

TOWN OF WINDSOR AGENDA REPORT

Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date: February 21, 2024

To: Mayor and Town Council
From: Kim Jordan, Planner III
Subject: Professional Services Agreement with Rincon Consultants, Inc. for Environmental Review Services for the Los Amigos Cottages Project

Recommendation to Council:

Approve a Professional Services Agreement with Rincon Consultants, Inc. to prepare California Environmental Quality Act (CEQA) documentation for the Los Amigos Cottages Project in an amount not to exceed \$122,474 and authorize the Town Manager to execute said agreement on behalf of the Town.

Strategic Plan Element:

The recommended action supports the goal of Fiscal Health. Goal Statement: Ensure the economic health and long-term financial viability of the Town.

Background:

On August 10, 2023, a preliminary Builder's Remedy Application (BRA) was submitted to subdivide the 2.71-acre parcel located at 263 Arata Lane, APN 161-020-049, into 30 lots. The parcel is located immediately east of New Song Church. Twenty-four of the lots were proposed to be developed with for sale market rate homes and six lots with for sale homes affordable to lower income households. As required for a BRA, twenty-percent of the homes in the project would be affordable to lower-income households.

On December 7, 2023, a formal application was submitted for a 32-lot subdivision. Twenty-four of the lots would be developed with for sale market rate homes and eight lots would be developed with for sale homes affordable to lower income households. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378, the proposed development is a project; therefore, environmental review is required.

Discussion:

Staff is requesting approval of a Professional Services Agreement (PSA) with Rincon Consultants, Inc. in the amount of \$122,474 to prepare the environmental review documents necessary for compliance with CEQA. The scope of work includes preparation of technical studies, a CEQA compliant initial study, meeting attendance, and project management. The Town will enter into a professional services agreement with Rincon Consultants, Inc. for the full amount and will be reimbursed by the project applicant for the full amount of the contract prior to work proceeding.

It is not uncommon to enter into an agreement for CEQA services at the outset of a project, even when there is potential for the design of the project to change. Substantial portions of the CEQA analysis are not dependent upon the site plan, such as compiling background and regulatory information, preparing locational and graphic exhibits, conducting cultural and biological surveys of the site, and taking existing traffic counts. This technical background work establishes the "baseline" conditions that the

project's impacts will be measured against.

The CEQA consultant would be working under the direction of Town staff, not the applicant. During preparation of this or any other CEQA document, there is a high level of coordination and communication between the consultant and staff. Staff will direct the consultant on when it may proceed with analysis and when to hold off on analysis pending resolution of an issue.

There is always the possibility that during project review a decision-making body may seek changes to a project that are outside of the scope of the CEQA analysis that has been prepared for the project. However, this generally does not happen as staff works to ensure that a project meets the Town's development standards and policy objectives before it is presented for a decision. It is not uncommon for decision-makers to make some modifications to a project during their review, but the modifications are usually within the scope of impacts considered in the project's CEQA analysis. In the event that changes are sought that are outside of the scope of the CEQA analysis, the CEQA document would have to be revised and recirculated for public review.

Fiscal Impact:

The Professional Services Agreement will not result in a fiscal impact, since the applicant will reimburse the Town for the full amount of the contract.

Environmental Review:

The approval of a Professional Services Agreement with a consultant for the preparation of necessary environmental analysis is not a project under CEQA, and, therefore, this action does not require environmental review.

Attachment(s):

[1. PSA with Rincon Consultants for Environmental Services for Los Amigos Cottages.pdf](#)

Prepared by:

Kim Jordan
Planner III

Reviewed by:

Patrick Streeter
Community Development Director

Recommended by:

Jon Davis
Town Manager