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Council makes difficult decision to focus development in downtown core

By Jennifer Wake

After 18 months of analysis, meetings, and lengthy deliberations, the Lafayette City Council found itself in an untenable position when faced with the decision to identify potential opportunity sites for the 6th Cycle Housing Element.

With the BART parking lot properties determined to be only 5-10% likely to be approved by the California Department of Housing and Community Development (HCD) as part of the Regional Housing Needs Allocation (RHNA) numbers, set at 2,114 units plus a buffer due to Lafayette's proximity to public transit, the city council made the unpopular and difficult decision to focus opportunity sites in the downtown core versus at the BART sites.

According to the staff report presented by Planning and Building Director Greg Wolff, Senior Planner Renata Robles and Housing Consultant Diana Elrod, the council decided at its Nov. 14 meeting "not to include the BART Parking Lots (Planning Area 7) and DeSilva South (Planning Area 9-1) in the opportunity sites for the Revised Draft Housing Element Update, instead choosing a Downtown-Only option. Factors that were discussed included that both areas are in Very High Fire Hazard Severity Zones, that BART's Transit-Oriented Development Work Plan places Lafayette in the post-2030 category, that BART's review and potential re-prioritization of TOD project timing is after HCD's housing element deadline, and that HCD has not accepted the BART parking lots as an opportunity site; instead asking for substantial evidence to demonstrate that housing could be built on the site within eight years."

While several community members offered suggestions involving pushing forward with the BART sites as part of the city's Housing Element, the majority of council members agreed that the potential of HCD rejecting the BART sites, and the greater potential of the denial resulting in the instigation of the Builder's Remedy - a housing development streamlining tool that provides developers the option to file an application for a housing development project with at least 20 percent affordable housing that is not in conformance with a jurisdiction's zoning or General Plan so long as the local government does not have a HCD-certified housing element- was too great a risk.

"If we include BART, odds would be HCD would reject it," Vice Mayor Carl Anduri said. "Our chances are extremely low of getting approval."

"I would appeal to the community; we don't want to be here," Council Member Wei-Tai Kwok said. "But the sooner we have a robust conversation about a Plan B the better."

Staff presented the council with two options: Option A: Downtown-Only (no BART, no DeSilva South), which involves more dramatic changes in density across the planning areas, ranging from 75 du/acre next to the highway to 40 and 35 du/acre in the downtown core and south of Mt. Diablo Boulevard. While this does involve some upzoning along Mt. Diablo Boulevard, staff finds this effectively mitigates some of the concerns raised by the Chamber and members of the public to safeguard small retail. One area in which HCD may challenge this option is regarding Affirmatively Furthering Fair Housing and the concentration of new below-market rate units proximate to the freeway. This option meets the RHNA and provides for a buffer.

Option B: Downtown-Only (no BART, no DeSilva South) - Less Tiered creates a more uniform distribution of density across downtown planning areas. In this scenario, density is de-emphasized along the highway to mitigate locating the highest density housing along Highway 24. As a result, this option entails extending increased densities farther south of Mt. Diablo Boulevard.

Kwok preferred the more distributed version in Option B, since it seemed buildings in Option A would be taller and more expensive to build.

Anduri preferred Option A, so it would keep one-story retail in front and higher buildings behind: "We want to keep down the height of the boulevard as much as we can." Mayor Teresa Geringer preferred having development spread out more than in Option A, and Council Member Susan Candell preferred A over B. Council Member Gina Dawson agreed, saying, "The goal of the Downtown Specific Plan is to create a more walkable downtown. I like Option A because it focuses that growth, but I should add that I don't like either option. We're between a rock and a hard place."

None of the council members liked the idea of building up downtown, and emotions were high during the 4.5-hour long discussion, but in the end, the majority agreed to move forward with Option A.

"I'm sick at what we're going to be doing to our downtown," Anduri said. "We need to start talking to BART and discussing the EIR, but this is more palatable than the Builder's Remedy."

"I'm so frustrated," Candell said. "Our community is going to slaughter us on this."

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