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Quest for housing element certification continues

By Lou Fancher

Planning and Building Director Greg Wolff introduced a staff presentation on updates and next steps to the sixth Cycle Housing Element by saying, "We are here in our ongoing quest for a certified Housing Element from the State. As you know, we previously submitted in December, received our review in February and since that review came in on the 12th we've been to every council meeting since."

Wolff said three meetings with the Department of Housing and Community Development (HCD) reviewer have been productive and will continue until the final draft of the plan is completed.

Diane Elrod, Housing consultant, provided summaries of the changes required by HCD that included alterations to faith based organizations and how they are listed in inventories, actions related to SB9 and ADUs, added units necessary to meet mobility goals, alternative parking standards, added unity density, information about environmental constraints, specific timeline details, specific language related to affordable housing development, and more. Elrod also reviewed changes to the vacant opportunity sites inventory list for possible development.

Elrod emphasized that using existing Regional Housing Needs Allocation (RHNA) allocations to distribute units in vacant sites results in a lower income buffer of 34%, but in doing the math, non-vacant sites results would be at 57%, a figure that is above required thresholds. Using instead an income distribution of 30/30/20/20 would allow the city to meet the lower percentage standards sought (less than 50%). "(This is) a capacity analysis merely to show we have the capacity to meet the requirements," she said, adding that the RHNA allocations are approximately 28% extremely low/16% low. Elrod said using a 30-30 percentage for very low and low income and 20% for moderate and high income would result in a 44% lower income buffer and units on non vacant sites at 49%.

A reorganization of the distributions illustrated in a new visual graphic, Wolff said, showed all three applications: RHNA, 30-30-20-20, and 40-40-10-10 allocations. Elrod explained the "significant lift" of keeping the city-owned 949 Moraga Road site on the inventory list. Leaving it out would provide more flexibility to the city to implement other HE programs (there are 60) and reduce the lower income buffer from 56 to 54%.

The next steps to receive certification of the HE were made clear by HCD to involve action taken by the city to adopt rezoning of required areas and its plans to meet objective design standards together at the same time. A meeting with HCD March 28 had been scheduled to finalize minor revisions made to pipeline projects. The staff report included summaries of total housing applications submitted (39) and approved (40) during 2023, the first year of the eight-year period of the sixth Cycle HE. Notably, 33 ADUs received permitting and 29 were completed. Staff asked the council to receive their report, continue the matter to the meeting on April 22, and offer feedback on five key issues related to sites and other matters.

Council Member Carl Anduri asked about the importance of getting the vacant site percentage below 50%. Elrod said being below 50% would mean the city wouldn't have to demonstrate (show evidence proving) that the sites would actually become available for development during the HE cycle's eight-year cycle. Asked about the 40-40-10-10 allocation and its risk factor, Elrod, without making a recommendation of either option, said while putting more units on very low and low income sites would "eat away" at the buffer, the 30-30-20-20 would satisfy HCD requirements.

Council Member Susan Candell asked about requirements for opportunity sites that are on public land and listed in the inventory. Elrod said leaving sites such as 949 Moraga and Campana on the inventory list would mean the city must meet HCD requirements by specific dates. Projects related to those locations can be kept in the city's plan to support development of affordable housing, without having to meet those HCD-imposed timelines and terms.

Discussions related to development projects that have recently been canceled, or the status and unit numbers have changed and therefore do not contribute to the total allocations required by the RHNA, had Wolff saying developers point to construction costs remaining high and their difficulties raising capital for projects. The situation means revisions and changes mid-cycle will be possible and are expected and within certain HCD limits.

Council asked staff at their meeting with HCD to discuss the 1/2-mile buffer addition to zoning, the laws related to various mobility provisions, and other matters. They asked for clarification of risks in changing allocation numbers and more information, along with access related to spreadsheets the staff used to prepare their report. Elrod and Wolff said all of the materials would be made available online for anyone to see. Wolff said HCD was "agnostic" about the choice of 30-30-20-20 and 40-40-10-10 allocations, as long as the result placed the city below 50%. Understanding the "fine line" between the choices, Mayor Dawson said, was a priority in determining the most favorable HE for Lafayette. "We want to do something realistic and when we look at this, (know it) will pursue our goals of getting affordable housing in the places that we hopefully might (develop it), but also that we will get this thing certified. That's the bottom line."

Wolff said staff would bring feedback from the meeting with HCD and their recommendations about the allocation designations and other matters to the next meeting addressing the HE on April 22.

Reach the reporter at: info@lamorindaweekly.com

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