



Independent, locally owned and operated!

www.lamorindaweekly.com 925-377-0977

Published July 7th, 2010

Affordable Housing Conflict in Lafayette

By Cathy Tyson

Bay Area Legal Aid recently sent a letter to the Mayor and City Council requesting that a valid Housing Element be adopted within 60 days. They note that despite a June 2009 deadline the City has not yet adopted a valid Housing Element. The affordable housing advocates allege, "The City's adopted housing element fails to comply with the State Housing Element law in several respects." The five page letter spells out specific inadequacies including flawed site inventory and downtown-only locations to accommodate low income housing.

"The City did adopt its housing element in December 2009," says Niroop Srivatsa, Planning and Building Services Manager for Lafayette. "We submitted it to the Department of Housing and Community Development (HCD) and received comments which we are addressing through proposed changes to the housing element. When the State approves those changes, I will take the amended element to the Council for approval and adoption."

It's important to note that the City of Lafayette is not required to develop low income housing, but rather to not have barriers to development through zoning and show that there is sufficient land in place to allow low income housing units.

HCD's review letter asked for more narrative on how the City developed its inventory of sites, including the status and redevelopment potential of each site. "We are providing HCD with this information," says Srivatsa. "The City and the Redevelopment Agency are working very hard on compliance."

When the most recent Association of Bay Area Governments (ABAG) numbers for Lafayette were determined, the city complained about the clumsy methodology used to come up with what they felt were unrealistic Regional Housing Needs Allocation (RHNA) numbers. A handful of jurisdictions appealed their RHNA allocations.

ABAG, a regional planning agency for the nine Bay Area counties, plans for a number of regional issues like transportation, air quality, earthquakes, and in this case, anticipated growth in the Bay Area, mandating that each municipality house their fair share of the total.

Back in 2003 Lafayette's goal was 194 units that would specifically serve very low, low, moderate and above moderate income families. For the current planning period 2007 - 2014 Lafayette is required to accommodate 361 very low, low, moderate and above moderate housing units.

Srivatsa addresses the reasoning behind pursuing locations in the downtown core, "It has been, and continues to be, the City's policy to focus housing, especially multifamily of all kinds, in the Downtown to preserve our hillsides, environmentally sensitive areas and the outlying areas' semi-rural character. Focusing housing on the Downtown area further improves a developer's ability to be competitive for dwindling housing resources at the State and federal levels, since proximity to services continues to be a significant criterion for funding applications of all types."

An inventory was prepared in early 2010 of vacant and underdeveloped land that could be used for potential redevelopment and provide affordable housing. Tax Assessors information was used to determine if a parcel was vacant or underdeveloped. A parcel is considered underdeveloped if its developed in some fashion, but "well below the highest and best use of the property," according to the February 8th Staff Report.

Former Lafayette Planning Services Manager Mike Henn believes therein lies the problem. He sees the map of available land for low income housing and notes that Taco Bell is counted as a possible location for low income housing.

He feels the gap between the City's point of view of 21 low income sites that would accommodate 361 low income units - and affordable housing advocates' six sites may be due to ambiguous terms. According to Henn, only six sites are viable today, unencumbered by other uses and requiring no consolidation - what he calls "available." Lafayette defines the 21 sites as having the reasonable "potential" for low income development.

"Lafayette, like most affluent cities, uses zoning power to essentially keep out the poor by not allowing any significant amount of multi-family zoning," said Henn.

Reach the reporter at: cathy@lamorindaweekly.com

Copyright © Lamorinda Weekly, Moraga CA