

## CONTRACT ROUTING SHEET

Date Prepared: 10/25/07

Need Date: 10/2/07

### PROCESSING DEPARTMENT:

Department: CAO/Proc. & Contracts  
 Dept. Contact: Dustin Bailey  
 Phone #: 5833  
 Department: \_\_\_\_\_  
 Head Signature: Bonnie H. Rich  
 Bonnie H. Rich

### CONTRACTOR:

Name: CoNexus  
 Address: 13142 Roaslind Drive  
North Tustin, CA 92705  
 Phone: 714-628-0464

### CONTRACTING DEPARTMENT: Development Services

Service Requested: County's 2008 Housing element  
 Contract Term: Expires 6/30/09 Contract Value: \$117,040.00  
 Compliance with Human Resources requirements? Yes: \_\_\_\_\_ No: \_\_\_\_\_  
 Compliance verified by: \_\_\_\_\_

### COUNTY COUNSEL: (Must approve all contracts and MOU's)

Approved: X Disapproved: \_\_\_\_\_ Date: 10/27/07 By: [Signature]  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

EL DORADO COUNTY COUNSEL  
 2007 OCT 25 PM 3:17  
 Hand Delivered

ASSIGNMENT

DATE: 10/27/07  
 ATTORNEY: Paula Frantz  
 DEPT./INDEX NO: 026113  
 BY: [Signature]

PLEASE FORWARD TO RISK MANAGEMENT. THANKS!

### RISK MANAGEMENT: (All contracts and MOU's except boilerplate grant funding agreements)

Approved: [Signature] Disapproved: \_\_\_\_\_ Date: 10/29/07 By: [Signature]  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

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 COUNTY DEPT

### OTHER APPROVAL: (Specify department(s) participating or directly affected by this contract).

Departments: \_\_\_\_\_  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_  
 Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

# ORIGINAL

## AGREEMENT FOR SERVICES #471-S0811

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**THIS AGREEMENT** made and entered by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County") and Conexus, a Limited Partnership, duly qualified to conduct business in the State of California, whose principal place of business is 13142 Rosalind Drive, North Tustin, CA 92705, (hereinafter referred to as "Contractor");

### WITNESSETH

**WHEREAS**, County has determined that it is necessary to obtain a Contractor to provide review, evaluation, and preparation services of the County's current Housing Element for the Development Services Department; and

**WHEREAS**, Contractor has represented to County that it is specially trained, experienced, expert and competent to perform the special services required hereunder and County has determined to rely upon such representations; and

**WHEREAS**, it is the intent of the parties hereto that such services be in conformity with all applicable federal, state and local laws; and

**WHEREAS**, County has determined that the provision of these services provided by Contractor is in the public's best interest, and that these services are more economically and feasibly performed by outside independent Contractors as well as authorized by El Dorado County Charter, Section 210 (b) (6) and/or Government Code 31000;

**NOW, THEREFORE**, County and Contractor mutually agree as follows:

## **ARTICLE I**

**Scope of Services:** Contractor agrees to furnish the personnel and equipment necessary to provide review, evaluation, and preparation services of the County's current Housing Element for the Development Services Department. Services shall be in accordance with Exhibit "A", marked "Proposal to Prepare the 2008 Housing Element Update", incorporated herein and made part by reference hereof.

## **ARTICLE II**

**Term:** This Agreement shall become effective upon final execution by both parties hereto and shall expire June 30, 2009.

## **ARTICLE III**

**Compensation for Services:** For services provided herein, County agrees to pay Contractor upon completion of each task and within thirty (30) days following the County's receipt and approval of itemized invoice(s) identifying services rendered. For the purposes of this Agreement, the billing rate shall be in accordance with Exhibit "A". The total amount of this Agreement shall not exceed \$117,040.00 including all expenses.

## **ARTICLE IV**

**Ownership of Rights:** County and Consultant hereby expressly agree that all plans, details, and calculations produced by Consultant, its agents, representatives, employees, or sub-contractors, shall be considered a "work made for hire" within the meaning of 17 USC Sec. 101. County shall have sole ownership of all rights, for all purposes, in each completed work, and unused portions thereof, including the copyrights.

## **ARTICLE V**

**Changes to Agreement:** This Agreement may be amended by mutual consent of the parties hereto. Said amendments shall become effective only when in writing and fully executed by duly authorized officers of the parties hereto.

## **ARTICLE VI**

**Contractor to County:** It is understood that the services provided under this Agreement shall be prepared in and with cooperation from County and its staff. It is further agreed that in all matters pertaining to this Agreement, Contractor shall act as Contractor only to County and shall not act as Contractor to any other individual or entity affected by this Agreement nor provide information in any manner to any party outside of this Agreement that would conflict with Contractor's responsibilities to County during term hereof.

## **ARTICLE X**

### **Default, Termination, and Cancellation:**

- A. **Default:** Upon the occurrence of any default of the provisions of this Agreement, a party shall give written notice of said default to the party in default (notice). If the party in default does not cure the default within ten (10) days of the date of notice (time to cure), then such party shall be in default. The time to cure may be extended at the discretion of the party giving notice. Any extension of time to cure must be in writing, prepared by the party in default for signature by the party giving notice and must specify the reason(s) for the extension and the date on which the extension of time to cure expires.

Notice given under this section shall specify the alleged default and the applicable Agreement provision and shall demand that the party in default perform the provisions of this Agreement within the applicable period of time. No such notice shall be deemed a termination of this Agreement unless the party giving notice so elects in this notice, or the party giving notice so elects in a subsequent written notice after the time to cure has expired. In the event of termination for default, County reserves the right to take over and complete the work by contract or by any other means.

- B. **Bankruptcy:** This Agreement, at the option of the County, shall be terminable in the case of bankruptcy, voluntary or involuntary, or insolvency of Contractor.
- C. **Ceasing Performance:** County may terminate this Agreement in the event Contractor ceases to operate as a business, or otherwise becomes unable to substantially perform any term or condition of this Agreement.
- D. **Termination or Cancellation without Cause:** County may terminate this Agreement in whole or in part upon seven (7) calendar days written notice by County without cause. If such prior termination is effected, County will pay for satisfactory services rendered prior to the effective dates as set forth in the Notice of Termination provided to Contractor, and for such other services, which County may agree to in writing as necessary for contract resolution. In no event, however, shall County be obligated to pay more than the total amount of the contract. Upon receipt of a Notice of Termination, Contractor shall promptly discontinue all services affected, as of the effective date of termination set forth in such Notice of Termination, unless the notice directs otherwise.

## **ARTICLE XI**

**Notice to Parties:** All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and return receipt requested.

Notices to County shall be addressed as follows:

COUNTY OF EL DORADO  
DEVELOPMENT SERVICES DEPARTMENT  
2850 FAIR LANE COURT  
PLACERVILLE, CA 95667  
ATTN: SHAWNA PURVINES, SENIOR PLANNER

or to such other location as the County directs.

Notices to Contractor shall be addressed as follows:

CONEXUS  
13142 ROASLIND DRIVE  
NORTH TUSTIN, CA 92705  
ATTN: JOHN DOUGLAS, AICP

or to such other location as the Contractor directs.

#### **ARTICLE XII**

**Indemnity:** The Contractor shall defend, indemnify, and hold the County harmless against and from any and all claims, suits, losses, damages and liability for damages of every name, kind and description, including attorneys fees and costs incurred, brought for, or on account of, injuries to or death of any person, including but not limited to workers, County employees, and the public, or damage to property, or any economic or consequential losses, which are claimed to or in any way arise out of or are connected with the Contractor's services, operations, or performance hereunder, regardless of the existence or degree of fault or negligence on the part of the County, the Contractor, subcontractor(s) and employee(s) of any of these, except for the sole, or active negligence of the County, its officers and employees, or as expressly prescribed by statute. This duty of Contractor to indemnify and save County harmless includes the duties to defend set forth in California Civil Code Section 2778.

#### **ARTICLE XIII**

**Insurance:** Contractor shall provide proof of a policy of insurance satisfactory to the El Dorado County Risk Manager and documentation evidencing that Contractor maintains insurance that meets the following requirements:

- A. Full Workers' Compensation and Employers' Liability Insurance covering all employees of Contractor as required by law in the State of California.
- B. Commercial General Liability Insurance of not less than \$1,000,000.00 combined single limit per occurrence for bodily injury and property damage.

- C. Automobile Liability Insurance of not less than \$1,000,000.00 is required in the event motor vehicles are used by the Contractor in the performance of the Agreement.
- D. In the event Contractor is a licensed professional, and is performing professional services under this Agreement, professional liability (for example, malpractice insurance) is required with a limit of liability of not less than \$1,000,000.00 per occurrence.
- E. Contractor shall furnish a certificate of insurance satisfactory to the El Dorado County Risk Manager as evidence that the insurance required above is being maintained.
- F. The insurance will be issued by an insurance company acceptable to Risk Management, or be provided through partial or total self-insurance likewise acceptable to Risk Management.
- G. Contractor agrees that the insurance required above shall be in effect at all times during the term of this Agreement. In the event said insurance coverage expires at any time or times during the term of this Agreement, Contractor agrees to provide at least thirty (30) days prior to said expiration date, a new certificate of insurance evidencing insurance coverage as provided for herein for not less than the remainder of the term of the Agreement, or for a period of not less than one (1) year. New certificates of insurance are subject to the approval of Risk Management and Contractor agrees that no work or services shall be performed prior to the giving of such approval. In the event the Contractor fails to keep in effect at all times insurance coverage as herein provided, County may, in addition to any other remedies it may have, terminate this Agreement upon the occurrence of such event.
- H. The certificate of insurance must include the following provisions stating that:
  - 1. The insurer will not cancel the insured's coverage without thirty (30) days prior written notice to County, and;
  - 2. The County of El Dorado, its officers, officials, employees, and volunteers are included as additional insured, but only insofar as the operations under this Agreement are concerned. This provision shall apply to the general liability policy.
- I. The Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
- J. Any deductibles or self-insured retentions must be declared to and approved by the County, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees, and volunteers; or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.
- K. Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the County, its officers, officials, employees or volunteers.

**ARTICLE XVIII**

**County Business License:** It is unlawful for any person to furnish supplies or services, or transact any kind of business in the unincorporated territory of El Dorado County without possessing a County business license unless exempt under County Code Section 5.08.070.

**ARTICLE XIX**

**Administrator:** The County Officer or employee with responsibility for administering this Agreement is Shawna Purvines, Senior Planner, Development Services Department, or successor.

**ARTICLE XX**

**Authorized Signatures:** The parties to this Agreement represent that the undersigned individuals executing this Agreement on their respective behalf are fully authorized to do so by law or other appropriate instrument and to bind upon said parties to the obligations set forth herein.

**ARTICLE XX**

**Partial Invalidity:** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will continue in full force and effect without being impaired or invalidated in any way.

**ARTICLE XXI**

**Venue:** Any dispute resolution action arising out of this Agreement, including, but not limited to, litigation, mediation, or arbitration, shall be brought in El Dorado County, California, and shall be resolved in accordance with the laws of the State of California.

**ARTICLE XXII**

**Entire Agreement:** This document and the documents referred to herein or exhibits hereto are the entire Agreement between the parties and they incorporate or supersede all prior written or oral Agreements or understandings.

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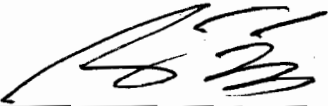

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**REQUESTING CONTRACT ADMINISTRATOR CONCURRENCE:**

By:  Dated: 10-31-07  
 Shawna Purvines  
Senior Planner  
Development Services Department

**REQUESTING DEPARTMENT HEAD CONCURRENCE:**

By:  Dated: 10-31-07  
Gregory Puz  
Director  
Development Services Department

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates indicated below, the latest of which shall be deemed to be the effective date of this Agreement.

**-- COUNTY OF EL DORADO --**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Chairman  
Board of Supervisors  
"County"

ATTEST:  
Cindy Keck, Clerk  
of the Board of Supervisors

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Clerk

**-- CONTRACTOR --**

Dated: \_\_\_\_\_

Conexus,  
A California Limited Partnership

By: \_\_\_\_\_

John Douglas, AICP  
Its General Partner  
"Contractor"

# **EXHIBIT "A"**

## **COUNTY OF EL DORADO**

### **Proposal to Prepare the 2008 Housing Element Update**

**Submitted to: County of El Dorado  
Shawna L. Purvines, Sr. Planner  
Development Services Department  
2850 Fairlane Court  
Placerville, CA 95667**

**Submitted by: CONEXUS  
Contact: John Douglas, AICP  
13142 Rosalind Drive  
North Tustin, CA 92705  
Phone: 714.628.0464  
Douglas@Conexusplanning.com**

**August 7, 2007  
(Revised October 23, 2007)**



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## **A. Executive Summary**

This section contains a discussion of our understanding of the project, key issues, and the County's needs, as well as the experience and qualifications of CONEXUS to prepare the 2008 Housing Element update.

### **Project Understanding**

El Dorado County lies along the Route 50 corridor stretching from the Sacramento area eastward to South Lake Tahoe. Access to the Sacramento job market combined with quality of life issues found in the Sierra Gold Country has resulted in rapid population growth since the 1970s, and the county is projected to grow by 30,000 households over next 20 years<sup>1</sup>.

The county contains two incorporated cities – Placerville and South Lake Tahoe – plus several unincorporated communities such as Camino/Pollock Pines, El Dorado Hills, Cameron Park, El Dorado, Diamond Springs, and Shingle Springs. The General Plan establishes "Community Regions" as those areas that are appropriate for compact urban or suburban-type development based on the availability of infrastructure, public services, major transportation corridors, and topographic features.

County policy also encourages mixed-use development combining commercial, research and development, and residential uses on a single parcel within the Community Regions, provided that commercial use is the primary use.

A significant constraint on development in El Dorado County was imposed in 1999 with the Superior Court ruling on the 1996 General Plan<sup>2</sup>. The subsequent Writ of Mandate prohibited the approval of new discretionary residential development projects except for approval of subdivision maps in projects with executed Development Agreements. This has had the effect of constraining residential development, particularly multi-family development, since most multi-family projects require discretionary approval. With the adoption of the new General

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<sup>1</sup> El Dorado County General Plan Land Use Element, 2004.

<sup>2</sup> El Dorado County General Plan Housing Element, 2004

Plan in 2004 and the subsequent referendum and settlement, the County expects to receive many applications for residential development that would have been restricted under the Writ.

At the time the Writ was issued, a "backlog" of over 14,000 approved residential units had not been built<sup>3</sup>. Because these units were approved prior to the Writ, they may be built, consistent with the court-imposed restrictions. These "existing commitments" account for a substantial amount of the county's expected growth over the next 20 years. The majority of units associated with these commitments are in the western portion of the county near the job centers of Folsom, Sacramento, and El Dorado Hills Business Park.

These existing commitments might actually be considered a constraint to certain types of development since affordable housing was generally not required as part of new developments when they were originally approved. Specific Plans encompassing a portion of the commitments allow for, but do not require the construction of affordable units. It is likely that the types of housing actually constructed will be determined by market forces, which have recently preferred large, expensive single-family homes in low-density areas. The constraint on affordable housing brought about by the Writ of Mandate is an issue that will be addressed in the Housing Element update.

The Sacramento Area Council of Governments (SACOG) is currently preparing the Regional Housing Needs Assessment (RHNA), which identifies new housing needs for each jurisdiction in the region. The El Dorado County unincorporated area has been assigned a growth need of nearly 12,000 new units for the 7-1/2 year period 2006 – 2013, with approximately 40% of those expected to be in the very-low and low income categories<sup>4</sup>.

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<sup>3</sup> Ibid

<sup>4</sup> Draft RHNA as of 6/07 subject to change by SACOG.

<sup>5</sup> Memo dated June 9, 2005 from Cathy Creswell, Deputy Director, California Department of Housing and Community Development regarding AB 2348 of 2004

How jurisdictions accommodate their regional housing needs is one of the most significant issues to be resolved with the Housing Element update. The critical factor is the County's zoning and inventory of sites for new housing, and whether this inventory can accommodate the RHNA need, particularly for the VL/Low categories. In its memo on AB 2348<sup>5</sup> state HCD established a "default density" for El Dorado County (including the unincorporated area) of at least 20 du/acre to facilitate the production of lower-cost housing. The County allows up to 24 units per acre in the Multi-Family district, and there are an estimated 570 acres of land with this designation, therefore the default density does not appear to present a major obstacle.

A more challenging issue for this update is expected to be the County's development fees, including a traffic impact fee of approximately \$30,000 per dwelling unit. Total fees are estimated at \$60 - \$70,000 per unit, which was one of the primary obstacles to obtaining HCD certification during the last Housing Element update.

### **Experience and Qualifications**

CONEXUS is an urban and environmental planning consulting partnership founded and co-owned by Marie E. Gilliam, AICP and John H. Douglas, AICP. Marie and John formed the firm in 2004 after working together for many years in both the public and private sectors. The partners each bring more than 30 years of diverse planning experience to the firm, which has afforded them a broad and in-depth knowledge in the areas of land use planning and analysis, environmental planning and CEQA documentation, housing policy and implementation, demographic and market analysis, development feasibility analysis, entitlement processing, public participation and conflict resolution.

Obtaining state certification of the Housing Element can be a daunting task, and CONEXUS is especially well-qualified to help counties in this regard for two reasons. Mr. Douglas has worked with management and senior staff at state HCD as both a staff planner and consultant over the



past 25 years to resolve Housing Element issues and help jurisdictions obtain certification. His long experience and good relationships with HCD's senior staff enable him to help public agencies successfully negotiate mutually agreeable solutions to issues that may be raised by HCD during the review process. During the last Housing Element cycle he assisted San Bernardino, Riverside, Nevada and Orange counties with their updates, and he is currently serving as advisor to the County of Santa Barbara in its efforts to obtain certification of its Housing Element Action Plan.

Secondly, Mr. Douglas is a certified mediator with a background in facilitating solutions to difficult land use and public policy issues. He holds a Certificate in Conflict Management and Alternative Dispute Resolution from the University of California, Irvine and teaches graduate seminars in collaborative planning and housing elements at UCI. Local control of land use matters is of paramount importance to elected officials, and the state's role in certifying housing elements can be extremely difficult for local decision-makers to accept. Mr. Douglas' knowledge of housing issues and his background in consensus building strategies can help overcome these obstacles and achieve win/win solutions.

Section D of this proposal contains some common questions regarding new Housing Element laws along with answers and explanations developed through our recent conversations with HCD staff. The qualifications of our team are summarized below. Resumes are included at the end of this section.

**John Douglas, AICP**  
**Project Manager/  
Principal-in-Charge**

John Douglas, AICP is partner and co-founder of CONEXUS. His areas of practice include land use and environmental planning, housing policy, conflict resolution and public participation. He has 33 years experience in the planning field, including 15 years in local public agency management. John was formerly Chief of Advance Planning for the County of Orange and Principal Planner for the City of Newport Beach. Prior to forming CONEXUS, John was Director of Planning for Civic Solutions (2001–2004) and Senior

Consultant with The Planning Center (1998–2001) where he supervised Housing Element projects.

John is also an experienced meeting facilitator and has worked with numerous committees and groups to develop consensus on complex and controversial issues involving land use, environmental planning, and affordable housing. He is a lecturer in the Graduate Program in Urban and Regional Planning at the University of California, Irvine where he teaches courses on Housing Elements, collaborative planning and conflict resolution. He is also a state-certified mediator. Mr. Douglas will serve as Project Manager and principal author of all Housing Element and CEQA documents. His experience with County Housing Elements and conflict resolution methods make him particularly well-qualified to lead the consultant team for the Housing Element update.

**Mark Tomich, AICP**  
**Senior Associate**

Mark Tomich has over 25 years of diverse planning experience, serving in both government and consulting. His experience includes senior staff positions with the planning departments of the County of Orange, City of Irvine, and 5 years as Planning Director for Nevada County, where his responsibilities included management of comprehensive updates to the County's General Plan, Housing Element and Zoning Ordinance. Mark's previous housing experience also includes administration of Orange County's affordable housing program, and as a consultant, preparation of a revitalization plan for the Riverside County Economic Development Agency. Mr. Tomich will assist with policy analysis and preparation of portions of the Housing Element.

**Greg Konar, AICP**  
**Senior Associate**

Mr. Konar has over 23 years professional planning experience in both the public and private sectors. His diverse range of experience encompasses many highly complex projects including master plans, specific plans, zoning ordinances, general plan amendments, and entitlement processing.

Greg's experience with major local government and private sector planning projects has enabled

him to develop a balanced, highly effective, solution-oriented approach toward land use planning, policy development and implementation.

Prior to joining CONEXUS, Greg was Senior Project Manager with Project Design Consultants in San Diego. At PDC Mr. Konar was project manager for the SeaWorld San Diego Master Plan update, the Rancho San Juan Specific Plan – a 4,000 unit new urbanist-sustainable community in Monterey County – and the Rancho Lilac Specific Plan in San Diego County among many other planning projects. His public sector projects at PDC included amendments to the City of San Clemente General Plan, land use and zoning feasibility studies for the City of National City, and an adjunct staff assignment with the County of San Diego as a Senior Land Use and Environmental Planner.

Mr. Konar will assist in data collection, analysis, and preparation of portions of the Housing Element update.

**John Cuykendall**  
**Senior Associate**

John Cuykendall is Senior Associate with CONEXUS' Santa Barbara office. Mr. Cuykendall has over 13 years professional planning experience in both the public and private sectors. His responsibilities have included managing highly complex projects, including management and preparation of housing elements, CEQA documents, grant writing, general plan studies, specific plans, zoning ordinances, and discretionary case processing. John's background in county government has provided him with a broad understanding of the practical aspects of land use planning, policy development and implementation. Prior to joining CONEXUS, John was Senior Project Manager with Civic Solutions, Inc. and Project Manager for the County of Santa Barbara's Planning and Development Department. Mr. Cuykendall was the project manager responsible for the 2003 Santa Barbara County Housing Element update. A strategic plan was developed to address unmet housing needs, particularly for the local workforce, and is now being implemented in the Action Phase. Mr. Cuykendall will assist in data

**Victoria Basolo, Ph.D.**  
**Senior Advisor**

collection, analysis, and preparation of portions of the Housing Element update.

Victoria Basolo, Ph.D. is Associate Professor of Urban and Regional Planning at the University of California, Irvine and Senior Advisor to CONEXUS. Dr. Basolo's research includes individual and collective decision making about housing and economic/community development. She is particularly interested in the formulation and implementation of housing and economic/community development policies within the context of intergovernmental relations. She has also worked as a public agency staff planner for city and county housing and redevelopment agencies. She holds a Master of Urban and Regional Planning from Cal Poly Pomona and a Ph.D. in City and Regional Planning from the University of North Carolina, Chapel Hill.

**Representative Housing  
Element Experience**

Mr. Douglas has managed or participated in over 30 Housing Element projects since 1981 as both planning department staff and as a consultant. From 1977 to 1981 he worked as a housing market analyst for Great Western Savings, and conducted development feasibility studies throughout California. Notable examples of his accomplishments are described below.

- ♦ **Nevada County Housing Element Update** – Mr. Douglas assisted Nevada County in preparing its 2003 Housing Element and serve as advisor to County staff for the update. The element was certified by HCD. (Contact: Mark Tomich, 714-673-0395)
- ♦ **San Bernardino County Housing Element Update** – Mr. Douglas served as Project Manager for the County in preparing its 2000 Housing Element. The element was certified by HCD. (Contact: Terri Rahhal, 909-387-4124)
- ♦ **Riverside County Integrated Project** – The RCIP is a nationally-recognized model for comprehensive planning that involves an integrated approach to land use, habitat conservation and transportation planning. Riverside County is the second largest county in California with a land area similar to the state of New Jersey. Mr. Douglas served as a senior advisor to the General Plan team and project

manager for the Housing Element effort. As part of this project he facilitated over 20 workshops during 1999 and 2000 with a Technical Advisory Committee, stakeholders and the general public, and was principal author of the element. The element was certified by HCD. (Contact: Jerry Jolliffe, 909-955-3161)

- **Orange County Housing Element Update** – Mr. Douglas managed the 2000 Housing Element update and served as lead facilitator for a series of meetings with an advisory committee comprised of major landowners, builders, housing advocates, environmentalists and business groups. The element received conditional certification from the state Department of Housing and Community Development. He subsequently was retained by the County to develop affordable housing implementation guidelines and an overlay zone for infill locations, which led to full certification of the element in 2006. (Contact: Ron Tippetts, 714-834-5394)
- **Santa Barbara County Housing Element and Action Phase** – Mr. Cuykendall was Project Manager for the Santa Barbara County Housing Element update, and Mr. Douglas is currently assisting the County with its Housing Element Action Phase. Responsibilities include facilitating public workshops and hearings, serving as Environmental Coordinator to oversee the EIR process to evaluate proposed implementation policies and affordable housing candidate sites, and advising County staff on Housing Element requirements. The element has received conditional certification. (Contact: David Matson, 805-568-2068)

**John H. Douglas, AICP  
Principal**

**Qualifications** Mr. Douglas has over 32 years experience in the planning field, including 15 years of management-level positions in city and county planning agencies. John manages the firm's practice in general plans, housing elements, CEQA/NEPA documents, demographic analysis, public outreach programs and conflict resolution. Prior to forming CONEXUS, he was Director of Planning for Civic Solutions, Inc. (2001-2004) and senior consultant with The Planning Center where he supervised Housing Element projects from 1998-2001. From 1991-1998 John served as Principal Planner for the City of Newport Beach where his duties included advance planning, economic development, annexations, CDBG administration, managing the entitlement and CEQA review process, and coordination with the California Coastal Commission on permitting issues. From 1981-1991 he was employed at the Orange County Environmental Management Agency where he supervised staff in the areas of advance planning, demographic forecasting, housing, CEQA compliance and entitlement processing. From 1977-1981 he was a housing market analyst for a private consulting firm. His planning experience began in 1974 with the City of Fresno.

**Highlights of Experience** John's extensive background in local government has given him a broad understanding of the practical aspects of planning. He has managed numerous General Plan projects, Housing Elements, zoning code amendments, EIRs, and entitlement processes for both private and public projects. His special area of expertise is public outreach, meeting facilitation and consensus building strategies, and he holds a certificate in Conflict Management from the University of California, Irvine. He is a state-certified mediator and has considerable experience in working with groups and committees to find common ground on complex and controversial issues. He teaches a course on Housing Elements in the graduate program in Urban and Regional Planning at the University of California, Irvine and is a frequent speaker at professional conferences on techniques for effective public participation and conflict management.

**Education**

- ♦ B.A., University of California, Los Angeles, Geography, 1974
- ♦ Graduate Studies, San Diego State University, City Planning, 1976-78
- ♦ Certificate in Alternative Dispute Resolution, UCI, 2000

**Professional Affiliations**

- ♦ Lecturer, Graduate Program in Urban & Regional Planning, UCI
- ♦ American Institute of Certified Planners
- ♦ Charter Member, American Planning Association
- ♦ Southern California Mediation Association

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**Gregory C. Konar, AICP**  
**Senior Associate**

**Qualifications** Greg Konar is a Senior Associate with CONEXUS. Mr. Konar has over 23 years professional planning experience in both the public and private sectors. His diverse range of experience includes many highly complex projects including master plans, specific plans, zoning ordinances, general plan amendments, and entitlement processing. Prior to joining CONEXUS, Mr. Konar was Senior Project Manager with Project Design Consultants and a Senior Land Use and Environmental Planner for the County of San Diego's Department of Planning and Planning and Land Use.

**Highlights of Experience**

- **SeaWorld Master Plan Update, City of San Diego, CA**  
In concert with PGAV of St. Louis, SeaWorld's theme park designer, Mr. Konar prepared a 20-year master plan for the San Diego theme park. Primarily a policy document to establish the development parameters for future redevelopment and expansion of the 189-acre park, Mr. Konar provided innovative solutions to complex regulatory challenges within a highly charged political environment. As a key member of SeaWorld's entitlement team, Mr. Konar was instrumental in securing favorable recommendations from eight community planning groups, the San Diego Planning Commission, the San Diego City Council, and the California Coastal Commission.
- **Rancho San Juan Specific Plan, County of Monterey, CA**  
Mr. Konar was the project manager responsible the development of the Rancho San Juan Specific Plan in Monterey County. The 2,500-acre, 4,000-unit Specific Plan proposed the largest development in the history of Monterey County. Pursuant to a court order to prepare the plan on behalf of the developer, the client, Monterey County, wanted a plan to create a sustainable, new-urbanist community, with a jobs-housing balance and at least 20% affordable housing. Located in a General Plan designated "Area of Development Concentration" just north of the City of Salinas, the plan provided a blueprint for the development of small town of about 13,000 residents. Highlights of the plan included a mixed-use town center, live-work units, LEEDs-type building requirements for all neighborhoods and a "green infrastructure" approach to the water, wastewater, reclaimed water, and stormwater systems.
- **Star Ranch, County of San Diego, CA**  
Mr. Konar was the project manager for Star Ranch, a proposed new community in San Diego County's backcountry. Prepared for a private client, the Star Ranch Specific Plan envisioned the creation of an authentic rural village built around a working cattle ranch. The design was required to fit seamlessly into the rural setting and avoid any trace of suburban character. At the same time, the plan embraced many sustainable and smart growth elements such as concentrating development around a pedestrian/equestrian oriented village center. Retaining the cattle ranch allowed more than 80% of the property to be retained in open space and the



ongoing cattle grazing provided an efficient, low-impact fuel management solution.

- **Resource Protection Ordinance, City of San Diego, CA**

At the direction of the San Diego City Council, Mr. Konar wrote the first comprehensive ordinance to protect the City's wetlands, floodways, floodplains, and steep slope areas. The ordinance was later expanded to include historic and cultural resources. Designed to augment CEQA, the ordinance filled a gap by restricting the development and mitigation of identified resource areas. The Resource Protection Ordinance pioneered the use of site-specific surveys to identify resources, prior to which time, the City had to rely on its own mapping. The ordinance was accepted by the San Diego Association of Governments (SANDAG) as a model ordinance for the region and soon after was adopted by the County of San Diego.

**Education**

University of California at Los Angeles  
BA, Political Science and Sociology, 1973.

San Diego State University  
Master of City Planning, 1979

**Professional  
Affiliations**

- ♦ American Institute of Certified Planners
- ♦ Charter Member American Planning Association
- ♦ Board of Directors, Webmaster- San Diego APA Chapter
- ♦ Co-Chair, Professional Development Workshop, "Paving Temporary Paradise - The High Cost of Free Parking" San Diego County APA Chapter (2006)
- ♦ Speaker: "Building Blocks of Sustainable Communities: Case Study of Rancho San Juan Specific Plan Project" – Land Development West Conference and Expo, Scottsdale, Arizona (2005)

**Mark Tomich, AICP  
Senior Associate**

**Qualifications** Mr. Tomich has over 25 years of diverse planning experience, serving in both government and consulting. He has proven success in leading teams to accomplish diverse planning objectives. His professional expertise includes land use entitlement (including regulatory permitting), long-range policy development (including General Plans and Housing Elements), zoning, natural resource conservation and utilization, transportation planning, redevelopment, military base reuse, and related contract administration and budgeting.

During Mark's 5-year tenure as Planning Director for Nevada County, he provided direct oversight of comprehensive updates to Nevada County's General Plan, Housing Element and Zoning Ordinance. In addition to Housing Element updates, Mark developed his housing expertise by administering Orange County's affordable housing program, and as a consultant, preparing a revitalization plan on behalf of the Riverside County Economic Development Agency.

**Highlights of  
Experience**

- **Senior Project Manager, The Planning Center, Costa Mesa**  
Managed preparation of specific plans, master plans, revitalization plans and annexations for landowners and jurisdictions in Riverside, San Bernardino and Kern Counties.
- **Redevelopment Program Manager, City of Tustin**  
Provided key support for the Tustin Legacy (former Marine Corps Air Station, Tustin) redevelopment project team.
- **Planning Director, County of Nevada**  
Directed all aspects of County Planning Department serving an unincorporated population of 65,000 persons. Annual budget of \$2.6 million; staff of 16.
- **Principal Planner, Community Development Agency, City of Irvine**  
Served in several divisions and planning roles over a 10-year timeframe, including Current Planning, Policy Programs and Planning Services. Supervised staff ranging from 2 to 6 planners.

**Education**

B.A. (Major: Economics and Business)  
Westmont College, Santa Barbara, CA

Master of Public Administration  
California State University, Fullerton, CA

**Professional  
Affiliations**

- ♦ American Institute of Certified Planners
- ♦ Charter Member American Planning Association

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**John T. Cuykendall**  
**Senior Associate**

**Qualifications** John Cuykendall is a Senior Associate with CONEXUS. Mr. Cuykendall has over 13 years professional planning experience in both the public and private sectors. He has extensive experience managing highly complex and complicated projects, including management and preparation of CEQA documents, grant writing, general plan studies, specific plans, zoning ordinances, discretionary case processing, and land use planning and housing policy development. Prior to joining CONEXUS, Mr. Cuykendall was Senior Project Manager with Civic Solutions, Inc. and Project Manager for the County of Santa Barbara's Planning and Development Department.

**Highlights of Experience**

- **Project Manager, 2003 Housing Element Update, Santa Barbara County**  
Established close working relationships with local and state agencies, including SBCAG, State HCD, UCSB, cities, and other County departments. Managed preparation of CEQA documents. Developed a strategic plan for addressing the housing need, particularly for affordable workforce housing. Prepared demographic trend analysis and needs assessment, budgets and work programs, supervised and trained staff, prepared policies, ordinances and resolutions, prepared presentations for decision-making bodies and public interest groups, and managed consultant contracts.
- **City of Orange, East Orange EIR**  
As project manager for the City of Orange, responsible for managing the preparation of an environmental impact report for a 7,000-acre, 4,100-unit residential development project located in the City of Orange Sphere of Influence. Responsibilities included overseeing processing of tentative tract maps associated with the project. Required close coordination with applicant, City staff, and over 20 separate consultants working on the project as well as community representatives.
- **Orcutt Community Plan, County of Santa Barbara, CA**  
Mr. Cuykendall was the project manager responsible for amending and implementing the Orcutt Community Plan for the unincorporated area of Orcutt located south of the City of Santa Maria. As the project manager responsible for preparing policy amendments to the Orcutt Community Plan, key water, wastewater, and transportation policies were added and amended to address impacts of future development. Responsibilities included preparing new innovative water policies that were adopted to address both groundwater and state water resources.

**Education**

University of California at Santa Barbara  
BA, Mathematics/Economics, 1991.

San Francisco State University, San Francisco CA  
Wildland Studies Program, Resource Management emphasis, 1993

University of California at Santa Barbara, Santa Barbara CA  
40+ post bachelor / graduate course units (urban planning emphasis), 1993

University of California at Los Angeles, Los Angeles CA  
Extension program, seminars/workshops in Financing and Benefit Assessment Districts, Development Impact Fees, Subdivision Map Act and CEQA, 1994-2002

National Development Council, New York, NY  
Housing and Economic Development Finance  
Multi-Family Housing Development Finance, February 2002

**Professional  
Affiliations**

- American Planning Association
- Co-Vice Director of Programs, Orange County APA Chapter (2004)
- Co-Chair Awards Program, Orange County APA Chapter (2004)
- Member, Housing Advisory Committee – Workforce Housing Sub-Committee, Santa Barbara County (2004)

## B. Scope of Services

The following section outlines the specific tasks we anticipate for this project. This scope will be reviewed with County staff and refined as necessary prior to commencing work.

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### **Task 1 Assessment**

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Following authorization to proceed, the first step will be to meet with the County Project Manager and team to review the work program and schedule and make any necessary refinements. Data needs and the respective expectations and responsibilities of County staff and the consultant team will be clarified. It is assumed that the County will provide us with a digital file of the current Housing Element and related documents upon commencement of the project. Specific tasks and work products are as follows.

#### 1.1 Evaluation of the 2003-2008 Housing Element

This task involves the review and evaluation of the current Housing Element, including appropriateness of goals and policies, the effectiveness of programs, and the County's progress in implementing current programs and meeting quantified objectives. The purpose of this exercise is to identify any areas where policy or program refinements would be appropriate to respond to changed circumstances or new opportunities in order to make the Housing Element more effective in achieving the County's objectives.

Since much of the information needed for this evaluation is contained in County files and documents, the budget assumes that staff will assist CONEXUS in gathering the following information. We will provide templates to County staff to assist in organizing this effort.

- ☞ Units produced by type and income level
- ☞ Demolitions
- ☞ Units rehabilitated
- ☞ Code enforcement data
- ☞ Status of housing program actions
- ☞ Redevelopment agency accomplishments

Products

- ♦ Analysis of the appropriateness of goals and policies, effectiveness of programs, and progress in meeting objectives

## 1.2 Document Review

The consultant team will review relevant County documents and become familiar with local conditions and issues that will affect the 2008 Housing Element. At a minimum, this will include the previous Housing Element, the General Plan and EIR, recent correspondence with State HCD, and current housing policies and programs.

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**Task 2**  
**Housing Element**  
**Research and Analysis**

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Task 2 encompasses the research, data compilation, and analysis necessary to update all portions of the Housing Element, which include the Needs Analysis; Resources and Opportunities; Constraints; Goals, Policies, and Quantified Objectives; and the Implementation Program. On the basis of this analysis, CONEXUS will update the relevant portions of the Housing Element. The findings from this analysis will play a major role in framing policy issues.

Products

- ♦ Data and analysis for inclusion in the Draft Housing Element

## 2.1 Needs Analysis

The data collection and analysis effort will include all of the items required by California Government Code Section 65583(a) and Department of Housing and Community Development guidelines, including the following specific items:

- ♦ Analysis of population and employment trends and existing and projected housing needs for all income levels.
- ♦ Analysis of household characteristics including level of payment compared to ability to pay, and housing characteristics, including overcrowding, affordability levels and housing stock conditions.
- ♦ Analysis of special housing needs, including large families, elderly, female-headed households, persons with disabilities,

farmworkers and the homeless.

- ♦ Analysis of "at-risk" assisted housing developments where affordability commitments are due to expire during the timeframe of the element.

The budget assumes that County staff will assist CONEXUS in gathering the following information for use in updating the current Housing Element.

- ☞ Units At Risk – an inventory of County-assisted housing projects and eligibility to convert to market rate
- ☞ Housing conditions data – if acceptable information is not available from existing sources, a targeted survey may be required of selected neighborhoods to estimate the number of units in need of minor rehab, major structural rehab, or demolition and replacement.

## 2.2 Resources and Opportunities

The analysis of resources and opportunities will focus on the following topics.

- ♦ Land inventory/site analysis and an evaluation of the relationship of zoning and public facilities to serve these sites.
- ♦ Financial and administrative resources, including federal, state and local housing assistance programs.
- ♦ Analysis of opportunities for energy conservation.

The analysis of available housing sites is a critical component of the Housing Element and is expected to require considerable effort including GIS analysis. The budget assumes that County staff will assist CONEXUS in gathering the following information.

- ☞ Matrix of existing land use by zoning designation (vacant/underutilized) and sites suitable for housing development
- ☞ Map(s) showing vacant/underutilized parcels with the potential for housing development



### 2.3 Constraints

Constraints include the following issues to be studied:

- ♦ Governmental constraints, including land use plans and regulations, zoning, development standards, improvement requirements, impact fees and processing procedures
- ♦ In particular, the 1999 Court-issued Writ of Mandate has been a significant constraint on housing development and will be prominently addressed in the new Housing Element.
- ♦ The land use controls imposed under the Tahoe Regional Planning Agency (TRPA) provide an additional potential constraint to housing development and will be discussed in the Element.
- ♦ Non-governmental constraints will also be analyzed, including land cost, construction cost, financing cost and availability, infrastructure (particularly water and wastewater treatment capacity)

### 2.4 Goals, Policies and Quantified Objectives

The foregoing analysis of needs, resources, opportunities and constraints, together with the evaluation of the current Housing Element, will provide guidance in identifying areas where previous policies and programs may be refined to better accomplish the County's objectives.

### 2.5 Implementation Program

A new implementation program describing actions, funding sources, responsible parties, and timeframes for the 2008 – 2013 planning period will be developed in consultation with County staff and policy-makers.

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### **Task 3 Prepare and Finalize Housing Element**

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Task 3 entails production of the Housing Element document, staff review, revisions, and review of the element by the public, County decision-makers and State HCD. The following specific tasks are anticipated.

### 3.1 Draft Housing Element

An Administrative Draft Housing Element will be prepared incorporating the technical data and analysis from the previous tasks, as well as updated goals, policies, quantified objectives,

and implementation programs describing the County's housing strategy for the 2008 - 2013 planning period. Policies and programs will be based on the review of the County's progress in implementing the current element and where appropriate, refinements will be recommended. The administrative draft element will be submitted to the County for review, and revisions will be made based on staff comments. It is assumed that all County comments will be consolidated into one package, and one round of revisions is budgeted. A Draft Housing Element will then be prepared incorporating County comments and revisions.

All documents will be prepared in a format approved by the County. The budget assumes that the element will be prepared in a similar format as the current element, and that those sections that are still current will be carried forward in the new element. If a substantially different or more elaborate format is desired, a budget adjustment may be necessary.

#### Products

- ◆ Administrative Draft Housing Element (10 copies + digital file)
- ◆ Draft Housing Element (30 copies + 30 CDs + digital file)

### 3.2 Public Participation Program

State Housing Element law<sup>6</sup> requires a pro-active effort to involve interested persons and groups in the preparation of Housing Elements. The inherent community interest in land use and housing development – particularly affordable housing – ensures that the Housing Element update will receive a high level of public scrutiny. We believe that including the public and decision-makers in the analysis and development of housing policies and programs from the outset will enhance the likelihood that the final product will receive broad support, and thereby maximize the chances of successful implementation.

This scope of work and budget allow for a public

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<sup>6</sup> Cal. Govt. Code Sec. 65583(C)(6)

participation effort that includes five community meetings and three public hearings with the Planning Commission and Board of Supervisors. The following specific activities are anticipated. As part of Task 1, these activities will be confirmed or refined with County staff. If desired, additional workshops or meetings can be included on a time-and-materials basis.

*Housing Element  
Interest List  
and Notice*

Upon commencement of the project, a public notification list will be prepared in consultation with staff, for use by the County in mailing notices prior to each public workshop or hearing. CONEXUS will prepare a brief informational notice of the pending Housing Element update to be distributed by the County. The notice will describe the anticipated process, schedule and opportunities for public involvement. A copy of this notice and distribution list will be included in an Appendix to the Housing Element describing public participation activities.

Products

- ♦ In consultation with County staff, preparation of a Housing Element Interest List
- ♦ Preparation of a Housing Element update notice for distribution by the County
- ♦ If desired by the County, additional public outreach efforts (e.g., internet sites, media spots, community group presentations) can be undertaken as optional tasks on a time-and-materials basis.

*Introductory  
Study Session*

We have found that an introductory study session with decision-makers early in the process can be helpful in identifying concerns and potential policies. This study session will provide an opportunity to brief County officials on the key Housing Element issues and requirements, and obtain feedback regarding potential policies and programs. A slide presentation will be prepared illustrating key points.

*Community Meetings*

Five community meetings are anticipated to inform interested persons and community groups

about the Housing Element update process, relevant issues and requirements, and solicit comments. The timing of these workshops will be determined in consultation with County staff. We will assist staff in preparing public notices and invitations to be sent to persons and organizations known to have an interest in housing issues. CONEXUS' project manager will lead the meetings (if requested by the County) and give slide presentations as appropriate. The budget assumes that County staff will handle all logistics such as room reservations and arrangements, set-up/tear-down, refreshments, A/V and other equipment, etc.

#### Products

- ♦ Attendance and facilitation of up to five community meetings, including slide presentations
- ♦ Preparation of meeting notices for distribution by the County

*Planning Commission  
and Board of Supervisors  
Hearings*

Upon completion of the Draft Housing Element, we anticipate that public hearings will be held by the Planning Commission and Board of Supervisors to obtain the approval of policy-makers prior to submittal of the element to HCD. Following Board approval, the draft element will be submitted to State HCD for 60-day review as required by state law. After HCD's comments are received, revisions will be negotiated with staff and state HCD, and an adoption hearing will be held by the Board. If substantive changes to the draft element are required in response to HCD comments, additional public hearings may be necessary prior to final adoption of the Element.

#### Products

- ♦ Attendance and presentation at 1 Planning Commission public hearing (prior to HCD submittal)
- ♦ Attendance and presentations at 2 Board of Supervisors public hearings (1 prior to HCD submittal and 1 adoption hearing following HCD review)

(If requested by the County, CONEXUS' Project Manager will attend additional hearings and/or assist with the preparation of staff reports, resolutions and ordinances on a time-and-materials basis.)

### 3.3 Final Housing Element

Following review by HCD, an Administrative Final Housing Element will be prepared for review and adoption by the Board of Supervisors. Following adoption the final Housing Element will be prepared and delivered to HCD for certification.

#### Products

- ♦ Administrative Final Housing Element (10 copies + digital file)
- ♦ Final Housing Element (30 copies + 30 CDs + PDF file)

### 3.4 HCD Certification

The ultimate goal of the Housing Element update process is to adopt and implement an element that both meets the County's objectives and also is certified by the California Department of Housing and Community Development (HCD). HCD certification of the Housing Element is important for several reasons – to maintain eligibility for grant funds, to ensure a legally-adequate General Plan, and to maintain local control of the land use planning process.

After the draft Housing Element is accepted by the Board of Supervisors it will be submitted to the California Department of Housing and Community Development (HCD) for review. HCD's comments will be analyzed, and CONEXUS will work with the County to revise the element, as necessary, to address the state's concerns. Our experience preparing Housing Elements in many other jurisdictions over the past 25 years has provided us with a good working relationship with HCD's senior staff and a thorough understanding of what is required in order to receive Housing Element certification. We have extensive experience working with county Housing Elements during the last cycle including Nevada, Santa Barbara, Orange, Riverside and San Bernardino.

Our approach to obtaining certification is based

on establishing and maintaining a cooperative working relationship with HCD's assigned reviewer and management. We expect to have regular conversations with HCD staff throughout the process as questions and issues arise. In our experience, HCD staff has always been willing to work cooperatively with our client jurisdictions, including offers to attend public meetings and explain state requirements and expectations to decision-makers. This process of clarifying and resolving issues during the Housing Element preparation phase increases the likelihood of achieving certification and reduces delays.

The practice of HCD in recent years has been to issue a letter of "conditional certification" when an element essentially complies with state law but follow-up actions are necessary to implement adopted policies or programs. While "full" certification is desirable (i.e., without requiring subsequent review and approval of implementation actions by HCD), in some cases required program actions cannot be completed within the timeframe of element adoption (2008). Our commitment is to assist the County in achieving full certification by the statutory deadline to the extent feasible. However, if implementation actions are necessary in order to achieve full certification, we will assist the County in carrying out these subsequent actions and coordinating with HCD within budget limits.

The budget assumes a total of 40 hours for this task. If HCD comments are more extensive than this budget allows, the additional work will be done on a time-and-materials basis.

*(Note: Section D, Additional Data, contains insights gleaned from our conversations with HCD staff regarding recent changes to state Housing Element law.)*

#### Products

- ♦ Meetings/conference calls to review HCD comments with County and HCD staff
- ♦ Housing Element revisions

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**Task 4**  
**CEQA Review**

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CONEXUS will prepare an Initial Study (IS) for the Draft Housing Element in compliance with the California Environmental Quality Act. A Preliminary IS will be submitted to County staff for review, and a Public Review Draft IS will be prepared incorporating staff comments. One round of review and revisions is budgeted. It is assumed that the Initial Study will support the preparation of a Negative Declaration (or MND). However, if the Initial Study finds that significant impacts could occur, an EIR would be required and a revision to this scope and budget will be negotiated. The budget assumes that the analysis will be limited to program-level issues and not site-specific actions such as Land Use Element designations or zone changes. If site-specific project-level analysis is required, a supplemental budget will be negotiated.

CONEXUS will distribute the Public Review IS/ND to the State Clearinghouse, Responsible Agencies, and other interested parties in consultation with County staff. After the close of the comment period we will prepare draft responses to comments for County review. Final responses to comments, revisions to the IS/ND (if necessary), and a mitigation monitoring program will then be prepared incorporating staff comments for consideration by decision-makers.

We assume that no separate scoping meetings will be necessary for the CEQA document, and that consideration of the IS/ND will be handled as part of the Housing Element review and adoption hearings.

The budget assumes that CONEXUS will handle reproduction, distribution and filing of the IS/ND and Notice of Determination with the appropriate agencies and the County will be responsible for any filing fees.

*(Note: Recent changes in state law may limit the County's ability to conduct CEQA review of "by right" multi-family housing approvals on sites that are rezoned to accommodate the VL/L needs identified in the RHNA. As a result, "project-level" CEQA review may be required for Housing*

*Element implementation actions. This proposal assumes CEQA review of Housing Element policy issues only – if subsequent CEQA documentation is required for implementation actions or site-specific entitlements, it can be provided as an additional product with a supplemental budget.)*

#### Products

- ♦ Preliminary Draft Initial Study/Negative Declaration (1 copy + electronic file)
- ♦ Public Review Draft Initial Study/Negative Declaration (30 copies + electronic file)
- ♦ Notice of Availability/Notice of Intent to Adopt the IS/ND (1 copy + electronic file)
- ♦ Preliminary Responses to Comments (1 copy + electronic file)
- ♦ Final Responses to Comments (1 copy)
- ♦ Final Adopted IS/ND (1 copy + electronic file)

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#### **Task 5 Meetings and Project Management**

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The CONEXUS Project Manager will maintain regular contact with County staff to ensure a smooth working relationship and successful completion of the project. It is assumed that most coordination will occur via telephone and e-mail. A total of five on-site working meetings with Planning Services staff are budgeted (in addition to the community meetings and hearings), to be held as necessary throughout the process.

#### Products

- ♦ Regular informal progress reports with County staff via telephone or e-mail
- ♦ Up to 5 on-site working meetings with staff (including kickoff meeting)



## Schedule

We believe the keys to schedule (and budget) control are 1) a clear understanding of objectives, 2) close coordination between the consultant and County staff, and 3) an experienced consulting team. Mr. Douglas has managed numerous similar projects and is committed to providing excellent and timely service to the County.

State law requires jurisdictions within the SACOG region to complete their Housing Element updates by June 30, 2008. In order to meet this target date, a draft element should be submitted to HCD no later than March 31, 2008. We recognize that meeting these deadlines is a high priority for the County, and we will work closely with County staff to complete the project as expeditiously as possible. The project scope and schedule will be refined and agreed upon at the outset in order to minimize the time required to produce the draft Housing Element. Regular monitoring of progress will allow fine-tuning when necessary in order to achieve the overall project objectives. The tentative schedule shown below reflects the assumptions regarding the required level of effort and County/consultant division of responsibilities set forth in the Scope of Work.

*(Note: our original proposal assumed that work would commence in November 2007 and that approximately one year would be required to complete the process. The County would like to shorten this timeframe to 7 months in order to meet the statutory deadline of June 30, 2008. We will work with the County to fine-tune the scope in order to meet this objective to the greatest extent possible)*

November 2007	Commence work
Nov – Dec 2007	Data collection and analysis
Dec 2007 – Jan 2008	Prepare Administrative Draft Housing Element
December 2007	Community meetings
January 2008	Administrative Draft Element to staff for review
January – February 2008	Staff review and revisions
	Prepare Public Review Draft Element
February 2008	Planning Commission hearing
March 2008	Board of Supervisors hearing - authorization to submit Draft Housing Element to HCD
March 2008	Submit Draft Element to HCD (60-day review)
May 2008	HCD comments due
May 2008	Prepare revisions per HCD comments
June 2008	Board of Supervisors hearing and adoption
June 2008	Submit adopted Housing Element to HCD

**Proposed Budget**

Our proposed budget for this project is as follows. This budget will not be exceeded without the County's prior authorization. We recommend that the contract specify that budget funds may be transferred between tasks, as determined appropriate by the County's Project Manager. If extra work is requested by the County due to unforeseen circumstances, a supplemental budget will be determined prior to initiation of the work. Monthly invoices will be submitted itemizing the work done by task, the percentage of each task completed, and the amount of budget remaining for each task.

Task	Description	PM	SP	WP	Total Hours	Total Cost
<b>1.0</b>	<b>Assessment</b>					
1.1	-Current Housing Element Evaluation	24	12		36	\$4,380
1.2	-Document Review	20	12		32	\$3,860
<b>2.0</b>	<b>Housing Element Preparation</b>					
2.1	-Needs Analysis	24	20		44	\$5,220
2.2	-Resources and Opportunities	24	20		44	\$5,220
2.3	-Constraints	20	12		32	\$3,860
2.4	-Goals, Policies and Quantified Objectives	24	8		32	\$3,960
2.5	-Implementation Program	20	8		28	\$3,440
<b>3.0</b>	<b>Prepare and Finalize Housing Element</b>					
3.1	-Draft Housing Element	48	40	40	128	\$13,040
3.2	-Public Participation Program					
	-Interest list & notice	2			2	\$260
	-Study Session	16	4		20	\$2,500
	-Community meetings (up to 5)	80			80	\$10,400
	-PC and B/S Hearings (up to 3 total)	48			48	\$6,240
3.3	-Final Housing Element	24	16	12	52	\$5,580
3.4	-HCD Certification	40			40	\$5,200
<b>4.0</b>	<b>CEQA Review</b>	24	40	4	68	\$7,580
<b>5.0</b>	<b>Meetings &amp; Project Management</b>	60			60	\$7,800
<b>Total Labor</b>		<b>498</b>	<b>192</b>	<b>56</b>	<b>746</b>	<b>\$88,540</b>
<b>Hourly Rate</b>		<b>\$130</b>	<b>\$105</b>	<b>\$65</b>		
<b>Contingency</b>						<b>\$20,000</b>
<b>Reimbursable Expenses</b>		(See table below)				<b>\$8,500</b>
<b>GRAND TOTAL BUDGET</b>						<b>\$117,040</b>

PM = John Douglas, AICP, Project Manager

SP = Senior Planner

WP = Word processing/graphics

<b>Estimated Reimbursable Expenses</b>	
Travel	No charge
Printing/graphics/materials	\$8,000
Postage/deliveries	\$500
<b>Total</b>	<b>\$8,500</b>

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**C. References**

Nevada County

Mark Tomich, AICP Planning Director (retired)  
714-673-0395  
Suzanne Smith, AICP, Sr. Planner  
530-265-1345

Santa Barbara County

David Matson, Housing Element Project Manager  
805-568-2068

Orange County

Ron Tippets, Chief, Special Projects  
714-834-5394

Riverside County

Jerry Jolliffe, Administrative Manager  
951-955-3161

Tony Carstens, Director, Transportation and Land  
Management Agency  
951-955-6742

State HCD References

Linda Wheaton, Deputy Director 916-327-2642  
Melinda Coy 916-445-5307

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**D. Additional Data**

On the following pages are two documents that demonstrate the experience and understanding that CONEXUS brings to this assignment. The first is a summary of recent legislation that affects this Housing Element process, while the second is a list of questions and answers describing how State HCD interprets this legislation. Both documents were developed by Mr. Douglas through a series of recent conversations with senior staff at HCD.

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## SUMMARY OF RECENT HOUSING ELEMENT LEGISLATION

**AB 2511 (Jones).** Makes additional changes to anti-NIMBY law and other affordable housing statutes.

[http://www.leginfo.ca.gov/pub/bill/asm/ab\\_2501-2550/ab\\_2511\\_bill\\_20060930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/bill/asm/ab_2501-2550/ab_2511_bill_20060930_chaptered.pdf)

**AB 2634 (Lieber).** Requires the analysis of population and projected housing needs for all income levels to include extremely low income households (30% or less of countywide median) as identified by the COG as part of the low income needs number.

[http://www.leginfo.ca.gov/pub/bill/asm/ab\\_2601-2650/ab\\_2634\\_bill\\_20060930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/bill/asm/ab_2601-2650/ab_2634_bill_20060930_chaptered.pdf)

**AB 1233 (Jones).** Requires that any portion of a local government's share of regional housing need that is not accommodated in the land inventory during one planning period must be carried forward to the next round of fair-share housing allocations. A city or county would be required to zone land to provide for the fair-share that gets carried forward within the first year of the new planning period.

[http://www.leginfo.ca.gov/pub/bill/asm/ab\\_1201-1250/ab\\_1233\\_bill\\_20051006\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/bill/asm/ab_1201-1250/ab_1233_bill_20051006_chaptered.pdf)

**SB 575 (Torlakson).** Strengthens anti-NIMBY law relating to affordable housing projects and prevents cities and counties from rejecting or conditionally approving a project unless the jurisdiction has met its fair-share housing needs for the planning period.

[http://www.leginfo.ca.gov/pub/bill/sen/sb\\_0551-0600/sb\\_575\\_bill\\_20051006\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/bill/sen/sb_0551-0600/sb_575_bill_20051006_chaptered.pdf)

**AB 2158 (Lowenthal).** Makes changes in the methodology for allocating the RHNA and in the rules for transferring RHNA between cities and counties. This bill includes the "2158 Factors" that may be used to support requests for reduction in a jurisdiction's RHNA. A COG may request the use of population and household forecast assumptions used in the regional transportation plan. SCAG is the first COG to use this new provision in State Law. (65584.02)

[http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab\\_2151-2200/ab\\_2158\\_bill\\_20040922\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2151-2200/ab_2158_bill_20040922_chaptered.pdf)

**AB 2348 (Mullin).** Amends State housing element law to clarify the land inventory requirements related to RHNA fair share goals and to provide greater residential development certainty. Includes an assumed density of at least 30 du/ac for lower-income housing for most urban jurisdictions. The bill also requires that when the land inventory does not demonstrate an adequate supply of land for housing at all income levels, sufficient land must be rezoned to accommodate 100% of the shortfall and multi-family housing must be permitted "by right."

[http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab\\_2301-2350/ab\\_2348\\_bill\\_20040923\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2301-2350/ab_2348_bill_20040923_chaptered.pdf)



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## HOUSING ELEMENT QUESTIONS & ANSWERS

1. If a jurisdiction rezones land for multi-family use to meet the RHNA requirement prior to the Housing Element due date (June 2008), must it allow "by right" development?

**A: "By right" development is not required if the jurisdiction provides sufficient land (such as through rezoning) prior to adoption of the new Housing Element. The key factor is whether the rezoning is required as a follow-up action program in response to an insufficient land inventory compared to the RHNA.**

2. How are SROs treated for purposes of the RHNA, land inventory and units produced? College dorms? Farmworker housing?

**A: HCD uses the U.S. Census Bureau definition of "housing unit" for purposes of the RHNA and Housing Elements. The Census Bureau defines "Housing unit" as "A house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have direct access from outside the building or through a common hall." Accordingly, SROs may qualify as housing units if they are occupied as separate living quarters (e.g., private bathrooms and kitchen facilities). Dorm units with shared bathrooms and cafeterias are not considered housing units.**

3. If some or all of a jurisdiction's vacant land is encumbered by a legally binding development agreement that extends through the entire planning period, can that justify a land inventory that does not meet the RHNA? Is there a different set of rules for new cities that "inherited" development agreements from the County.

**A: Development agreements do not justify any waiver or reduction in jurisdictions' responsibilities to ensure a sufficient land inventory. If potential housing sites are encumbered by development agreements that impede the production of lower-income housing, jurisdictions must find other ways to make sufficient sites available for all income levels (e.g., second units, rezoning of commercial sites, redevelopment, etc.).**

4. How much land inventory "credit" may be taken for potential 2<sup>nd</sup> units?

**A: If a jurisdiction claims that a portion of its land inventory will be met by second units, HCD will first look to the Housing Element's analysis of the previous planning period to see how many second units were produced. If the jurisdiction claims that second unit production will be greater in the new planning period, the Housing Element must provide an analysis demonstrating why the increase is anticipated. Such an analysis would include such things as by-right permit processing, incentives, and market demand.**

5. In the Q & A (#40) and also the 6/9/05 memo on AB 2348, it states that in suburban and metropolitan jurisdictions zoning must allow at least 20 units per acre, but Appendix 1 of the 6/9/05 memo lists most jurisdictions in Southern California as having a minimum 30 du/ac. Can you please clarify whether the required density is 20 or 30 du/ac for cities with a "default density" of 30 du/ac?

**A: Jurisdictions should use the same methodology in the site analysis/land inventory as they do in an action program to provide additional sites, if necessary. In metropolitan jurisdictions, the "default density" for lower-income housing is at least 30 du/ac. If zoning allows at least 30 du/ac, then HCD will not question the validity of this assumption for purposes of calculating the land inventory. However, jurisdictions may use a density lower than 30 du/ac in the sites inventory if the Housing Element includes an analysis demonstrating that lower-income units are feasible at that density. The analysis would include examples of recent affordable projects that were successfully completed at the lower density. If an action program to provide additional sites is required due to an insufficient land inventory, then the density standards in the program should use the same methodology as the land inventory. 20 du/ac is the statutory minimum density that will be accepted in a rezoning program for lower-income units, however, and the program must allow development "by right". While density is an important component of the land inventory, other steps are also required in the analysis, including availability of infrastructure, site constraints (e.g., environmental conditions), and any other factors that could present an obstacle to development during the planning period.**

6. If zoning allows at least 30+ du/ac, will that support an assumption that the land qualifies as meeting the VL/Low land inventory even if there is no required affordability component, and the units are expected to be market rate? (e.g., "luxury" mid-rise or hi-rise apartments)

**A: HCD will accept the 30 du/ac minimum default density for the land inventory and an affordability component is not required. However, if the affordability level of a 30+ du/ac project has been determined (such as for projects already built or with a site-specific approval) then the land**

**inventory should use the actual (or estimated) affordability categories rather than assume that all of the units will be lower-income.**

7. Can density bonus law be included in the evaluation of land inventory and the "default" density provisions of AB 2348? (e.g., if the default density for lower income housing is 30 du/ac, would base zoning at 22-25 du/ac be sufficient under the assumption that a density bonus to 30+ du/ac would be approved for affordable projects?)

**A: No, an assumed density bonus cannot be used to achieve the default density. The base zoning density must be used for the land inventory analysis.**

8. If a jurisdiction has insufficient vacant residential land to accommodate its RHNA, what limitations would HCD place on affordable housing or mixed-use overlay zones to meet the shortfall? The Q & A (#40) states that at least 50% of the lower income need must be accommodated on sites zoned exclusively for residential use. Are there any other limitations HCD would impose on overlay or mixed-use zones?

**A: If a program is required to provide additional sites due to a shortfall in the land inventory, HCD would consider several factors in evaluating the appropriateness of the program. Such factors could include incentives or other measures the program includes to facilitate affordable development on the sites; monitoring provisions included to inform the jurisdiction as to whether the program is working as intended; corrective measures built into the program to allow adjustments if the expected results are not achieved, etc.**

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*Note: This paper reflects the opinions of CONEXUS, and is not an official publication of the California Department of Housing and Community Development. While it is based on the personal conversations of the author with HCD staff in February 2007, any errors or omissions are solely the responsibility of the author and not HCD. It should not be considered to be legal advice. Specific concerns regarding the legal adequacy of your Housing Element should be referred to your City Attorney or County Counsel.*

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