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## Feedback from HCD for City's Housing Element certification is becoming more specific

By Lou Fancher

Planning and Building Director Greg Wolff and Housing Consultant Diana Elrod returned to city council March 11 with updated information resulting from a meeting staff held with the State Department of Housing and Community Development on Feb. 27 regarding the Housing Element. Staff last reported to the council Feb. 26 and, having discussed the HE with HCD the following day, they received specific feedback about how Lafayette might best achieve the long-sought HE certification.

Specifically, staff asked for additional direction from HCD regarding metrics, geographic targeting, and specific commitments and actions the City will plan to implement if the metrics are not met. The meeting also covered topics such as the narrative necessary to explain the status of pipeline projects, redevelopment of small sites, and the criteria against which sites were measured for suitability in the inventory. Of particular importance was an extended discussion with HCD of how the city's suite of Affirmatively Furthering Fair Housing (AFFH) actions address mobility opportunities and commitments throughout Lafayette's all highest-resource community.

Elrod led the council through HCD's responses (available at the city website) and staff's recommendations for actions aimed at satisfying or clarifying the topics highlighted as vital for receiving certification. Local processing and permitting procedures were emphasized in HCD's most recent letter and at the meeting; it was recommended the city review state codes and regional ordinances to ensure the compliance with established legal standards. Elrod outlined in her presentation the various zoning guidelines, standards applicable to conversions of existing single-family housing (to multi-unit housing, for example), and HE's repeated emphasis on expanding the program's coverage radius by 1/2 mile while continuing to exclude high wildfire zones.

Among other items tagged as incomplete, the inventory list needed more evidence of feasibility, according to HCD. "What this really boils down to," Elrod said, is that the city must augment the list and address known impediments to development. Staff recommended the issue receive continued attention and more information from HCD prior to future direction from the council.

The AFFH program, as narrated by the city in the draft under discussion, should be revised with language about milestones, unit objectives, and geographic targeting related to maximizing densities in low density zones, Elrod said. Recently amendments were made to how ADUs impact Regional Housing Needs Allocation (RHNA) numbers, and staff advised council to wait for more input from HCD after a second meeting planned for March 12.

Questions from council included staff's assessment of the meeting and whether or not the city is moving in tandem with HCD's expectations. Wolff, without being able to predict 100 percent assurance, said staff believes the meeting with HCD was positive and productive and, therefore, the HE draft is making progress toward certification.

At council's request, Wolff displayed the map depicting the parameters of a revised version of the included downtown area with the 1/2 mile extension applied. Revisions to zoning may be required and he said are likely "to some degree."

Council member Susan Candell asked several questions relating to design reviews, faith-based organizations (FBO) that have contacted the city about potential development projects, and the necessity of expanding the coverage area, which is not actually legally under HCD's purview, nor is it required. Elrod confirmed the city would be able to continue design reviews, and more educational outreach would be developed for FBO's. Having asked HCD repeatedly about the absolute necessity of the 1/2 mile radius with the same response, staff are unlikely to receive a different answer from continued queries.

Public comments questioned and expressed concern about HCD's requirements, asked for more clarifications about density increases related to several aspects of the HE, and suggested the community would benefit from more precise narrative about the impact the HE would have in specific neighborhoods and in the downtown core of the city. The majority of people commenting both at the meeting and virtually suggested the city had "done enough" to satisfy HCD and should "push back" against increased development to preserve the aspects they appreciate about Lafayette.

Returning the discussion to council and staff, several council members voiced support for residents' concerns about density and in what situations the city might retain jurisdiction related to the number of units on a given lot and parking issues, for example, if a single-family home was converted to four-unit housing. Pushing back against HCD's findings, Wolff said, "The legislature and the governor signed into law the housing law and it is our practice to date and moving forward to comply with the housing law." He said assertions could be made during meetings with them, but the decisions about compliance are HCD's to make. Not complying, he said, could have severe implications for the community. The expansion of housing laws was "new territory" and all cities and regions continue to grapple with the complexity of HCD's-and the law's-terms.

Upon reviewing the staff's recommendations, the council issued support conditioned on revisions to approximately one-half dozen terms and metrics in the proposed amended draft. They asked that staff ask HCD at the next meeting to answer council's and the public's questions about their jurisdiction, or lack thereof, related to RHNA housing levels. The item was continued to March 25 when staff will return to council with updates and revisions to the HE.

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