

Published November 23rd, 2022

City Council revisits housing plan without BART parking lot property inclusion

By Jennifer Wake



BART parking lot Photo J. Wake

After countless hours of deliberations on housing opportunity sites in the 6th Cycle Housing Element for Lafayette, which requires planning for an additional 2,114 units as part of the Regional Housing Needs Allocation assigned by the Association of Bay Area Governments (ABAG), opportunity sites planned at the BART parking lot seemed a done deal.

A shift in concern regarding increased housing planned in Very High Fire Hazard Severity Zones by California Attorney General Rob Bonta and substantial required actions the city would need to take to be considered for development on BART property within the 8-year Housing Element cycle required the city to rethink where to find 882 potential opportunity sites outside of BART.

At the Nov. 14 city council meeting, Planning and Building Director Greg Wolff, Housing Consultant Diana Elrod and Senior Planner Renata Robles outlined the situation and presented council members with options, without including the BART lots, that would meet the RHNA numbers, would not affect the Environmental Impact Report, and would allow the city to reach the required Jan. 31, 2023 deadline for adoption of the Housing Element.

Option 1 kept the current inventory plan, including BART, and would involve additional analysis and resource commitments. Option 2 would remove BART from consideration and concentrate the opportunity sites and RHNA units in the downtown. This option would also not include DeSilva South, which is in a state-mapped Very High Fire Hazard Severity Zone, and thus would be consistent with the AG guidance to avoid placing significant new housing in an area susceptible to fire.

Option 3 replaces BART with DeSilva South, which still requires additional density in other areas to accommodate RHNA with an adequate buffer for the lower income categories. This option increases density to 50 dwelling units per acre in the downtown areas (Areas 1-6), DeSilva South to 35 du/acre, and maintains Area 13 at 35 du/acre. At this density, DeSilva South offers about 300 units towards RHNA.

Option 4 involves increased density and height north of Mt. Diablo Boulevard. During its review of the Housing Element, the Planning Commission proposed a sites inventory that included BART, excluded DeSilva South, and split Planning Areas 1, 3, and 5 into northern and southern portions of each. The inventory included sites in northern portions of Planning Areas 1, 3, and 5 at 50 du/acre. This arrangement was intended to accommodate additional height massed to the north where the background topography is higher, thus reducing visual impacts. This option would maintain 35 du/acre along Mt. Diablo Boulevard and the rest of downtown.

The Lafayette Chamber of Commerce expressed concerns about over development of the downtown core and the potential impact on local businesses.

Vice Mayor Carl Anduri said he was against proceeding with the BART option, and would prefer Option 4 with a reduced buffer and less density. "Twenty years from now, they'll think we were crazy to not put housing at BART," he said, but he added that he sees very little likelihood that HCD is going to approve BART sites and he'd prefer to focus on BART development in the next Housing Element cycle.

Mayor Teresa Geringer agreed, saying, "I just feel going down the BART opportunity site will be an uphill battle. I have strong concerns about the timeline and risk of the builder's remedy (where local control is relinquished)."

Council Member Gina Dawson said that as much as BART makes sense, "we're between a rock and a hard place. Our residents are saying they want to make sure they are safe. With the AG's recommendation, I would defer DeSilva to the next cycle. I like the mixed No. 4 option. I think if we can come up with the numbers, that would be great."

Wolff said staff had what they needed to bring back opportunity site scenarios to the Nov. 28 council meeting, and to provide a couple of mixes which address the 75/50/35 du/acre issue, incorporate the Chamber's recommendations and not including BART or DeSilva.

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