



Legislation Details (With Board Report)

**File #:** 22-408      **Name:** . Consider approving Amendment Number 4 to Agreement No. A-14097 with LeSar Development Consultants

**Type:** General Agenda Item      **Status:** Passed

**File created:** 4/29/2022      **In control:** Board of Supervisors

**On agenda:** 5/24/2022      **Final action:** 5/24/2022

**Title:** a. Consider approving Amendment Number 4 to Agreement No. A-14097 with LeSar Development Consultants to increase the maximum not to exceed amount by \$64,590 for a new not to exceed amount of \$259,600.00 to provide additional technical assistance to prepare a non-residential linkage fee analysis and recommendations in support of updating the County’s Inclusionary Housing Ordinance; and  
b. Authorize the County Contracts/Purchasing Officer to execute the Agreement and any amendments which do not alter the scope of work or increase the amount payable on the Agreement

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. LeSar\_Development\_Agreement\_Amendment\_4\_Board Ready 042722, 3. Completed Board Order Item No. 44

Date	Ver.	Action By	Action	Result
5/24/2022	1	Board of Supervisors	approved	Pass

a. Consider approving Amendment Number 4 to Agreement No. A-14097 with LeSar Development Consultants to increase the maximum not to exceed amount by \$64,590 for a new not to exceed amount of \$259,600.00 to provide additional technical assistance to prepare a non-residential linkage fee analysis and recommendations in support of updating the County’s Inclusionary Housing Ordinance; and  
b. Authorize the County Contracts/Purchasing Officer to execute the Agreement and any amendments which do not alter the scope of work or increase the amount payable on the Agreement

**RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Consider approving Amendment Number 4 to Agreement No. A-14097 with LeSar Development Consultants to increase the maximum not to exceed amount by \$64,590 for a new not to exceed amount of \$259,600.00 to provide additional technical assistance to prepare a non-residential linkage fee analysis and recommendations in support of updating the County’s Inclusionary Housing Ordinance; and
- b. Authorize the County Contracts/Purchasing Officer to execute the Agreement and any amendments which do not alter the scope of work or increase the amount payable on the Agreement.

**SUMMARY:**

The County began the process of updating its Inclusionary Housing Ordinance in 2018. At that time, the County retained the services of LeSar Development Corporation to provide technical assistance required to update the County’s Inclusionary Housing Ordinance. The original scope of work included analyzing housing needs based on the various County Planning Areas. In September 2021 the Board of Supervisors was provided a status report on the update process and requested to provide direction to staff. The Board directed staff to incorporate a non-residential fee into the Inclusionary Housing Ordinance. The recommended action will

amend the current agreement with LeSar Development Corporation to incorporate a non-residential fee analysis into the current efforts.

DISCUSSION:

In January 2018, the County issued Request for Proposals #10650 to identify organizations with the appropriate mix of policy development, legal analysis, and economic modeling as these skills related to affordable housing. The County received one proposal from LeSar Development Consultants in partnership with Keyser Marston Associates and Goldfarb Lipman Attorneys. In late 2018, the County entered into an Agreement with LeSar Development Consultants to coordinate updating the Inclusionary Housing Ordinance. This Agreement was subsequently amended three times to extend the term of the Agreement.

In September 2021 the Board of Supervisors received an update on the progress to date and provided direction to staff regarding future community outreach and additional policy considerations. One policy consideration was to possibly incorporate a non-residential inclusionary housing in-lieu fee. Adopting this fee could increase the amount of fees dedicated to funding affordable housing. Before adopting the fee, the County must demonstrate that there is a nexus between the assessment and the intended benefit the fee would fund. At the September Board meeting, the Board directed staff to have a non-residential fee nexus study prepared. The proposed Amendment Number 4 will incorporate the preparation of the required nexus study and analysis of potential revenue into the existing Agreement. Keyser Marston Associates will prepare the nexus study. Keyser Marston Associates estimates that preparing the nexus study will require approximately 60 days.

Barring unforeseen issues, the Board of Supervisors should be presented with a revised Inclusionary Housing Ordinance and Administrative Manual for consideration in December 2022.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the Agreement and Amendment Number 4 and approved them as to form and legality.

FINANCING:

There is no impact on the General Fund if the Board of Supervisors approves this Agreement. Sufficient appropriations for the additional \$64,590 required for this Amendment No. 4 agreement are included in the FY21/22 Adopted Budget and the FY22/23 Requested Budget for the Inclusionary Housing Fund, Fund 009, Unit 8544, Appr Unit HCD003. The current Inclusionary Housing Ordinance specifically allows for the use of in-lieu fee income to be used for administrative costs.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Drafting a new Inclusionary Housing Ordinance will support the implementation of the 2010 General Plan and facilitate the development of additional, income restricted housing units for Monterey County residents.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Darby Marshall, Housing Program Manager (WOC), x5391

Approved by: Erik Lundquist, AICP, Director of Housing and Community Development

Attachments:  
LeSar Development Agreement Amendment 4