



Published November 9th, 2022

## Council discusses HCD response following first review of draft Housing Element

By Lou Fancher

Planning Director Greg Wolff, during a presentation to the Lafayette City Council at its Oct. 24 meeting, highlighted comments from the California Department of Housing and Community Development's 13-page letter dated Sept. 29 in response to the 6th Cycle Draft Housing Element submitted in June. He said although several items did not need immediate action or needed clarification before being brought back to the council for consideration, the response from HCD included extensive comments.

Housing consultant Diana Elrod said the letter was "average size" relative to others she has seen for nearby cities in the county. Several items of inquiry were similar to other jurisdictions, she said, "so Lafayette is not alone in being asked for more information by the HCD."

The items, organized in categories according to needing consideration, requiring more information, or HCD's long list of updates that do not require immediate action by council were rated by staff as to the level of difficulty in meeting the request or responding. Several items, Elrod indicated, had "significant difficulty" involved in executing them.

Regarding the programs submitted by the city in the housing element draft, the comments asked for solid commitments on when a program would be discussed by the council and timelines for the decisions involved and anticipated completion dates. Staffing levels and resources may need to be adjusted earlier in the cycle than previously planned, suggested Elrod.

The staff have already asked HCD for clarification in several areas as to what is sought. Elrod noted that the Bay Area is being held to higher standards than jurisdictions in Southern California and staff plans to request specific examples of acceptable responses that are not drawn from Southern California before making any recommendations for updates to the council.

HCD's questions about inventory made in the comment letter addressed the BART site housing development plans in particular. Elrod said the comments indicated "a limited understanding of the site and the city's intentions." Also, the lengthy list of issues do not address the city's standing in the BART TOD (Transit-Oriented Development) plan, so staff hopes to better understand what HCD is seeking, instead of interpreting the responses. She said the BART plan is "one of the heaviest lifts" the city will have and council will need to discuss what is realistic and the options if they are unable to meet HCD's requirements.

Vice Mayor Carl Anduri asked about the timeline of the two 90-day review periods, since HCD took the full 90-days for the first review and the final report is due Jan. 31, 2023. "Unless I'm missing something, how do we get a response to them and get (another 90-day) review?"

Elrod said there are many moving parts, including certification of the EIR before it can be adopted, and the timing is such that it is likely the city will receive a second review, but one that is less extensive. HCD's guidelines, or "moving goalposts," she said have made the process complex for all jurisdictions. The takeaway she is hearing from other cities is the more they move towards resolution and keep HCD informed of the progress, the better. According to Elrod, HCD is looking for real commitments with a real path for a development of the BART site that is planned to occur within the next eight years. She said nothing in the HCD response indicates that they are likely to deny or disallow any of the sites. Elrod believes more documentation and details are required for HCD approval.

Asked about the two sites other than BART included in the inventory, Elrod and Wolff said they are located in the parking lot behind the Methodist Church and a consolidation of parcels at Golden Gate Way and First Street.

Council Member Susan Candell asked about staffing needed to complete the necessary document and planning. The work requires staff expertise, meaning adding new staff is not an immediate solution. With 56 bills passed recently that deal with housing requirements, Wolff said new hires are scarce, searches have not "born fruit," and relying more on in-house resources is something they will need to implement. Already, various departments within the staff are working in tandem and sharing information and resources for greatest efficiency. Council members suggested the staff rely on council members, experts and consultants in the community and anyone else available to assist in the public process of executing the final report that must be completed by Jan. 31, 2023.

Council Member Wei-Tai Kwok asked if work on a Plan B should begin in the event that Lafayette's Plan A is rejected by HCD. Wolff said the calculus to satisfy the regional housing element requirements have been discussed, the universe of sites possible is complete, and if it happened that Plan A failed to be accepted due to HCD's concerns about the BART site, any Plan B would not have to start at ground zero.

Public comments supported developing a Plan B, but said arguments and any possible legal action related to comments from members of the council - who expressed that the housing element numbers were unfair and overly burdensome - would waste time and not be successful.

Council Member Gina Dawson noted that timelines and schedules need to work in parallel and asked if the EIR should be prioritized. Wolff said it needs to be both prongs and "acted on as quickly as possible." Wolff said the goal is to bring more detailed information back to the council at the next regular meeting. Mayor Teresa Gerringer thanked the staff for the update and the public for their comments and said the council would look forward to the next steps in the process.

Reach the reporter at: [info@lamorindaweekly.com](mailto:info@lamorindaweekly.com)

[back](#)

Copyright © Lamorinda Weekly, Moraga CA