



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:** August 25, 2020  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Lisa Plowman, Director, Planning & Development, 568-2086  
Director:  
Contact Info: Travis Seawards, Deputy Director, Development Review Division,  
Planning & Development, 568-2518  
**SUBJECT:** Approval of Amendment No. 2 to the Professional Services Contract with Rincon Consultants, Inc. for preparation of the Revision Letter, Response to Comments and Final Subsequent Environmental Impact Report (SEIR) for the Neighborhoods of Willow Creek and Hidden Canyon Project, Third Supervisorial District.

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**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 Amendment No. 2 to the Professional Services Agreement BC19097 with Rincon Consultants, Inc., to increase the scope of work and to add funding in the amount of \$35,060.00 for a revised base contract amount of \$167,624.00 and a total contract amount not to exceed \$205,938.00 for preparation of the SEIR for the Neighborhoods of Willow Creek and Hidden Canyon project. The recommended Contract Amendment No. 2 is included as Attachment 1.
- b) Determine that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.

**Summary Text:**

Additional work beyond the scope of the current contract is required to complete the Final SEIR, Response to Comments, and Revision Letter for the Neighborhoods of Willow Creek and Hidden Canyon project. This Contract Amendment No. 2 includes a request for an additional \$35,060.00 for a total base contract amount of \$167,624.00 and a total contract amount not to exceed \$205,938.00 to fund out-of-scope efforts for Contract Task 4 which includes:

- a. Completing the Response to Comments and Final SEIR;

- b. Completing a revision letter;
- c. Revising the project description to accommodate the revision;
- d. Updating the impacts discussion and mitigation as necessary;
- e. Updating the Final SEIR with new regulatory requirements and County guidance;
- f. Updating the draft CEQA Findings and Statement of Overriding Considerations for the proposed project; and
- g. Completing Milestone #4 identified in Rincon’s September 2018 contract.

This contract amendment request includes funding an additional \$15,000 contingency balance. The estimate of \$35,060.00 is broken down as follows: 1) a request for \$20,060.00 to complete the revised work scope tasks and complete the Final SEIR; and 2) \$15,000, which would re-establish a contingency balance on this contract, resulting in a remaining contingency balance of \$18,530.08, as detailed in the August 4, 2020 memorandum from Rincon Consultants, Inc. (Attachment 1).

**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 132 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.

**Fiscal and Facilities Impacts:**

All costs for this project are fully reimbursed by the project applicant. With this Amendment No. 2, the not-to-exceed total cost for completing the Neighborhoods of Willow Creek and Hidden Canyon project SEIR would increase from \$170,878.00 to \$205,938.00. The applicant will deposit the authorized amount (\$35,060.00) upon the Board’s approval of the requested Contract Amendment No. 2. P&D will continue to invoice the applicant for all staff time necessary to administer the Agreement for Services and related planning activities. These funds are budgeted in Planning and Development’s Permitting Budget Program on page D-294 of the County of Santa Barbara Fiscal Year (FY) 2020-21 adopted 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:			205,938.00
<b>Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>205,938.00</b>

The applicant has provided contract funds in the amount of \$170,878.00 and will provide the additional \$35,060.00 to increase the total not-to-exceed cost to \$205,938.00.

**Key Contract Risks:**

A risk analysis was performed on the original proposed contract and was determined to be of low risk. The contract amendment amount of \$35,060.00 will be paid in-full by the applicant in the form of a deposit to the

County. As such, there is low risk to County fiscal resources for the contract amount. The contract will continue to include payment arrangements based on periodic compensation at selected milestones.

**Special Instructions:**

The Clerk of the Board will forward a copy of the executed Amendment 2 to the Agreement for Services and Minute Order to P&D, Development Review Division, attention Tess Harris and Sean Stewart.

**Attachments:**

1. Contract Amendment No. 2 to Agreement for Services (BC19097)

**Authored by:** Tess Harris, Supervising Planner

# **ATTACHMENT 1**

AMENDMENT NO. 2 to  
AGREEMENT FOR SERVICES OF INDEPENDENT  
CONTRACTOR (BC19097)

BOARD OF SUPERVISORS CONTRACTOR AMENDMENT  
NO. 2 TO  
AGREEMENT BETWEEN COUNTY OF SANTA  
BARBARA AND RINCON CONSULTANTS, INC.

This Contract Amendment (hereinafter referred to as Amendment No. 2) constitutes a modification to the original Agreement between County of Santa Barbara (COUNTY) and Rincon Consultants, Inc. (CONSULTANT), Contract No. **BC19097**, which was entered into on September 11, 2018.

Effective as of August 25, 2020, the original agreement is modified as follows:

1. The following work is added to Exhibit A of the Agreement as attached hereto and incorporated herein by reference:

As described in the Rincon Consultants, Inc. letters to Santa Barbara County Planning and Development dated August 4, 2020 which are included herein as Appendix 1-A02.

2. Additional funding of \$20,060.00 in base funds are being added to the Agreement. Additional funding of \$15,000.00 in contingency costs are being added to the agreement. Exhibit B of the Agreement, Section "A" is deleted and replaced in its entirety as follows:

For CONTRACTOR services to be rendered under this Agreement, CONTRACTOR shall be paid a total base contract amount, including cost reimbursements, not to exceed \$167,624.00. Upon written approval by the Director of Planning and Development, or designee, up to a 22.86% contingency cost of the initial Agreement may be approved beyond the total base amount in an amount not to exceed \$38,314.00, making the overall Agreement total, including cost reimbursements, not to exceed a cost of \$205,938.00.

3. Contractor agrees to comply with the specific compensation budgets for each task as listed in Appendix 1-A02.

CONSULTANT understands and agrees that the compensation 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:

CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk of the Board

\_\_\_\_\_  
Chair, Board of Supervisors

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI  
County Counsel

\_\_\_\_\_  
Consultant  
Richard Daulton, Principal  
Rincon Consultants, Inc.

By \_\_\_\_\_

RAY AROMATORIO  
Risk Manager

By \_\_\_\_\_

APPROVED AS TO FORM:

BETSY SCHAFFER, CPA  
Auditor-Controller

LISA PLOWMAN, Director  
Planning and Development

By \_\_\_\_\_

By \_\_\_\_\_

**APPENDIX 1-A02**

RINCON ASSOCIATES INC.  
LETTER DATED AUGUST 4, 2020