



Published March 13th, 2024

More modifications demanded for Lafayette's Housing Element plan

By Lou Fancher

The City of Lafayette on Feb. 12 received a letter from the State Department of Housing and Community Development (HCD) with their most recent review of Lafayette's revised sixth Cycle Housing Element plan. Because the Housing Element (HE) is a mandatory part of the General Plan, the review letter was posted to the City's website on Feb. 12 and sent in an email notification the following day to all subscribers signed up at www.lovelafayette.org/enotification for the category "General Plan." At the Feb. 26 council meeting, Planning and Building Director Greg Wolff briefly reviewed the history of HE presentations to the council, the last of which took place in November 2023. At that time, the council suggested revisions, and after staff made the decisions and the required 7-day public review period was held, the draft was submitted on Dec. 14. Two months later, the latest letter from HCD arrived, indicating progress had been made. According to Wolff, although the plan was closer to certification, the city was not yet fully compliant with state laws and therefore additional modifications are required. "We immediately reached out to HCD and requested a meeting to further understand several of their comments," Wolff said. Most of HCD's comments pertained to consistent themes and the city's new reviewer at HCD, Joanna Chang, was immediately responsive, arranging a meeting Feb. 27. "Tomorrow will not be our one and only meeting with them," he said. "We will request additional meetings and bring back to you in March the initial set of policy and guidance based on the outcome of tomorrow's meeting." Housing Consultant Diana Elrod assumed leadership of the staff presentation and told the council this is the first time HCD has signaled the city is closer to certification. Elrod emphasized that the changes noted in the letter are not requests, but requirements, and it is clear Lafayette's HE will not receive certification unless and until the revisions are made, adopted, submitted, and deemed compliant by HCD. Elrod said the meeting with HCD will obtain specific clarification of "concrete actions" the city must take to satisfy the requirements. The key revisions required by HCD include modifications to implementation programs: adding specific metrics, geographic targeting, and commitments made by the city to developments on various property categories; additional explanation of the status of pipeline projects, the redevelopment of small sites, and the criteria against which sites were measured for suitability; and added narrative discussing how the city's AFFH actions will address mobility opportunities throughout high-resource communities. Elrod highlighted five other aspects of the letter upon which staff will need direction from the council prior to the March meeting. These elements pertain to density incentive specifics, publicly-owned site development permitting schedules and other terms, local processing and permit procedures that must be removed from ordinances due to discretionary language such as "it should fit in well with the community," commitments to revisions that increase heights, and decrease housing setbacks and upper story setbacks, allowances for the conversion of single-family spaces for new single-family uses, the last of which might involve increasing the allowable distance for developments from the current 1/4 mile distance from the downtown area to a 1/2 mile distance. Elrod said she expected the meeting with HCD would be substantive and hoped it would eliminate the need for additional meetings before returning March 11 to the council with the revised HE. Vice Mayor Wei-Tai Kwok, Anduri, and other council members asked about specific language applied to several sections of the letter that Elrod ultimately said were "boiler plate" language found in HCD's response to many municipalities in the Bay Area. The comments and required changes, especially relating to increasing density levels in low and medium density zones, have been found in letters to Danville, San Ramon, and others. The staff has engaged Veronica Tam and Associates, an agency that has provided technical assistance to Lafayette through the Contra Costa County Collaborative. Due to the complexity of prior rounds with HCD, staff believed principle officer Tam's experience is valuable. Joining the meeting by Zoom, Tam at a number of times explained discreet aspects of the HE such as the laws as they are applied to ADU's, requirements for inventories, and other technicalities. One topic received extended discussion. Council member Susan Candell pressed Elrod about why the city is using the RENA allocation percentages for the inventory sites. "I feel strongly we demonstrated the rationale for doing this," Elrod responded. She said the response from HCD made no comment on the city's use of Regional Housing Needs Allocations (RHNA). Candell suggested a different process used by other cities that would add a few units to certain sites and bump the allocation from 40 percent to 50 might be best. Wolff said arguments could be made for either approach and the topic would be discussed at the meeting with HCD. Elrod continued to take the position that making this change at this time in the process would be "going backwards." Tam supported Elrod's position and explained that state law has no language establishing exactly what standards are applied to non-vacant sites in the RHNA. She said with no clear standards, pushing the 50 percent had not mattered in other areas. Other topics addressed included the impact on the inventory of development projects that have changed during the last six months, staff schedules and expectations, and more. Public comments had the majority of speakers focusing on inventory, compliance with design standards, and zoning. With the conversation returning to council, the discussion covered clarification of the letter's specific language, standards applied to setbacks, actions that will occur during, not prior to, the sixth cycle, and other details required by state law for certification. It was determined that either a written report or a single-item meeting March 4 would allow staff to provide council and the public with the results of the meeting with HCD. Staff will return to the council March 11 (after press time) with the revised HE draft.

Reach the reporter at: info@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA