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## Revisions for Housing Element approved by city council

By Lou Fancher

In a Housing Element update brought before city council April 22 by Planning and Building Director Greg Wolff and Housing Consultant Diana Elrod, Wolff said five meetings with the State Department of Housing and Community Development (HCD) had brought a handful of remaining issues to be resolved. He expressed hope that after direction from council, the city might soon receive from HCD a letter indicating Lafayette's Housing Element (HE) is in compliance with State law.

The four issues highlighted by HCD and actions needing direction from the council to staff at the conclusion of the meeting were:

1. Including 949 Moraga Rd. in the opportunity sites inventory.
2. Changing income distribution levels for vacant sites.
3. Modifying the map to a 1/2 mile buffer from Mt. Diablo Boulevard instead of the Downtown Specific Plan Boundary.
4. Affirming the Revised Housing Element redline edits as directed by Council.

Elrod introduced the first topic for discussion: whether or not to keep the 35,000-square-ft. city-owned site at 949 Moraga Rd. on the inventory list. "We would project 23 below market rate units on this site. Keeping it in the inventory would require significant staff time and cost based on timing, etc., as outlined by HCD. Essentially, they want us to commit to making it happen within the eight-year period. Leaving it out would give the City more flexibility to implement other programs in the Housing Element and would not materially impact the inventory." Elrod emphasized the significant community interest and input indicates high support for the site being developed for housing. "Even though it's a heavy lift, it's of significant import and therefore we should keep it on the inventory," she said. Keeping the site on the list would help the city to better meet the Regional Housing Needs Assessment (RHNA) income distribution thresholds for vacant sites. HCD has raised concerns about overloading sites with too many lower income divisions, in addition to not meeting RHNA's requirements for distributing lower income units throughout the city. With a 30-30-20-20 distribution equation very low income (VLI); low income (LI); moderate income (MOD) and above moderate income (AMOD) on all sites except Faith Based Organizations (FBOs), which were included in part in the final tallies, Elrod said the city would meet RHNA and HCD guidelines and requirements.

Wolff discussed the applicable geographical extent of the downtown area included in the HE for Supporting Affirmatively Furthering Fair Housing (AFFH) Action 2.5.

HCD recommended expanding the original map by 1/2 mile, which would create an area that was "quite extensive." An alternative map with less increase was presented and received questions from HCD about its substantiality. Ultimately, HCD approved the alternative map that found a "middle balance," according to Wolff. A side-by-side graphic illustrated the difference in coverage area.

The remaining issue related to FBOs, and which organizations had stated interest or disinterest in participating, or had failed to reply. The program is entirely optional for FBOs; the city is only required by the State to provide information about developments on FBO properties. Nine sites in Lafayette suitable for potential housing development, Wolff said, had been contacted on multiple occasions. Two expressed interest, five did not respond, and two were disinterested.

Additionally, Elrod said staff sought approval to make redline edits to the HE before submitting it to HCD for the hoped-for final review before certification.

In discussions, Wolff said the 30-30-20-20 allocation for vacant sites (instead of the 40-40-10-10 distribution used by some cities upon HCD standards) resulted in less risk of Lafayette failing to meet density requirements and other aspects necessary for compliance. The map of the area included for rezoning also received considerable attention, with council especially asking for details clarifying legal matters and calling for information provided to the public be clear, and outreach well-managed.

Public comments centered on various allocation suggestions and models, the use or non-use of "builder's remedy" by developers (the city has received no applications for the option at this time), and request to council to consider economic spreadsheets and other submitted response from members of the community. Returning the conversation to the council, the members quickly approved retaining the 949 Moraga Rd. site on the inventory list. The council was more divided about the 30-30-20-20 allocation matrix; council member Susan Candell suggested that avoiding upzoning the downtown area would provide time to observe what is happening to jurisdictions further forward in the process. Elrod said HCD makes no distinctions between very low income and low income designations and aggregates those figures in its designations. The city has erred on the side of caution, and has made the two categories explicit in the HE in an effort to provide complete transparency. Wolff pointed out that annually, the city must use the more detailed allocations in year-end reports and Housing Element summaries.

Going back and re-engineering the inventory list, the lower income allocations, the FBOs included to meet distributions to meet the AFFH requirements, and FBOs used for mobility actions, changing density numbers for vacant or non-vacant sites, and other factors would be complex, costly, require considerable staff time, and impact the timing for receiving certification from HCD.

Ultimately, the council decided the FBOs be included on the inventory list; except the properties not interested and the organizations that have not responded. Mayor Gina Dawson requested staff communications with all FBOs are specific, emphasize the optionality of the program, and be widespread enough to ensure all the entities have full information and are well-served.

Dawson led a final discussion, taking a "straw vote" and any additional comments from the council. Council member Karl Anduri made a motion for the final vote to direct the staff to make revisions and submit the HE to HCD for review. "I move that we direct staff to include 949 Moraga Rd., use 30-30-20-20 for the vacant sites, use the 1/2 mile for Mt. Diablo Boulevard, and make final minor edits based on those changes and submit to HCD for reviewing following a seven-day public comment period." The staff's recommendations were adopted and the measure passed by a 4-1 vote, with Candell the sole "nay" vote.

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