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## Council moves forward with final approval of Housing Element in 4-1 vote

By Lou Fancher



A potential opportunity site (highlighted in green and yellow) at Plaza Center Shopping Center on Mt. Diablo Boulevard adjacent to and behind Safeway was added to the 6th Cycle Housing Element plan. Image provided

Planning and Building Director Greg Wolff on Jan. 23 led the Lafayette council's final review of the 6th Cycle Housing Element plan that will accommodate the mandated Regional Housing Needs Allocation of 2,114 units assigned to Lafayette. Required by the State of California to meet regional and community housing quotas, the allocation is provided by the State Department of Housing and Community Development in concert with the Association of Bay Area Governments. Housing Element plan compliance must be met by law and implemented in the Lafayette General Plan. The 6th Cycle plan must be adopted in all jurisdictions by Jan. 31 and will cover the new planning period from January 31, 2023 through January 31, 2031.?

Wolff said updates to the draft presented at the meeting cover a broad range including the schedule, environmental review, HCD comments and revisions, the plan's goals, policies and programs, the current opportunity sites inventory, information on the plan's affirmative fair housing compliance, and other revisions.

"The bulk of what we'll speak to has already been discussed by the council," Wolff said.

Housing Consultant Diana Elrod said the Draft Housing Element Update submitted in June 2022 received a 13-page response from HCD, and revisions to amendments were made. The opportunity site inventory was modified, after eliminating the BART site and the DeSilva South site, and density levels were tiered in laddered, highest-to-lower density areas to maintain a lower profile of housing development directly on Mt. Diablo Boulevard. An expansion of the site acreage near the Plaza Center Shopping Center was supported for development that the staff report indicated would not negatively impact nearby businesses.

The Housing Element plan must address inequities related to limited available affordable housing, target zones with concentrations of poverty, and increase equity, prevent displacement, provide affordable units that stabilize households, distribute ADUs throughout the community, and avoid subjecting occupants to undue health hazards such as lower air quality in developments located close to major transportation routes like Highway 24.

Elrod said updates in the revised draft related to recent development projects addressed environmental controls, specific acreages, and other matters.

When asked by council to address the fire danger concerns in areas considered for upzoning, Wolff said public safety and wildfires are high priorities. He said advocating for recognition that Lafayette has many high fire areas did not lead to significant response or exceptions granted from the EIR oversight agencies - other than to state that Lafayette has adequate resources and transportation plans to evaluate any project EIR and determine the public safety parameters. Concerns about the city's lack of an adequate ladder truck, especially in light of future housing development projects with multiple stories, was a continued theme throughout the meeting.

Mayor Carl Anduri said it had been determined that the number of fire stations is sufficient to meet the city's current needs, although upgrades to improve seismic circumstances at two of the stations is warranted and planned.

Public comments included concern about ADU levels in the report being too low; a suggestion to upzone more city properties in the site inventory to reduce overall density; map and mathematical errors or internal inconsistencies in the site inventory; and land parcels owned by other entities included in the inventory that might cause HCD to refuse the city's draft Housing Element. One example provided by the speaker representing the Housing Action Coalition stated that an unsubstantiated projection in the draft in an area involving AT&T was lacking a specific finding that in eight years time, AT&T was likely to vacate a property. If HCD or a court finds this or other matters overstate the number of units possible and therefore violate the law, the entire report could be deemed out of compliance and refused, according to the speaker. Several people urged the council not to rush to meet the Jan. 31 deadline.

Wolff began his replies by explaining the staff's recommendation to adopt the 6th Cycle Housing Element by

Jan. 31. He said while some cities and towns may choose not to meet the deadline, staff advised that in light of significant, negative funding impacts caused by a delay, completing the adoption process within the HCD timeline is highly recommended. Mayor Anduri confirmed the council's intention to meet the deadline.

Discussion next centered on how aggressive the city is when it comes to numbers in the draft, such as the number of ADUs projected or the specific acreage for sites where parking will be used or lost to development. With the goal of receiving approval from HCD with the first pass submission, the council heavily favored taking adequate steps to include realistic/evidence-based numbers that keep the city within compliance for affordable housing and achieve adequate fair housing enforcement levels.

It was agreed that a larger buffer achieved by better meeting the affordable housing requirement of 15-30% was desirable. Extended discussion was aimed at increasing the number of units designated for affordable housing. Those amendments will appear in the final draft.

Addressing specific concerns brought up during public comments, Council Member Wei-Tai Kwok asked that staff request a letter from AT&T expressing their support for possible development on the site mentioned. Several council requests were made for staff to confirm and correct all map, zoning, and mathematical errors or inconsistencies. Precise numbers for city-owned property, ADUs, and multiple other elements in the plan received updates or were further refined to improve or clarify the percentages achieved. Other issues relating to compliance with HCD-designated levels and guidelines and staff and consultant's recommendations constituted the rest of the by-now lengthy, five-hour review.

The council certified the EIR with amendments incorporated and, with the exception of Council Member Susan Candell, voted 4-1 to adopt the resolution to accept the updated 6th Cycle Housing Element plan.

The city's draft Housing Element Update can be found at [www.planlafayette.org](http://www.planlafayette.org).

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[back](#)

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