

MEMORANDUM

PLANNING, BUILDING, & CODE ENFORCEMENT

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DIRECTOR OF PLANNING, BUILDING AND CODE ENFORCEMENT 

DATE: JANUARY 21, 2009

SUBJECT: CONTRACT ADDENDUM NO. 4 FOR THE MARYMOUNT COLLEGE FACILITIES EXPANSION PROJECT ENVIRONMENTAL IMPACT REPORT

REVIEWED: CAROLYNN LEHR, CITY MANAGER 

Staff Coordinator: Ara Michael Mihranian, AICP, Principal Planner 

RECOMMENDATION

Approve Contract Addendum No. 4 to the Agreement for Consulting Services between the City of Rancho Palos Verdes and Robert Bein, William Frost & Associates (RBF) for the preparation of an Environmental Impact Report for the Marymount College Facilities Expansion project, in the amount of \$7,640.00.

BACKGROUND

On October 18, 2005, the City Council executed a professional service agreement with RBF Consulting to prepare an Environmental Impact Report (EIR) for the Marymount College Facilities Expansion project. The EIR is for the College's facilities expansion project that includes the relocation of the athletic fields, the reconfiguration of the existing parking lot, the modernization and expansion of existing buildings and the construction of new buildings, such as, but not limited to, two residence halls, an athletic facility, and a library. This project represents a revision to the original application submitted by the College in July 2000 and is identified as Zoning Case No. 2003-00317 (CUP No. 9 – Revision "E," a Grading Permit, and a Variance Permit).

DISCUSSION

Upon the College's submittal of a revised project application in June 2003, Staff determined that the project and its potential impacts to the surrounding environment would require the preparation of an EIR to comply with the requirement of the California Environmental Quality Act (CEQA). Since an EIR was already being prepared by RBF Consulting for the College's original application, Staff requested that RBF submit a cost

proposal to prepare an EIR for the revised project. Based on RBF's assessment of the revised project and the amount of work needed to update the original document, including the preparation of updated technical data and new studies, including, but not limited to traffic, noise, and visual simulations, RBF proposed to prepare the revised project EIR at a cost of \$198,930.00. At that time, representatives from the College reviewed RBF's scope of work and were in agreement with the cost proposal and on October 18, 2005, the City Council entered into a professional service agreement with RBF Consulting to prepare the revised project EIR.

As the City's EIR consultant progressed towards completion of the Draft EIR, there were some additional EIR preparation costs that needed to be addressed through the following addendums to the original contract:

- Addendum No. 1 - On August 21, 2007, the City Council approved Addendum No. 1, in the amount of \$45,843.00, to cover costs associated with additional traffic work and studies not specified in the original service agreement, as well as project coordination and rate adjustments for 2007.
- Addendum No. 2 - On October 24, 2007, the City Council approved Addendum No. 2 in the amount of \$126,740.00 to cover costs associated with the completion of the Draft EIR, such as additional services and analysis, additional meetings, and additional edits and updates to the Draft EIR that was not specified in the original service agreement. Furthermore, Addendum No. 2, included a budgetary line item for anticipated project coordination and meetings that was also not specified in the original service agreement.
- Addendum No. 3 – On November 6, 2008, the City Council approved Addendum No. 3 in the amount of \$57,400.00 to cover costs associated with the completion of the Final EIR that was released to the public on October 16, 2008. Addendum No. 3 accounted for additional services and analysis needed to complete the Responses to Comments on the Draft EIR (a component of the Final EIR), the preparation of an analysis addressing project modifications proposed by the College after the close of the comment period on the Draft EIR, and additional funding for project coordination and meetings through December 2008.

The additional cost associated with above Addendums (Nos. 1, 2 and 3) has brought the total cost for the EIR preparation, to approximately \$428,913.00 (not including the 10% City administration fee).

At this time, RBF Consulting has submitted Addendum No. 4 (see attachment), in the amount of \$7,640.00. The proposed increase, as described in detail in the attached Consultant's Addendum No. 4 proposal, is to cover costs associated with responding to questions raised by the Planning Commission, the College, and the public (CCC/ME) on the Final EIR at the December 9, 2008 Planning Commission meeting. The additional cost associated with Addendum No. 4 would bring the total cost for the EIR preparation, including Addendum Nos. 1, 2 and 3, to approximately \$436,553.00.

The attached Addendum No. 4 was provided to the College's representatives for review on January 6, 2009 and was accepted by the College on January 9, 2009 (see

attachment). Staff has reviewed the costs associated with Addendum No. 4 and believes the costs incurred by the environmental consultant represent true costs to respond to the Planning Commission's direction. It is for this reason that Staff fully supports the costs identified in Addendum No. 4.

ADDITIONAL INFORMATION:

The task associated with Addendum No. 4 will be presented to the Planning Commission at its February 10, 2009 meeting. The environmental consultant is preparing a table that responds to each question raised by the Planning Commission, the College and the public (CCC/ME). This table will be attached to the February 10th Planning Commission Staff Report.

FISCAL IMPACT

The Contract Addendum will have no fiscal impact on the City due to the obligation of the applicant to cover all costs for the preparation of environmental documentation, including a 10% administrative fee to cover the City's contract management costs.

CONCLUSION

It is Staff's position that the proposed cost increase identified in Addendum No. 4 is a fair and accurate representation of true costs incurred by RBF in the preparation of the Final EIR for this complex project. Approval of Addendum No. 4 would result in no changes to the original contract other than the cost components discussed therein, and all other provisions of the contract would apply to the Addendum items. Therefore, based on the discussion above, staff recommends that the City Council approve Addendum No. 4 as presented.

ALTERNATIVES

In addition to Staff's recommendation, the following alternatives are available for consideration by the City Council:

- 1) Deny the proposed Addendum No. 4; or,
- 2) Adopt Addendum No. 4 with modifications as deemed appropriate by the Council.

ATTACHMENTS

- RBF Contract Addendum No. 4 dated January 6, 2009
- Marymount College Acceptance Letter dated January 9, 2009



January 6, 2009

JN 10-104089

Mr. Ara Mhuranian, AICP, Senior Planner
Department of Planning, Building, and Code Enforcement
CITY OF RANCHO PALOS VERDES
30940 Hawthorne Boulevard
Rancho Palos Verdes, California 90275

Subject: Updated Contract Addendum No. 4, Marymount College Expansion Project (Revision "E" to CUP No. 9), City of Rancho Palos Verdes

Dear Mr. Mhuranian:

RBF Consulting has submitted this Updated Contract Addendum No. 4 (supercedes our December 23, 2008 submittal) for items not accounted for in the current Agreement with the City for the Marymount College Expansion Project (Revision "E" to CUP No. 9). The Addendum accounts for the following: 1) additional services/analysis required to complete the responses to comments, as outlined in the Marymount College Facilities Expansion Project Comments on Final EIR Table (attachment to December 22, 2008 Electronic Correspondence); and 2) additional funding to coordinate the responses and final edits. Based on the number of comments, level of responses required, and shortened time frame, the following hour allocation is anticipated:

Staff	Assignment	Rate	Hours	Budget
Glenn Lajoie	Director	\$210	4	\$840
Rita Garcia	Project Manager	\$130	35	\$4,550
Paul Martin	Traffic Manager	\$150	15	\$2,250
Total			54	\$7,640

The total additional funding required under this Addendum No. 4 is \$7,640. The request is based upon the status of the environmental review as of January 6, 2009 and does not account for any additional fluctuations that may occur in the work program through the remainder of the project. Please indicate your acceptance of this work program augmentation by signing the approval line below and returning the original to RBF.

We appreciate the opportunity to participate in the Marymount College Expansion project and look forward to successfully completing the assignment. Please do not hesitate to call me at 949.855.3663 if you have any questions.

Sincerely,

Glenn Lajoie, AICP
Vice President
Planning/Environmental Services

Approved by _____
Name _____
Title _____
Date _____

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RECEIVED

JAN 13 2009

PLANNING, BUILDING AND
CODE ENFORCEMENT

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January 9, 2009

By E-Mail and Regular Mail

Ara Mihranian, AICP
Principal Planner
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, California 90275-5391

Re: RBF Contract Addendum No. 4, Marymount College EIR

Dear Mr. Mihranian:

Marymount College has reviewed the proposed budget outlined in RBF's letter to you dated January 6, 2009, and the relevant scope of work outlined in the topic table posted on the City's website. In order to avoid further delays in the processing and certification of the Final EIR, Marymount agrees to the budget modification subject to the reservation of rights set forth in this letter.

First, for the record, Marymount objects to the additional costs associated with responding to the CCC/ME laundry list of more than 30 repetitive comments, or in many cases, statements, all of which have been made or which could have been made during the extensive public comment and review period that the City has provided. We acknowledge and appreciate, however, that the City has accepted the burden of responding to many of these comments.

Second, because of the protracted period of the EIR certification process, which is now extending into its fourth year, Marymount's need to mitigate its economic losses by making these payments (and its prior payments) does not constitute a waiver of any claims pertaining to the timing or the preparation of the EIR.

Sincerely,

BURKE, WILLIAMS & SORENSEN, LLP



DONALD M. DAVIS