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Lafayette discusses significant rezoning to comply with state requirements

By Pippa Fisher



Construction of new housing has remained a priority throughout the Bay Area during the pandemic. Work continues on Mt. Diablo Boulevard at Dolores Drive on the Lennar Homes construction of 66 condominiums (including 10 below market rate rentals) in a mixed use project to include retail and a full service restaurant. Photo Pippa Fisher

With Lafayette's state-required Housing Element update underway city leaders weighed in on the conversation at a special joint city council and planning commission meeting.

The Nov. 30 meeting was, explained the city's housing consultant Diana Elrod, a 'big picture' meeting with the intention of getting the discussion started, seeking input as to which of several potential housing scenarios would be appropriate to give to the environmental consultant for analysis, as the city moves forward in the sixth cycle Housing Element update required by state law.

In this next cycle Lafayette is anticipating a Regional Housing Needs Allocation of about 1,660 housing units, according to the Housing Methodology Committee's recommended methodology for the distribution of regional housing needs issued by the State Department of Housing and Community Development and adopted by the Association of Bay Area Governments in October. That number is four times higher than the 400 units required during the current fifth cycle and must again include four income categories - very-low, low, moderate and above moderate incomes.

Elrod explained that in order to accommodate the numbers the city will have to upzone the permitted density in several areas and must do so in time for state certification by January 2023, with rezoning of the BART lot completed by July 2022. The Housing Element of the General Plan is the only element that must be approved, or certified, by the state. Elrod noted that while RHNA is not a mandate to build, recent legislation has pushed jurisdictions to provide more incentive and remove impediments for developers.

As the city looks for 'opportunity sites' Elrod encouraged commissioners and council members to consider proximity to BART, the existing infrastructure, the limited land area available, addressing ways to ensure an appropriate mix of housing versus jobs and to keep in mind limited local control.

Should the downtown zoning remain at 35 units per acre and the BART lot be set at 100 units per acre with Deer Hill Road upzoned to 20 units per acre? Or should downtown zoning be increased to 50 units per acre, BART at 75 units per acre and Deer Hill upzoned to 35 units per acre? What about retail and mixed use?

Elrod presented several possible scenarios, each with varying zoning densities between the downtown, the BART lot and in most cases land along Deer Hill Road, in order to accommodate potential housing. In all scenarios, she said, they have tried to build in a buffer of units to their inventory of sites in order to ensure ongoing compliance with the Housing Accountability Act.

Mayor Mike Anderson raised the point that the area north of Deer Hill Road is rated a Very High Fire Hazard Severity Zone. Elrod said that the city would not be obliged to use the land but if they don't count it now, they will have to come up with other areas to upzone.

Vice Mayor Susan Candell and Council Member Cam Burks both made clear they want to challenge the numbers allocated. Burks noted that in the past council members had challenged and found errors in the previous allocation. "There is a record of deficiency in this process by the state," said Burks.

Burks, clearly exasperated that the state has refused multiple requests to pause the push for housing during the pandemic, described the state government as an "embarrassment" saying, "How profoundly ludicrous this entire thing is right now. why we're even talking about it tonight and not waiting until we figure out how to keep people and our community safe."

Candell suggested looking also at other areas in the city, specifically the area opposite Oakwood Athletic Club.

Council members and commissioners heard public comments from over a dozen callers, some only now becoming aware of these issues. While some worried about the increased traffic on already congested streets, and the visual impacts of multi-story housing in the downtown and around BART, others had

concerns over possible parking woes if BART development didn't include adequate commuter parking.

Several others, however, urged the city to move forward quickly, especially with the BART development and reminded the city of the critical need for affordable housing near transit in order to make Lafayette a more inclusive city.

It was a unanimous vote to take four possible scenarios forward, as well as the area opposite Oakwood, for staff to assess further.

The public will have another opportunity Dec. 15 to hear more on the subject of housing at the General Plan Advisory Committee meeting.

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