



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:** September 11, 2018  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Dianne Black, Director, Planning & Development, 568-2086  
Director(s)  
Contact Info: Jeff Wilson, Deputy Director, Planning & Development, 568-2518  
**SUBJECT:** **Authorization of Professional Services Contract with Rincon Consultants Inc. to prepare a Subsequent Environmental Impact Report for the proposed Neighborhoods of Willow Creek and Hidden Canyon Project, 3<sup>rd</sup> Supervisorial District.**

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**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 an Agreement for Services of Independent Contractor (Attachment 1) with Rincon Consultants, Inc. to complete a Subsequent Environmental Impact Report for The Neighborhoods of Willow Creek & Hidden Canyon Project for the period of September 11, 2018 through December 31, 2019 for a base amount of \$140,744.00 and a total contract amount not to exceed \$164,058.00.
- b) Authorize the Director of Planning and Development, or designee, to approve up to a 16.57% contingency cost not to exceed \$23,314.00 for services being performed under the Agreement for a total contract amount not to exceed \$164,058.00.
- c) Approve and authorize the Director of Planning and Development, or designee, to make immaterial changes in accordance with Section 35 of the Agreement.

- d) Determine that this action is exempt from CEQA pursuant to Section 15378(b)(5), which addresses organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

**Summary Text:**

Pursuant to State CEQA Guidelines Sections 15063 and 15162(3), the County of Santa Barbara Planning & Development Department [i.e. the “Lead Agency”] has determined that the proposed request to develop 146 residential units at Key Site 21 will require the preparation of a Subsequent Environmental Impact Report (SEIR).

Appendix 1 of the attached Agreement for Services includes the proposal for completing the SEIR. Board authorization of an Agreement is required when the cost of preparing an SEIR will exceed \$100,000.00. The preparation of this SEIR is included in P&D’s current fiscal year budget and therefore, no budget revision is necessary for the contract’s execution.

**Background:**

The Neighborhoods of Willow Creek & Hidden Canyon Project includes a Specific Plan, General Plan Amendment, Tract Maps, Conditional Use Permits and Development Plan applications to develop 146 single family dwellings and associated infrastructure including public trails and Hwy 1 frontage improvements. The project site is comprised of three undeveloped parcels located on a 189-acre portion of Key Site 21 in the Orcutt Community Plan area. Key Site 21 is located on the south side of Highway 1 between Solomon Road and Black Road, approximately ½ mile west of the Highway 1/Solomon Road intersection in the Third Supervisorial District.

Rincon Consultants will be responsible for preparing the Subsequent Environmental Impact Report 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. P&D will oversee completion of the EIR which analyzes the project’s impacts on the environment and circulate the EIR for public review and comment.

**Fiscal and Facilities :**

All costs for consultant preparation and processing of the SEIR will be fully reimbursed by the project applicant. The cost of completing the SEIR is for an amount not to exceed \$164,058.00, which includes a base cost of \$140,744.00 and a 16.57 percent contingency cost of \$23,314.00. The project applicant will deposit \$164,058.00 prior to work commencing to pay the costs for Rincon Consultants, Inc. to complete the SEIR. Any contingency funds used must be identified by the consultant and approved by the Planning and Development Director, or designee, prior to the work commencing. Rincon Consultants, Inc. is not considered a local contractor according to the General Services Departmental definition of a local contractor. P&D will invoice the project applicant for all staff time necessary to administer the Agreement for Services and related planning actions. Funding for this project is budgeted in the Permitting Budget Program on page D-272 of the FY 2018-2019 budget.

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund	\$ -	\$ -	
State	\$ -	\$ -	
Federal	\$ -	\$ -	
Fees	\$ -	\$ -	
Other:			\$164,058.00
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$164,058.00</b>

**Key Contract Risks:**

A risk analysis was performed on the proposed contract and the contract was determined to be of low risk. The amount of \$164,058.00 will be paid in-full by the applicant in the form of a deposit to the County. As such, there is no risk to County fiscal resources for the contract amount. The contract includes 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. This ensures that funds from the deposit will only be expended upon satisfactory product delivery and performance by Rincon Consultants, Inc.

**Special Instructions:**

Clerk of the Board will forward a copy of the Minute Order and executed contract to Planning & Development, Development Review Division, Attn: Dana Eady. Planning & Development will issue a Notice-to-Proceed to Rincon Consultants.

**Attachments:**

- Attachment 1: Agreement for Services of Independent Contractor
- Attachment 2: Board Contract Summary

**Authored by:**

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