitative assessment of the visual condition of each. Prior to this task, we would like to have County confirmation of the project description figures with respect to the depiction of existing (or baseline for purposes of this analysis) v. proposed paved pathways.
- 4) Verification of potential visibility of 6-foot wide asphalt rail up to kiosk.
- 5) Examination of all locations where 12'-high lighting poles are planned where such lighting does not now exist so we can expand upon the issue of additional night lighting (approximately 15 poles in the main parking lot, 4 in the upper parking lot and 6 along the entry road and associated parking bays leading to the Gane house area from Mission Canyon Road). Drive the adjacent public streets at night to get a better sense of the existing night lighting conditions throughout

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the area. *If upon inspection of the existing main parking lot, where it appears most likely that the addition of 15 light-standards could create a nighttime glow, and a quantitative value of anticipated increase in lighting is needed, we recommend that a lighting expert be consulted to provide such information. (NOTE: Several reviewers suggested that quantification of any lighting increases anticipated be made available in lumens or other standard light measures.)*

It is our understanding that we are not going to visit private properties to assess selected private views.

We recommend the following additions/modifications to the visual simulations in the EIR (our scope assumes these would be prepared under separate contract, as were the originals, and reviewed/incorporated into the analysis by us):

- 1) We agree with the comment that the visual simulation photograph provided in Figure 4.1-8 should be revised to create a broader panoramic view (on a portrait mode panoramic assemblage).
- 2) We recommend adding a visual simulation from inside the main parking lot as suggested in the comments. One could argue that an on-site view simulation from the upper end of the parking lot is appropriate given that members of the public visit the garden and most would use the main parking lot. Although we wouldn't expect that there would be a major change in this view, providing the simulation is the most effective way to address the concern.

MEMORANDUM

DATE: October 22, 2007

TO: Lisa Ballin, Envicom Corporation

FROM: Ken Wilson, Wilson Geosciences Inc.

SUBJECT: Cost Estimate for Response to Public Comments Botanic Gardens

Based on my sorting and culling through the comments, we found 38 marked as pertaining to geology and hydrology (attached). There is some overlap amongst the issues raised by the various commenters and we broadly group the 38 comments into 13 categories. Many of the comments raise issues that will require additional information before, in my opinion, the comments can be adequately addressed. My cost estimate is made with the assumption that this additional information will be provided by others. The scope of my proposed effort consists of:

1. A site visit.
2. Reviewing each comment, reviewing the appropriate section of the EIR to which the comment refers, reviewing the information prepared by others, preparing a brief written summary of the proposed responses (by category), and discussing the proposed approach/responses with Envicom Corporation personnel for concurrence.
3. Drafting a complete response to each comment for Envicom Corporation and County review.
4. Responding to Envicom Corporation and County review comments on the draft responses.

Having reviewed the comments to the level described and looking back at the EIR section, we believe the following information is required:

1. Flowers & Associates – The commenters question the method and process used to complete the drainage analysis, e.g., the Placer County “C” value, the Time of Concentration, and assumptions regarding extrapolation of entire watershed to the site scale (54-1, 54-2, 54-3, and 54-5). The lack of a quantitative analysis of the impacts of permeable pathways and underlying compacted fill (how permeable, where does runoff go, is it accommodated in detention; 54-4, 54-6, 72-17, 78-113, 80-14, and 101-27) of the project versus the 2006 analysis, which includes an agreement on the length and width of the various planned trails. In our opinion, Flowers & Associates should provide justification of their methods and update their report to include the “paved” trails and other walkway surfaces.
2. Regarding the slope setbacks, new letters were provided that re-confirm previous conclusions by Simmons and add some additional support to that analysis (Pike). The County appears to have reviewed and commented on (approved?) this setback; this letter/memorandum from the County is needed. Based on our reading of the **Mission Canyon Area Specific Plan Landform Alterations** policy, development on 30% and 20% slopes for the proposed project is allowable within certain land use parameters; we believe based on the data available and the standard of geotechnical practice in southern California that the buildings in these areas can be constructed safely. If not addressed in the aforementioned letter/memorandum, an explanation of how the setbacks conform to County policy would be required. The **Streams and Creeks Policy 1** addresses related issues, but not the specific setbacks as discussed in the DEIR. If any open questions remain about the final plans and setback distance conformance with the (a) slope stability and (b) water quality/runoff requirements (building code/General Plan) of the County, then this appears to be the appropriate time to complete any required County stability and water quality/drainage analysis to resolve these comments (e.g., 43-12, 78-88, 80-8, 94-20, 103-52, 103-53, and 103-60). If the Applicant would be required to relocate buildings, we would require the new designs showing the buildings as relocated.

The following cost estimate (tables on the flowing page) is made with the assumption that this additional information from items 1 and 2 immediately above will be provided by others. Envicom would prepare graphics from draft mock-ups (2-3 figures, 8.5” x 11” in size). It is expected that our schedule would conform to the overall requirements for submitting response to comments to the County.

TASK	PERSON	LABOR RATE	GEOLOGIC PROCESSES			TOTAL COSTS
			HOURS	LABOR\$	ODCS	
1	Wilson	110	4	440	35	475
2	Wilson	110	12	1320	30	1350
3	Wilson	110	6	660	25	685
4	Wilson	110	4	440	20	460
Totals		110	28	2860	110	2970

TASK	PERSON	LABOR RATE	WATER RESOURCES/FLOODING			TOTAL COSTS
			HOURS	LABOR\$	ODCS	
1	Wilson	110	4	440	35	475
2	Wilson	110	18	1980	50	2030
3	Wilson	110	8	880	25	905
4	Wilson	110	4	440	20	460
Totals		110	34	3740	130	3870

ACORD CERTIFICATE OF LIABILITY INSURANCE

PRODUCER (818)889-2155 FAX (805)379-4198
 ISU Insurance Services License #0B50569
 Stanton & Associates
 3625 Thousand Oaks Blvd #319
 Westlake Village, CA 91362
 INSURED Envicom Corporation
 28328 Agoura Road
 Agoura Hills Ca 91301
 Fax: 818-879-4711

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Transportation Ins Co, A XV (CNA)	
INSURER B: Allstate Indemnity, A+ XV	
INSURER C: Oak River Insurance Company, A++	XIII (BHHC)
INSURER D: Everest Indemnity Ins Co, A+ XV	(S&C)
INSURER E:	

COVERAGES
 THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURANCE TYPE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A X GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	2097238258	05/17/2007	05/17/2008	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Comp Ded: \$1,000 <input checked="" type="checkbox"/> Coll Ded: \$1,000	048894724	12/05/2007	12/05/2008	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A X EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	2097238213	05/17/2007	05/17/2008	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	2200004256-081	02/04/2008	02/04/2009	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D OTHER Professional Liab	40 E0000295-071	09/16/2007	09/16/2008	Aggregate: \$2,000,000 Each Claim: \$1,000,000 Deductible: \$10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Project: The Santa Barbara Botanic Center
 County of Santa Barbara Planning and Development is/are named as Additional Insured
 per Form G-134844-A (Ed. 09/99)

CERTIFICATE HOLDER
 County of Santa Barbara
 Planning and Development
 Elisa
 123 East Anapamu Street
 Santa Barbara, CA 93101-2058

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
 Lori Allyn *[Signature]*

maintenance or use of that specific part of the land leased to you and subject to the following additional exclusions:

This insurance does not apply to:

- (1) Any "occurrence" which takes place after you cease to lease that land; or
 - (2) Structural alterations, new construction or demolition operations performed by or on behalf of such additional insured.
- f. A co-owner of a premises co-owned by you and covered under this insurance but only with respect to the co-owners liability as co-owner of such premises.
 - g. Any person or organization from whom you lease equipment. Such person or organization is insured only with respect to their liability arising out of the maintenance, operation or use by you of equipment leased to you by such person or organization. A person's or organization's status as an insured under this endorsement ends when their contract or agreement with you for such leased equipment ends.

With respect to the insurance afforded these additional insureds, the following additional exclusions apply:

This insurance does not apply:

- (1) To any "occurrence" which takes place after the equipment lease expires; or
- (2) To "bodily injury" or "property damage" arising out of the sole negligence of such additional insured.

Any insurance provided to an additional insured designated under paragraphs a. through g. above

does not apply to "bodily injury" or "property damage" included within the "products-completed operations hazard".

B. As respects the coverage provided under this endorsement, **Section H. OTHER INSURANCE**, of the **Businessowners Common Policy Conditions** is deleted and replaced with the following:

H. Other Insurance

- 1. If there is other insurance covering the same loss or damage, we will pay only for the amount of covered loss or damage in excess of the amount due from that other insurance (except as indicated in 2. below), whether you can collect on it or not. But we will not pay more than the applicable Limit of Insurance.
- 2. This insurance is excess over:

Any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis unless a contract or agreement specifically requires that this insurance be either primary or primary and noncontributing. Where required by contract or agreement, we will consider any other insurance maintained by the additional insured for injury or damage covered by this endorsement to be excess and noncontributing with this insurance.

- 3. When this insurance is excess, we will have no duty under Business Account Package Policy Liability Coverage to defend any claim or "suit" that any other insurer has a duty to defend. If no other insurer defends, we will undertake to do so; but we will be entitled to the insured's rights against all those other insurers.

Contract Summary Form:

Contract Number : BC-06-125

D1. Fiscal Year.....: FY 07/08
D2. Budget Unit Number (plus -Ship/-Bill codes in paren's) 053
D3. Requisition Number: N/A
D4. Department Name: Planning & Development
D5. Contact Person: Alex Tuttle
D6. Phone: (805) 884-6844

K1. Contract Type (check one): [X] Personal Service [] Capital Project/Construction
K2. Brief Summary of Contract Description/Purpose : Santa Barbara Botanic Garden EIR
K3. Original Contract Amount: \$331,702.00
K4. Contract Begin Date.....: June 27, 2006
K5. Original Contract End Date: December 31, 2007
K6. Amendment History (leave blank if no prior amendments): N/A

Table with 7 columns: Seq#, EffectiveDate, ThisAmndtAmt, CumAmndtToDate, NewTotalAmt, NewEndDate, Purpose. Row 1: 01, 5/06/08, \$85,968, \$331,702, \$417,670, 12/31/08 (Director approved), additional work

K7. Department Project Number: N/A
B1. Is this a Board Contract? (Yes/No): Yes
B2. Number of Workers Displaced (if any).....: None
B3. Number of Competitive Bids (if any): N/A
B4. Lowest Bid Amount (if bid): \$N/A
B5. If Board waived bids, show Agenda Date: N/A
B6. ... and Agenda Item Number: #N/A
B7. Boilerplate Contract Text Unaffected? (Yes or cite ¶¶)
No. Added two paragraphs to #9 Conflict of Interest, Added section #30, Subcontractors, #31 Handling of Proprietary Information, #32 Immaterial Changes, #33 News Releases/Interviews.

F1. Encumbrance Transaction Code: 1701
F2. Current Year Encumbrance Amount: \$0
F3. Fund Number: 0001
F4. Department Number: 053
F5. Division Number (if applicable): 2000
F6. Account Number: 7510
F7. Cost Center number (if applicable).....: N/A
F8. Payment Terms: Net 30

V1. Vendor Numbers (A=uditor; P=urchasing): A/C
V2. Payee/Contractor Name.....: Envicom Corporation
V3. Mailing Address: 28328 Agoura Road
V4. City State (two-letter) Zip (include +4 if known) : Agoura Hills, CA 91301
V5. Telephone Number: (818) 879-4700
V6. Contractor's Federal Tax ID Number (EIN or SSN) : 95-2802086
V7. Contact Person.....: Joseph G. Johns
V8. Workers Comp Insurance Expiration Date.....: 2/04/09
V9. Liability Insurance Expiration Date[s] (G=enl; P=rofl) :5/17/08
V10. Professional License Number: #
V11. Verified by (name of County staff): Ruth Reverdy
V12. Company Type (Check one): [] Individual [] Sole Proprietorship [] Partnership [X] Corporation

I certify: information complete and accurate; designated funds available; required concurrences evidenced on signature page.

Date: 4-16-08 Authorized Signature: [Handwritten Signature]