



DATE: September 28, 2021

CATEGORY: Consent

DEPT.: City Attorney's Office,
Community Development

TITLE: **Additional Expenditures for Legal Services by Burke, Williams & Sorensen, LLP**

RECOMMENDATION

Authorize expenditures by the Community Development Department in an amount not to exceed \$301,100 for outside legal services performed by Burke, Williams & Sorensen, LLP, associated with Notice of Funding Availability projects, Lot 12, general matters related to housing programs and transactions, general planning, and land use.

BACKGROUND

The City has an existing agreement with Burke, Williams & Sorensen, LLP (BWS), for outside legal services for Notice of Funding Availability (NOFA) projects, general matters related to housing programs and transactions, general planning, and land use. The Community Development Department (CDD) Fiscal Year 2021-22 Budget includes \$351,100 in funding for legal assistance for general planning, land use, and housing matters, including assistance with the Lot 12 project.

ANALYSIS

CDD continues to require additional outside legal services to support staff in the analysis of large, complex projects and issues, including the following:

- Implementation of Senate Bill (SB) 330.
- Implementation of SB 35.
- Analysis of implementation impacts related to State/Federal housing and land use legislation.
- Review of multiple residential projects and the application of various housing laws and requirements to the project.

- Displacement response, including replacement requirements.
- Tenant Relocation Assistance Ordinance.
- Fair housing.
- Eviction moratorium.
- R3 Zoning District update.

Each of these projects require extensive evaluation and analysis to ensure each project is compliant with current housing and land use laws.

To continue to address the City's legal needs for Fiscal Year 2021-22, staff estimates expenditures with BWS in the amount of \$301,100 will be required to support this year's work. City Council Policy A-10 requires City Council authorization for compensation in excess of \$100,000. Staff requests Council authorization for this expenditure amount to fund legal assistance for general planning, land use, and housing matters as well as the Lot 12 project. Some of these legal expenses for development projects, including for the Lot 12 project, will be reimbursed to the City by the developer.

FISCAL IMPACT

Funding for this work was approved as part of the City's Fiscal Year 2021-22 Adopted Budget. No additional funding is being requested at this time.

ALTERNATIVES

1. Do not authorize the expenditures requested.
2. Provide other direction to staff.

PUBLIC NOTICING – Agenda posting.

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