

**MONTEREY COUNTY BOARD OF SUPERVISORS**

**MEETING: July 21, 2009 – Consent**

**AGENDA NO.: 34.1**

**SUBJECT:**

- a. Approve entering into a Professional Services Agreement with LSA Associates, Inc. where the Base Budget amount does not exceed \$70,000 and the scope of work is substantially similar to Exhibit A for completion of a Final Environmental Impact Report (FEIR) for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN020344) in the Corral de Tierra/San Benancio area, for a term through June 30, 2010; and
- b. Approve entering into a Funding Agreement No. 3 with Omni Resources, LLC where the Base Budget is a minimum amount of \$1,414 to allow funding to Monterey County for costs incurred by LSA Associates, Inc. for completion of a FEIR for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN020344) in the Corral de Tierra/San Benancio area, for a term through June 30, 2010; and
- c. Approve entering into a Funding Agreement No. 3 with Omni Resources, LLC where the Base Budget of the County portion does not exceed \$68,586 for completion of a FEIR for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN020344) in the Corral de Tierra/San Benancio area, for a term through June 30, 2010; and
- d. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount; and
- e. Authorize the Director of Planning to execute the Funding Agreement No. 3 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**DEPARTMENT: RMA – Planning**

**RECOMMENDATIONS:**

It is recommended that the Board of Supervisors:

- a. Approve entering into a Professional Services Agreement with LSA Associates, Inc. where the Base Budget amount does not exceed \$70,000 and the scope of work is substantially similar to Exhibit A for completion of a Final Environmental Impact Report (FEIR) for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN020344) in the Corral de Tierra/San Benancio area, for a term through June 30, 2010; and
- b. Approve entering into a Funding Agreement No. 3 with Omni Resources, LLC where the Base Budget is a minimum amount of \$1,414 to allow funding to Monterey County for costs incurred by LSA Associates, Inc. for completion of a FEIR for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN020344) in the Corral de Tierra/San Benancio area, for a term through June 30, 2010; and
- c. Approve entering into a Funding Agreement No. 3 with Omni Resources, LLC where the Base Budget of the County portion does not exceed \$68,586 for completion of a FEIR for the Corral de Tierra Neighborhood Retail Village Subdivision (PLN020344) in the Corral de Tierra/San Benancio area, for a term through June 30, 2010; and
- d. Authorize the Contracts/Purchasing Officer to execute the Professional Services Agreement and future amendments that do not significantly alter the scope of work or change the approved Agreement amount; and

- e. Authorize the Director of Planning to execute the Funding Agreement No. 3 and future amendments that do not significantly alter the scope of work or change the approved Agreement amount.

**SUMMARY/DISCUSSION:**

The proposed project consists of development of a neighborhood retail village containing approximately 126,523 square feet of retail and office space with approximately 508 parking spaces. The subject site consists of two separate parcels containing approximately 11 acres and is located on the southeast corner of the State Highway 68/Corral de Tierra Road intersection in the Corral de Tierra/San Benancio area. The two major components of the project application are a standard subdivision vesting tentative map to divide the two existing parcels into seven lots ranging in size from 2.4 to 0.9 acres; and a zoning reclassification to remove the "B-8" overlay zoning district from the parcel's "LC/B-8-D" (Light Commercial) zoning designation. The latter is a critical component of the application since this overlay district was applied by the Board of Supervisors (BOS) due to a lack of adequate potable water resources to serve additional development in an area which encompasses a significant portion of the Corral de Tierra/San Benancio area.

The original PSA and Funding Agreement (FA) previously approved by the BOS on July 27, 2004 expired prior to completion of the EIR due to the unavailability of the Toro B-8 Watershed Hydrologic Study. The previous PSA, approved by the BOS on September 25, 2007 was intended to allow LSA Associates, Inc. to complete the FEIR for the project. The PSA expired prior to completion of the authorized tasks. The costs for this PSA were covered through FA No. 2 with Omni Resources, LLC, Project Applicant, in an amount not to exceed \$191,297 pursuant to the Settlement and Release Agreement. Additional charges for the completion of the FEIR for the project were to be paid by County. The Settlement and Release Agreement also specified a timeframe for completion of the processing of the application.

This PSA with LSA Associates, Inc. will have a substantially similar scope of work to the previous PSA and will allow for completion of the FEIR for the Corral de Tierra Neighborhood Retail Village Subdivision. The related FA No. 3 will allow funding of costs incurred by LSA Associates, Inc. for completion of the FEIR. The term of the PSA and FA No. 3 will be through June 30, 2010.

**Synopsis of PSA and FA No. 3:**

Agreement	BOS Approval	Contracts/ Purchasing Officer Approval	Amount of Agreements			Total Amount of Agreements	
			Base Budget	Contingency	Surcharge	PSA	
Original PSA / FA No. 3	Pending	Pending	\$ 70,000 (not to exceed)	\$ 0.00	\$ 0.00	\$ 70,000.00	
Project Applicant Portion of PSA / FA No. 3	Pending	Pending	\$ 1,414.00 (minimum)	\$ 0.00	\$ 0.00	\$ 1,414.00 (minimum)	
County Portion of PSA / FA No. 3	Pending	Pending	\$ 68,586.00 (maximum)	\$ 0.00	\$ 0.00	\$ 68,586.00 (maximum)	
<b>Grand Total of PSA / FA No. 3</b>			<b>\$ 70,000.00 (not to exceed)</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 70,000.00 (not to exceed)</b>	

PSA with LSA Associates, Inc.  
FA No. 3 with Omni Resources, LLC  
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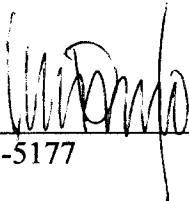
**OTHER AGENCY INVOLVEMENT:**

The Office of County Counsel and Auditor-Controller Office will review the Agreements as to form and fiscal provisions, respectively.

**FINANCING:**

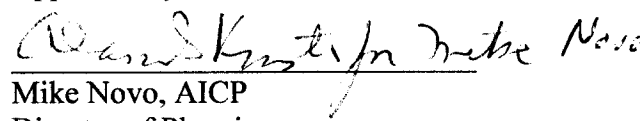
Pursuant to the terms of FA No. 2 and the Settlement and Release Agreement with Omni Resources, LLC and the County, the expenses of LSA Associates, Inc. for the completion of the FEIR were provided through FA No. 2 with Omni Resources, LLC, Project Applicant, in an amount not to exceed \$191,297. Of the \$191,297 allocated for usage, an amount of \$1,414 was unused and will be transferred to FA No. 3. Expenses for LSA Associates, Inc. for completion of the FEIR will not exceed \$1,414 in FA No. 3. Remaining expenses for LSA Associates, Inc. for completion of the FEIR will not exceed a total amount of \$68,586 and will be funded by the Planning Department under the terms of the Settlement and Release Agreement. Staff will update the Board of Supervisors during the County's Mid-Year Financial Report.

Prepared by:



Luis Osorio, 755-5177  
Senior Planner

Approved by:

  
Mike Novo, AICP  
Director of Planning

Dated: July 15, 2009

Attachments: Board Order; Exhibit A - Draft Scope of Work