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Special joint session identifies arduous next steps in Housing Element process

By Lou Fancher

The council at a special joint session on Jan. 10 heard an update on the Housing Element of the city's General Plan from Jim Cervantes, a member of the General Plan Advisory Committee (GPAC). Joining him and other GPAC members were Lafayette Planning & Building Director Greg Wolff and Housing Consultant Diana Elrod as well as members of the Planning Commission. An initial draft report of the Housing Element is due to the California Department of Housing and Community Development (HCD) by June 1 and will result in recommendations for revisions before a final draft must be submitted by the end of January 2023 for certification.

Cervantes said GPAC is halfway through the three-part Housing Element plan that must meet the requirements for Affirmatively Further Fair Housing (AFFH) mandated by Assembly Bill 686, which passed into law in 2018. The three parts include a background data and housing needs document GPAC approved and submitted to the Planning Commission last summer; a goals, policies and programs outline with 10 goals GPAC will complete by Jan. 20 and forward to the commission; and a land use plan that will identify sites representing housing development opportunities in the city.

The site inventory remains "a hill to climb," Cervantes said, and involves careful consideration to conform with existing housing parameters for development projects. Sites of less than an acre or in locations where buildings already exist and would need to be removed if selected as AFFH sites are impractical, for example. GPAC's goal is to have the inventory complete and submitted to the commission by March 8, with the expectation the Planning Commission would be enabled to present a draft to the city council for approval at a meeting in May.

"There's a lot that has to be processed in a relatively short period of time," he said. "At the GPAC, we really set out to try to meet the schedule because we know we're on the front end of this and what we do not want to have happen is have the Planning Commission, or, god forbid, the Council, backed into a time corner."

Vice Mayor Carl Anduri asked about the June 1 deadline and who established it. Elrod explained the State of California in 2022 has three months (previously, it was two months) to review all draft Housing Elements, which places the return of the draft with recommendations for changes arriving back in front of the city in September. Elrod said another full public process review is required and all changes completed by the end date of Jan. 31, 2023.

Calling it an "extraordinary amount of work to get done by then," she said the council, GPAC and the Planning Commission will need to be aggressive to stay in compliance with the state's rules. Wolff noted that the sites inventory would be expedited because it will not name specific sites but will refer to them in aggregate.

Elrod's presentation on AFFH requirements highlighted several provisions of importance: namely, housing element plans that prohibit discrimination in terms of whether the development involves sale, rental or subsidized housing and housing that specifically addresses patterns of discrimination that have happened nationwide.

A 70-page booklet from HCD outlines guidance to communities for developing fair housing in five additional areas: 1) Targeted Outreach: showing how protected classes were included in gathering input and how public sessions were not restricted to "typical" populations in a community; 2) Assessment of Fair Housing: the plan must demonstrate how fair practices will be enforced and must include data assessing the disparities in wealth and education and other areas of possible inequity in a community; 3) Contributing Factors: Examination of how Lafayette compares to other nearby areas must be considered. Elrod said, for example, "Is Lafayette more White than nearby regions?" She said data shows pockets of Asian people exist in the city, but not as many people who identify as Latinx. She said Lafayette has high resources in terms of tax allocation that goes to its good schools and progressive environmental policies and has no low resources areas; 4) Sites: communities are obligated to establish housing element sites that create a more balanced environment and city's must give examples of how it is actively working to counter fair housing resistance from residents, developers and others; and 5) Goals and Policies: Lafayette must identify policies, programs and timelines that make clear the solutions to problems due to inequities and how outreach will attract applicants that fit AFFH goals.

Elrod said community engagement meetings and programs that involve residents and protected classes will be vital.

Asked by several council members about outreach efforts, Elrod said there will be initiatives to reach faith communities, renters, people living with disabilities, residents who have experienced exclusionary home association practices or other housing problems but have not filed formal complaints and other marginalized groups. Another question about enticing developers to present AFFH-qualifying projects, Elrod said was a "great question." Creating a housing trust fund or offering developers the chance to pay an in-lieu-of fee are ideas up for consideration.

Reach the reporter at: info@lamorindaweekly.com

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