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Council considers options to address Housing Element concerns from HCD



Image courtesy City of Lafayette

By Lou Fancher

City staff at the July 10 meeting sought direction from Lafayette City Council members on which programs to include in the revised Housing Element the council plans to bring to a State Department of Housing and Community Development (HCD) meeting for comments. The item, along with other updates, would then be brought back to the council on Aug. 28.

Adopted in January, the 6th Cycle Housing Element in March was received by and resulted in comments from HCD. While continuing to work on updates to the Housing Element in response to comments from the March 29 letter, Senior Planner Renata Robles, Housing Consultant Diana Elrod, and Planning and Building Director Greg Wolff presented steps taken and suggestions for completing the city's response and amendments before the full review in August.

Prior written comments from HCD included emphasis on the federally mandated "Affirmatively Furthering Fair Housing" (AFFH) requirement established by Assembly Bill 686. The measure stipulates local jurisdictions remove historic barriers to housing choice, mobility, and fair housing. In addition to the city providing an opportunity sites inventory that meets Lafayette's Regional

Housing Needs Allocation that was determined by the state and ABAG, the city must prepare a "...significant and robust suite of actions ... to promote housing mobility and increase housing choices and affordability throughout the City."

Robles said one example provided by HCD focused attention on lower-density neighborhoods and programs that target missing middle housing. These lower density residential buildings typically include fourplexes, townhouses, and small apartment buildings. Having reviewed AFFH programs from several other local jurisdictions certified by HCD, staff prepared additional draft programs for council's consideration.

Four programs and three "bonus" recommendations were highlighted in the staff presentation. Ultimately, staff's goal in researching and outlining the additions was to achieve a balance of program options that best address access and housing disparities. Robles emphasized in her comments that not all of the additional programs needed to be adopted by the council. A strategy that answers HCD's comments from multiple angles, she advised, is best. Importantly, staff sought no final decisions from council; instead, asking council to indicate which of seven total options could be presented to HCD for

interim response as to whether or not the measures would be favorably received and have an impact on approval of the city's Housing Element.

The staff's top four recommendations included allowing smaller lots and reduced setbacks in R-6 and R-10 zones that currently have a minimum lot size of 10,000 square feet. This program would reduce the minimum lot size requirement to 6,000 square feet and thereby increase the effective density per acre. Robles described two options for increasing density, the first affecting less areas of the city and neither option resulting in any change to building height limits, tree protection, or creek setbacks. The staff recommended council exclude areas in the Very High Fire Hazard Severity Zone, evacuation-constrained parcels, and properties within a protected ridge-line setback.

A second recommendation involved permitting additional Junior Accessory Dwelling Units (JADUs) to owners agreeing to income-restrict that extra/second unit for periods up to 10 years. The local ADU ordinance currently permits only one JADU on a parcel. Although the exact parameters would need to be developed, the program has potential to provide upward mobility and affordable options for income groups with lower than moderate income.

Robles said Lafayette's unit sizes have historically been large and have limited the affordability and number of units built on each property. By promoting an "average" range of unit sizes and regulating unit size in moderate to large-scale multifamily housing developments, a mix of sizes that includes projects

with smaller units could better serve people with lower incomes or people with disabilities, according to Robles. Elrod explained how such an approach might change how a developer chooses to design a property, i.e., incorporating smaller bedrooms, to maintain the average range established.

The final program supported regulations aimed at prohibiting un-hosted short-term rentals. The staff report included that AirBnB and VRBO have indicated there are hundreds of houses and apartments offered for rent on a nightly basis in Lafayette.

Previous conversations about prohibiting short-term rentals raised concern that seniors and people in need of supplemental income would be negatively impacted by a wholesale ban. Among people who opposed a ban, support existed allowing hosted rentals. According to the report, "HCD also sees this type of policy as a means of addressing anti-displacement concerns."

The three additional programs staff asked council to consider included allowing churches and religious institutions to build eligible projects of up to 20 units per acre on their sites. Another option was to convert existing single-family dwellings into 2-4 units (du-, tri- and fourplexes) within one-quarter mile of the downtown.

When staff was asked by council about its rationale for promoting the highlighted programs, Robles spoke of an overall goal of lowering barriers to housing developments that are more accessible, affordable, and equitable. Council also sought to clarify timelines, HCD authority in determining the housing guidelines, the efficacy of AFFH measures

recommended in the report, changes to zoning requirements, and if adequate input from the public had occurred.

Public comments submitted in writing prior to the meeting mentioned concerns about the negative aesthetics, density and impact of additional housing and worries that adequate parking, ingress and egress of emergency vehicles, traffic safety, property values, among other issues, would be compromised. A limited number of people writing in favor of the staff's options to meet state requirements expressed support for facing the housing crisis in a timely manner and equitably serving people of all income levels.

Members of the public appearing at the meeting voiced appreciation for staff and council's effort involved in preparing the Housing Element portfolio of options, while primarily stating opposition to increasing housing density in areas R-6 and R-10 that are located primarily south of Mt. Diablo Boulevard.

Council discussed which options to include in the "suite" of ideas for staff's upcoming meeting with HCD, with Mayor Carol Anduri reiterating that no final decisions were required at the council meeting. Council decided to withhold the first two options involving density and setbacks in R6 and R20 zones, and approved presenting options 2-7, with minor amendments and pending additional research and more public input from schools, churches, property owners and members of the community.

View the entire presentation at:
https://lafayette.granicus.com/MetaViewer.php?view_id=&clip_id=6828&meta_id=170150

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