



## Legislation Text

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**File #:** 22-216, **Version:** 1

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**FROM:**

David P. Donery, Town Manager

**SUBJECT:**

Consultant Agreement for Housing and Safety Elements of the San Anselmo General Plan

**RECOMMENDATION**

That the Council authorize the Town Manager to execute a professional services agreement with Houseal Lavigne for the preparation of the State-mandated update to the San Anselmo Housing Element and related updates to the Public Safety Element.

**BACKGROUND**

The Town must begin the process of updating the General Plan Housing Element to plan for future housing development consistent with the State-mandated Regional Housing Needs Allocation (RHNA) for the next (6th) housing cycle planning period of 2023-2031. State law requires the Town Council to adopt the updated Housing Element by December 2022 to meet deadlines for submitting the Update to the State by January 2023. Every updated Housing Element must be submitted to the Department of Housing and Community Development (HCD) to ensure compliance with the State's minimum requirements. Meeting the December 22, 2022, timeline is critical to receiving HCD certification for the Housing Element. Failure to receive timely certification can have consequences including lawsuits by private parties and housing advocates; forced mandatory compliance by court order; suspension of local control on building and zoning permits; court approval of housing projects; and reduced access to State funding transportation and infrastructure projects and programs.

In addition, in 2019 the State passed Senate Bill 99, which requires that the Safety Element of a jurisdiction's General Plan be reviewed and updated during each revision of the jurisdiction's Housing Element.

A Housing Element update is required every 8 years, at a minimum, and the same timelines apply to all local and county governments within the jurisdiction of Association of Bay Area Government. The Town Council and Planning Commission have held several discussions on the RHNA process, and its implications for growth around Marin and within San Anselmo, and staff made a presentation on the Housing Element process to the Planning Commission at its November 1, 2021, meeting.

On January 25, 2022, the Town Council received a presentation from the Planning Director regarding the timeline for the Housing and Safety Element work (Attachment 2). A public survey was conducted as part of that process. The Planning Director left San Anselmo at the end of March, 2022.

## **DISCUSSION**

The Town Council has included the update for the Housing Element, Safety Element and Circulation Element and Vehicle Miles Travelled (VMT) policy as two-year Council goals and has budgeted \$250,000 for the work to date. In addition, staff has secured \$85,000 LEAP/REAP grants that can be used for these updates.

The Planning Department lost one staff member in February 2021 who was not replaced. Planning Director Elise Semonian was set to work on the Housing and Safety Element updates until another opportunity came along and she departed the Town in March 2022. At that time, a request for proposal (RFP) was prepared and posted on March 22, 2022, for consultant services for the preparation of an update to Housing Element with proposals due April 8, 2022.

## **ANALYSIS**

The Town received one qualified response to the RFP from Houseal Lavigne. The Town Manager, Assistant Town Attorney, and Planning Consultant met with representatives from Houseal Lavigne to discuss their qualifications, their approach to the work, the project timeline and costs for the proposed scope of work. Following that meeting, staff was in agreement that the consultant is a good fit for the Town and recommends that the Council authorize the Town Manager to execute the agreement.

## **FISCAL IMPACT**

The exhibit accompanying the attached agreement is a proposal from Houseal Lavigne to update the Town's Housing Element. It contains a scope of work and budget with an initial total cost of \$243,453 which includes an initial study/mitigated negative declaration (IS/MND). Additional, "as needed" tasks, such as preparation of an environmental impact report, are included in the proposal from Houseal Lavigne along with a 15% contingency budget (\$37,000) for a total not-to exceed contract amount \$283,453.

The cost for these services will be covered by the approved budget, as well as the LEAP/REAP grants and existing departmental savings in the Planning Department. Staff believes that the proposed cost range of the Housing Element and Public Safety Element update, including the environmental review, is consistent with the costs other communities of San Anselmo's size have or will experience.

## **GENERAL PLAN CONSISTENCY**

The project is intended to bring elements of the General Plan into conformance with State law.

## **CEQA AND CLIMATE ACTION PLAN CONSISTENCY**

Approving this agreement for planning services is not a "project" under the California Environmental Quality Act ("CEQA"), because it does not involve an activity which has the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Pub. Res. Code § 21065).

Attachment 1 - Draft Professional Services Agreement with Houseal Lavigne  
Exhibit A to Attachment 1 - Houseal Lavigne RFP response and Scope of Work  
Attachment 2 - January 25, 2022 Planning Director Staff Report - Housing Element