



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

Submitted on:
(COB Stamp)

Department Name: Planning & Development
Department No.: 053
Agenda Date: February 4, 2025
Placement: Administrative Agenda
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director: Lisa Plowman, Planning & Development, (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review Division, *Lisa Plowman*
(805) 568-2518
SUBJECT: Execution of Agreement for Services with Rincon Consultants, Inc. to Peer Review Issue Area Studies and Prepare an Environmental Impact Report for the Solomon Hills Project, Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

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 peer review issue area studies and prepare an Environmental Impact Report (EIR) for the Solomon Hills Project, for a base amount of \$998,473 and a total contract amount not to exceed \$1,148,244 from February 4, 2025 through February 3, 2028;
- b) Approve Budget Revision Request No. 0010252 to increase services and supplies appropriations by \$375,000 and recognize an additional \$375,000 in charges for services revenue to cover the cost of the Agreement for Services of Independent Contractor for Fiscal Year 2024-25 (Attachment 2);
- c) Approve and authorize the Director of Planning & Development, or designee, to:
 - i. Approve up to a 15 percent contingency cost not to exceed \$149,771 for services being performed under the Agreement for a total contract amount not to exceed \$1,148,244;
 - ii. Approve changes or additions in the services being performed, provided the contract does not exceed the base contract amount plus the 15 percent contingency identified in the contract;
 - iii. Make immaterial changes in accordance with Section 35 and suspend performance per Exhibit A in the Agreement for Services of Independent Contractor;

- d) Determine that the above-recommended actions are not a “Project” that is subject to environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15378(b)(5), finding that the actions consist of organizational or administrative activities of government that will not result in direct or indirect physical changes to the environment.

Summary Text:

The Solomon Hills Project (Project) is subject to CEQA. The Project Applicant and the Planning and Development Department (P&D) agree the Project may have a significant effect on the environment and, therefore, an EIR is required pursuant to Section 15064(a)(1) of the *Guidelines for Implementation of the California Environmental Quality Act* (CEQA Guidelines).

Attachments A-1 and A-2 of Exhibit A of the attached Agreement for Services of Independent Contractor (Attachment 1) include the technical and cost proposals for completion of peer reviews and preparation of the EIR for the Project. The cost proposal is for a base amount of \$998,473 and a total contract amount not to exceed \$1,148,244. All individual contracts for services that exceed \$100,000 require approval by the Board of Supervisors.

The costs associated with preparation of the EIR are not currently budgeted in P&D’s Permitting Budget Program of the County of Santa Barbara Adopted Budget for Fiscal Year 2024-25. As such, Budget Revision No. 0010252 (Attachment 2) is requested to increase services and supplies appropriations by \$375,000 and recognize an additional \$375,000 in charges for services revenue to cover the cost of the Agreement for Services of Independent Contractor (Attachment 1) for Fiscal Year 2024-25. However, costs will be fully reimbursed by the Project Applicant. Therefore, there are no fiscal impacts to the County.

Background:

On September 27, 2022, the Project Applicant initiated applications for a General Plan Amendment (GPA) and Rezone (RZN) on properties located west of Highway 101 and south of Orcutt, identified as portions of Assessor’s Parcel Numbers 101-020-085, 101-020-086, and 101-020-087. On March 8, 2023, the County Planning Commission accepted those applications for processing. On March 15, 2024, June 28, 2024, and October 30, 2024, P&D received partial, preliminary materials for the proposed legislative acts and associated subdivision and development entitlement applications. The Project, as currently proposed, will involve a GPA, RZN, Specific Plan (SPP), Development Agreement (ORD), Government Code Consistency Determination (GOV), Conveyance Map (TRM), Vesting Tentative Tract Map (VTTM), Development Plan (DVP), Road Naming (RDN), and Conditional Use Permits (CUPs).

The Project area is approximately 1,902 acres, located in the Rural Area and Agriculture II (AG-II-100) Zone District. Of the 1,902-acre Project area, approximately 286 acres are located within the Orcutt Community Plan (OCP) area and approximately 1,616 acres are located outside of the OCP area. The Project includes a proposed Specific Plan to regulate development of the 1,616-acre portion of the Project area located outside of the OCP.

The Project proposes the development of a new community within the Specific Plan area consisting of 4,000 residential units on approximately 468 acres; 125,000 sq. ft. commercial space and 525,000 sq. ft. office space on approximately 41 acres; public and institutional development including a

school, fire/sheriff station and water reclamation facility on approximately 25 acres; project roads on approximately 39 acres; parks and recreation facilities on approximately 81 acres; and open space on approximately 962 acres. The Project will require abandonment or re-abandonment of existing oil/gas wells and removal of oilfield infrastructure within the Specific Plan area. The Project also includes parks and recreation improvements to the Newlove Park area within the 286-acre portion of the Project area located within the OCP. Lastly, the Project includes approximately 55 acres of additional off-site improvements for access and utility connections, including new connections and improvements to Highway 101 and Highway 135.

The Project Applicant and P&D agree the Project may have a significant effect on the environment and, therefore, an EIR is required pursuant to Section 15064(a)(1) of the CEQA Guidelines. The recommended Agreement for Services will allow an independent contractor, Rincon Consultants, Inc., to assist P&D with preparation of the EIR for the Project.

Performance Measure:

Rincon Consultants, Inc. will be responsible for preparing the Draft EIR. Tasks involved with preparation of the EIR include, but are not limited to, peer review of technical reports/issue area studies, independent and objective evaluation of potential Project-generated impacts, and identification of feasible mitigation measures to reduce Project-generated impacts. A detailed scope of work and tentative schedule for services to be rendered by Rincon Consultants, Inc. is provided in Exhibit A - Statement of Work of Attachment 1. P&D will oversee completion of the EIR in accordance with the Agreement for Services (Attachment 1).

Contract Renewals:

On August 9, 2024, P&D issued a Request for Proposals (RFP) to peer review issue area studies and prepare an EIR for the Project. Four firms submitted proposals in response to the RFP. P&D, in coordination with two staff from the Department of Public Works, conducted a rated evaluation of each proposal and oral interview with each firm. Following a thorough review, Rincon Consultants, Inc.'s proposal was selected by P&D and was accepted by the Project Applicant. The recommended Agreement for Services is a new contract with an independent contractor that has provided similar environmental support services to P&D Development Review Division on previous project applications. The Development Review Division is satisfied with the historic performance by Rincon Consultants, Inc., which has a proven track record of providing technical services to the Division with no significant deficiencies.

A risk analysis was performed on the proposed Agreement for Services, and it was determined to be of medium risk due to the contract size, performance period, and competitive acquisition with a limited number of bidders (4). The proposed Agreement for Services is for an amount not to exceed \$1,148,244, which includes a base cost of \$998,473 and a 15 percent contingency amount of \$149,771. The total amount will be covered by the Project Applicant.

Prior to the Independent Contractor commencing work under the Agreement for Services, the Project Applicant will provide an initial deposit to P&D in the amount of \$225,000 (i.e., approximately three months of billing by the Independent Contractor). Payments to the Independent Contractor will be made from the deposited amount in accordance with the payment arrangements specified in Exhibit B of Attachment 1. The Project Applicant will be billed monthly for services rendered by the Independent Contractor on behalf of the Project, during the preceding month. If the deposited

amount is depleted to \$75,000, a subsequent deposit will be collected from the Project Applicant to replenish the deposit back to \$225,000 within 30 calendar days of request. The \$75,000 amount is based on a conservative estimate of the maximum possible billing by the Independent Contractor within a single month.

If P&D does not receive monthly payments and/or the subsequent deposits from the Project Applicant within 30 days of the request, P&D may direct the Independent Contractor to suspend services for a period of up to 90 days or until the deposit is replenished, in accordance with the 'suspension for convenience' clause specified in Exhibit A of Attachment 1. Furthermore, risk is also reduced due to the incorporation of a 'termination for convenience' clause in the Agreement for Services (Attachment 1).

The 15 percent contingency that is included in the total contract amount may be necessary to address changes to the work program that cannot be anticipated at this time. Any contingency funds used must be identified by the Independent Contractor and approved by P&D Director, or designee, prior to the work commencing.

Fiscal and Facilities Impacts:

Budgeted: No

The costs associated with the proposed contract are not currently fully budgeted in P&D's Permitting Budget Program of the County of Santa Barbara Adopted Budget for Fiscal Year 2024-25. As such, Budget Revision No. 0010252 (Attachment 2) is requested to increase services and supplies appropriations by \$375,000 and recognize an additional \$375,000 in charges for services revenue to cover the cost of the Agreement for Services of Independent Contractor (Attachment 1) for Fiscal Year 2024-25. However, costs for consultant peer reviews and preparation of the EIR will be fully reimbursed by the Project Applicant. Therefore, there are no fiscal impacts to the County.

The cost of completing the peer reviews and EIR preparation is for an amount not to exceed \$1,148,244, which includes a base cost of \$998,473 and a 15 percent contingency amount of \$149,771. Prior to the Independent Contractor commencing work to complete the peer reviews and EIR preparation, the Project Applicant will provide a deposit to P&D. Payments to the Independent Contractor will be made from the Project Applicant's deposit. Additionally, P&D will continue to invoice the Project Applicant on a monthly basis for all P&D staff time necessary to administer the Agreement for Services and related planning actions.

Special Instructions:

The Clerk of the Board will forward a copy of the Minute Order and the executed Agreement for Services to Planning & Development, Development Review Division, Attn: Alia Vosburg, Planner.

Attachments:

Attachment 1: Agreement for Services of Independent Contractor

Exhibit A: Statement of Work

Attachment A-1: Rincon Proposal dated, September 17, 2024

Attachment A-2: Rincon Proposal Revisions, dated November 26, 2024

Exhibit B: Payment Arrangements

Exhibit C: Indemnification and Insurance Requirements
Attachment 2: Budget Revision No. 0010252
Attachment 3: Contract Summary Form

Authored by:

Alia Vosburg, Planner, Development Review Division, avosburg@countyofsb.org