



# County of San Mateo

## Inter-Departmental Correspondence

---

**Department:** HOUSING

**File #:** 21-712

Board Meeting Date: 9/14/2021

---

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Raymond Hodges, Director, Department of Housing

**Subject:** Agreement with Baird + Driskell Community Planning for 21 Elements Consulting and Funding MOU with the City/County Association of Governments

### **RECOMMENDATION:**

**Measure K:** Adopt a resolution:

- A) Authorizing a waiver of the Request for Proposals process and approving the execution of an agreement with Baird + Driskell Community Planning to conduct the 21 Elements Project, in a total amount not to exceed \$1,158,794 for the term of July 1, 2021 through June 30, 2023; and
- B) Approving the execution of a memorandum of understanding with the City/County Association of Governments (C/CAG) for the receipt of \$150,000 of C/CAG funds for reimbursement of 21 Elements Project costs incurred in FY 2021-22.

### **BACKGROUND:**

The Department of Housing (“DOH”) and City/County Association of Governments (“C/CAG”) have co-sponsored a multi-year funded project known as the 21 Elements Project (the “Project”) for the past fifteen years through which all 21 jurisdictions in San Mateo County (collectively, “Jurisdictions”) cooperate to update their respective Housing Elements and share information and work on a wide variety of housing policies and programs. The Project has proceeded through a number of phases, beginning with facilitating the Sub-Regional Housing Needs Allocation process in 2006-08 and continuing through two Housing Element preparation cycles in 2007-09 and 2013-15 as well as their associated implementation cycles.

Baird + Driskell Community Planning (“BDCP”) is recognized as an expert in the fields of housing policy, public participation, long-range strategic planning, land use, and affordable housing. BDCP has rendered consulting services to the Project since 21 Elements was formed. Under each prior agreement with BDCP to conduct the 21 Elements Project, Jurisdictions have expressed that the expertise and support of BDCP is highly valued.

The Project provides tools that help Jurisdictions meet or exceed State requirements while reducing

their housing element production and implementation costs. In previous years, the Project has been instrumental in coordinating a countywide Nexus Study associated with possible residential and commercial impact fee ordinances and in developing Accessory Dwelling Unit (“ADU”) inspiration and workbook materials and an online cost calculator. Last year, the Project facilitated the drafting of eviction moratorium policies for Jurisdictions in connection with the COVID-19 pandemic, facilitated conversations on federal aid received by Jurisdictions for the purposes of COVID-19-related housing needs, and other COVID-19-related needs of Jurisdictions. Feedback from Jurisdictions regarding the quality and level of services received in conjunction with the Project has been very positive.

On July 23, 2019, the Board of Supervisors approved a two-year contract in an amount not to exceed \$696,000 with BDCP as lead consultants for the fifth two-year phase of the Project (“Phase 5”). All Jurisdictions subscribed for Phase 5 services, and each contributed to cost sharing based on its respective size and the level of services each received. C/CAG has provided guidance regarding the consultant’s work plan along with financial assistance to share project costs. DOH has been responsible for project management and contract administration.

In each of the previous two fiscal years, C/CAG contributed \$150,000 toward Project costs. On June 10, 2021, C/CAG’s board approved a contribution of \$150,000 in Congestion Relief Funds to the County to reimburse a share of Project costs in FY 2021-22. A separate Memorandum of Understanding (“MOU”) will be executed between C/CAG and DOH to memorialize the terms of C/CAG’s FY 2021-22 funding.

The State’s 2019-20 Budget Act allocated \$250 million for all regions, cities, and counties within the State to fund planning activities, like the Project, that accelerate housing production to meet identified needs of every community. The State’s Housing and Community Development Department (“HCD”) established the Regional Early Action Planning Grant Program (“REAP”) with \$125 million to regions. REAP provides one-time grant funding to regional governments and regional entities for planning activities that will accelerate housing production and facilitate compliance in implementing the sixth cycle of the Regional Housing Needs Allocation (“RHNA”). San Mateo County will receive \$315,073 in 2021, \$315,073 in 2022, and \$177,229 for its portion of State REAP funding.

## **DISCUSSION:**

DOH recommends that the Board waive the Request for Proposals (“RFP”) requirement for the agreement with BDCP because the best interest of the County would be served without engaging in the RFP process. First, BDCP has developed strong relationships with members of each of the Jurisdictions since the 21 Elements Project began in 2008. In addition, BDCP possesses the background and expertise necessary to address the unique housing challenges in San Mateo County, both of which are critical to the success of the 21 Elements Project. Finally, as part of the sixth cycle of the RHNA process, the Jurisdictions are preparing their Housing Elements, which are due to the State in January of 2023. In order to comply with State law and receive funding from the State, Jurisdictions must have a State certified Housing Element. Through the Project, BDCP is supporting Jurisdictions in the preparation of their Housing Elements. To procure a new consultant for the Project, which would include supporting Jurisdictions with the completion of the RHNA process, would jeopardize the successful certification of each Jurisdiction’s Housing Element.

County’s agreement with BDCP will be for a two-year term, at a total cost not to exceed \$1,250,690. The contract amount for FY 2021-22 will be \$625,345 and will be funded by contributions by: County, in the amount of \$160,272; C/CAG, in the amount of \$150,000; and, County’s allocation of State REAP program funds, in the amount of \$315,073. The same level of contribution from each source identified above is expected for FY 2022-23 of the County’s agreement with BDCP. In addition, it is

anticipated that Jurisdictions, other than County, will contribute \$45,600 in aggregate each year to the Project. The County can terminate or amend the BDCP contract without obligation or penalty if, for example, funding from C/CAG or other sources cannot be secured for the second year.

The Board's approval of an agreement with BDCP is accompanied by a separate Board action to approve an MOU with C/CAG to contribute \$150,000 of Congestion Relief Funds to the County for the Project for FY 2021-22.

County Counsel has reviewed and approved the agreement with BDCP, the MOU with C/CAG and Resolution as to form.

**PERFORMANCE MEASURE:**

<b>Measure</b>	<b>FY 2020-21 Actual</b>	<b>FY 2021-22 Projected</b>
Participating Jurisdictions that report satisfaction with value received from the 21 Elements	21 of 21	21 of 21

**FISCAL IMPACT:**

The 21 Elements Project will utilize \$320,544 in **Measure K** funds from the FY 2021-22/2022-23 budget and \$630,146 in County's allocation of State REAP program funds for 2021 and 2022.