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Council responds to ABAG denial of Regional Housing Needs Allocation adjustment

By Lou Fancher

The Lafayette City Council on Oct. 12 made amendments to the draft of a letter addressed to the Association of Bay Area Governments (ABAG). The letter was written in protest to increased housing element allocations tied to ABAG's Draft Regional Housing Needs Allocation (RHNA) Plan. The action came after ABAG's executive board denied Lafayette's appeal - and that of six other jurisdictions in Alameda and Contra Costa Counties - and declined requests to reduce the allocations. The use of an erratum to correct an admitted error made by ABAG that had public lands in high fire hazard severity zones included in the baseline for the RHNA allocations was at the centerpiece of the city's objections.

Council Member Gina Dawson started the conversation with a question about whether the letter should return to the initial ask, or request a simple reduction in the allocation. The city's housing element allocation assigned by ABAG is 2,114. Housing Consultant Diana Elrod informed the council there was no vehicle or legal argument on which to base a second appeal at this time.

That said, the council turned their attention to the errata explanation and ABAG's executive board having made what council perceived as a misguided change in policy (requiring that Lafayette BART station be "upzoned" and disregarding exclusion of high fire zones on public land) without a public hearing process. Mayor Susan Candell initially suggested that the letter included the phrase, ".no city should ever be subject to such an arbitrary and capricious policy changes issued by staff through an errata memo in the future." Candell in comments during the item discussion said important policy changes should be reviewed by ABAG executive staff and be subject to public hearings.

Planning and Building Director Greg Wolff advised amendments to the letter make points firmly without becoming "inflammatory" to ABAG staff. He reminded council that work with ABAG is ongoing and in the interest of future dialogues, clarity and emphasis on reducing the allocation and preventing sudden policy changes were best.

After further discussion and following Council Member Wei-Tai Kwok's suggestion to offset and therefore highlight two action steps suggested to ABAG, the city council approved the following amendments: "Next Steps: 1) We understand that the Administrative Committee took a preliminary action to deny Lafayette's appeal, however we respectfully request that the error be corrected by reducing our allocation. 2) The issuance of an errata (see attached) should not be used to change policy moving forward and should be limited to factual and technical corrections. Policy changes should be made by the Executive Board through a public hearing process."

Receiving no public comments, the council unanimously approved the letter as amended.

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