

HOUSING

PURPOSE

The Housing Chapter is a statement of Lafayette’s vision regarding existing and future housing needs. This Housing Chapter has been prepared to meet recent changes in the City’s population and housing needs and to incorporate the revised regional housing needs allocation provided by the State Department of Housing and Community Development in concert with the Association of Bay Area Governments.

The Housing Chapter consists of two major sections. Section I contains the goals, policies and implementation programs. Section II contains an analysis of the housing needs of all economic segments of the community. The goals and policies are based on the needs identified in following sections.

The single most important goal of the Lafayette Housing Chapter is to achieve an adequate supply of safe, decent housing for all residents of Lafayette. In order to achieve this goal, the policies and programs of the Housing Chapter address several major issues:

- Maintaining and preserving the existing housing stock
- Retaining the character of Lafayette’s residential neighborhoods
- Meeting the City’s regional housing needs allocations
- Providing additional affordable housing, particularly for senior citizens and young families

The Housing Chapter addresses the requirements of California Government Code §65583. The format of the Housing Chapter follows very specific State guidelines with respect to the subjects covered and the data that is analyzed.

The City has a commitment to Lafayette residents to maintain the identity and quality of the residential neighborhoods. At the same time, the City also recognizes that it must try to meet its share of regional housing needs. The Housing Chapter articulates Lafayette’s housing goals in relation to the constraints to housing development and to the housing market. The Element establishes policies to guide decision-makers and implement comprehensive programs to meet community housing needs.

RELATIONSHIP OF THE HOUSING CHAPTER TO THE GENERAL PLAN

The *Housing Chapter* is one of seven required general plan elements and is an integral part of the Lafayette General Plan. Since the majority of Lafayette's land use is in housing, the Housing Chapter is a key component of the City's future plans. The policies and programs contained in this chapter are based on a seven-year time frame.

State law provides direction on how cities can maintain the General Plan as a policy guide by requiring the Planning Division to report annually to the City Council on "the status of the plan and progress in its implementation" (Government Code Section 65400 (a)(2)(A). State law (Section 65588 [b]) further provides that "the Housing Element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review". As required by the State, the current planning period extends from July 1, 2007 through June 30, 2014.

Consistency of the Housing Chapter with the other elements of the City's General Plan is essential to having a complete and legally adequate General Plan. This updated Housing Chapter has been reviewed and found to be consistent with the other chapters of the City's General Plan. It is anticipated that the majority of future residential growth will take place in the Downtown and on a small number of vacant and underdeveloped lots scattered throughout the city.

PUBLIC PARTICIPATION

The Downtown Strategy and Specific Plan process, initiated in early 2008, provides focus on housing issues and needs in the Downtown. The Strategy establishes a comprehensive vision and specific plan for housing and commerce that will guide the direction of development in the Downtown for the next 20 years. In 2007, the Downtown was designated as a Priority Development Area by the Association of Bay Area Governments. The City was then awarded a \$150,000 Station Area Planning grant from the Metropolitan Transportation Commission and Association of Bay Area Governments to complete the environmental review of the draft Strategy document once it is completed.

Because of the overlap between that process and the Housing Element update, public outreach efforts adopted by the Downtown Strategy are included here. The following efforts were made to reach out to the public:

Activity	Outreach
<i>Vistas</i>	The downtown planning process was explained on front page of Winter 2007 edition. <i>The Strategy for Downtown Lafayette</i> was the headline and main story in the Summer 2007 edition. A summary of the citywide survey was in the Fall 2007 edition. An article about downtown planning and climate protection was in the Spring 2008 edition. The Winter 2009 edition features the Draft Strategy and Specific Plan.

Activity	Outreach
Citywide Survey	A citywide survey and cover letter explaining the Strategy process was sent to about 11,000 residences and businesses. A return rate of this type of survey is typically around 10%; the return rate of this survey was about 24%.
City Website	The website has a section on the homepage for the Strategy. The page is updated regularly with information and exhibits.
Advisory Committee meetings	To date, 21 meetings have been held. Agendas with date, time and location of each meeting are listed on the City's website under Downtown Strategy news and meetings are on the City Calendar. Meeting notes and other documents are also posted on the website.
Community Workshops	Five workshops have been held to date. Approximately 70-100 people attended each. Workshops are advertised with display ads in the <i>Sun</i> . Postcard and email announcements are sent to 300-400 homeowner groups, major downtown property owners and businesses, Chamber, schools, and interested parties. Workshop #1 was announced in the Summer 2007 <i>Vistas</i> and cover letter for the citywide survey. Workshop #3 was announced in the Winter 2009 <i>Vistas</i> . Workshops #4 and 5 were held in November 2010 and focused on two specific areas of the Downtown. Notices were mailed to all property owners. Additionally, invitations to the workshops were hand delivered to all businesses and apartment complexes in the two study areas.
City Manager's Friday Message	Current information about the Strategy is included regularly in the Message. This has a large email distribution, and it is posted every week as the first item on the City's homepage.
Stakeholder Interviews	On January 25, 2008, the consultants held interviews with representatives from the following groups: Town Hall Theater; Bicycle & Pedestrian Advisory Committee; Sustainable Lafayette; Lafayette Methodist Church (downtown property owner, historic building); Lafayette School District; Acalanes High School District; and downtown small businesses.
Intercept Interviews	The consultants conducted spontaneous interviews in the Downtown and at the Community Center on March 21 and 22, 2008.
Library Display	A display of conceptual options and other information about the Strategy was at the Library from March 21 through 31. The display was announced by postcard and email to 300-400 homeowner groups, major downtown property owners and businesses, Chamber, schools, and interested parties. An article about the display was in the <i>Sun</i> . The Library averages about 500 visitors per day.
Presentation at school	City staff made a presentation to third graders that included getting their ideas about the downtown.
Lafayette Homeowners Council (LHC)	The consultants met with LHC on March 19, 2008.
Downtown Property Owners and Businesses	On January 25, 2008, personal letters were sent to approximately 60 major property owners and businesses explaining the Strategy process and inviting them to attend Workshop #2. Staff followed up with personal calls to five local major owners.

Activity	Outreach
Commissions & Committees	Advisory Committee members report back to their respective commissions on a regular basis. This includes Planning, Circulation, Parks, Trails & Recreation, Senior Services, and Creeks. The Environmental Task Force also has the Strategy as a regular item on its agendas. The draft Plan is currently being reviewed by all City commissions the Planning Commission .

The feedback received from this public outreach influenced the drafting of the policies and programs contained in this Element. Here are a few examples of the comments received during the public outreach process:

In reference to "thoughts about downtown Lafayette", I would like to share my thoughts that Lafayette approve building small condo units; and senior housing in the down town area. Many Lafayette residents who want to "age in place," who do not want to move out of Lafayette, but need to down size from a large home, will need affordable condos and/or affordable senior housing in the future. They will need housing that is walking distance to shops, banks, restaurants, etc. (email received in 2007)

Allow the downtown to be a vitally growing area consistent with what we already have. Higher density housing can be done around BART. It is a moral obligation to provide housing for those who want to remain in Lafayette. Housing belongs in the downtown, not on the fringes. (Comments made at the Downtown Advisory Committee meetings)

Reinforce Downtown as the city's center for business, civic and cultural activities with land use, circulation and design policies that retain the focus of the downtown as a retail center and multifamily residential neighborhood. (One of the City Council-approved draft goals of the Downtown Strategy)

[Similar to the Housing Element, the draft Downtown Specific Plan encourages all types of residential development within the Plan area. The draft Plan calls for housing to be allowed by right in the commercial zoning district which is the same as the Housing Element's implementation program H-2.4.2. Once the Specific Plan is adopted, the zoning ordinance will be amended to implement this program.](#)

The draft Housing Element was also reviewed by the Planning Commission in a study session on January 22, 2009. Public hearings on the administrative draft were held by the Planning Commission on February 19, 2009 and the City Council on March 9, 2009. Additionally, the City invited more than two dozen community based and special needs organizations to review the goals, policies and programs of the draft Element in March. The following groups were invited to the special needs meeting:

Organization	City
Area Agency on Aging	Martinez

Organization	City
Boys and Girls Clubs of America	El Sobrante
CCC Child Care Council	Concord
CCC Food Bank	Concord
Child Abuse Prevention Council	Concord
Community Violence Solutions (CVS)	San Pablo
Contra Costa ARC	Richmond
Contra Costa Crisis Center	Walnut Creek
Contra Costa Interfaith Sponsoring Committee (CCISCO)	Martinez
Contra Costa Senior Legal Services	Richmond
Contra Costa Youth Council	Concord
Diablo Valley AIDS Center	Concord
Diablo Valley Foundation for the Aging	Walnut Creek
East Bay Services to the Developmentally Disabled	Concord
Eden Council for Hope an Opportunity	Hayward
Eden I&R (Information & Referral) Inc.	Hayward
Food Bank of Contra Costa & Solano Counties	Concord
Foundation for Change	Lafayette
Friends Outside in Contra Costa	Martinez
Housing Rights, Inc.	Berkeley
Independent Living Resource of Contra Costa County (ILR)	Concord
Lamorinda Adult Respite Center	Orinda
Las Trampas, Inc.	Lafayette
Mental Health Network	El Cerrito
Northern California Family Center	Martinez
Ombudsman Services of Contra Costa	Concord
Rehab Services of N. CA/Mt. Diablo Rehab. Center	Pleasant Hill
Resources for Community Development (RCD)	Berkeley
Senior Nutrition Program	Martinez
Senior Outreach Services of Contra Costa	Walnut Creek
Sentinel Fair Housing	Oakland
SHELTER, Inc.	Martinez
STAND! Against Domestic Violence	Concord
Turn On To America	Lafayette
YWCA of Contra Costa County	Martinez

[In July and August 2009, the Housing Element was revised to address comments from the State Department of Housing and Community Development, and a public workshop before the Planning Commission was held on September 24, 2009. Public hearings on the draft document were held by the Planning Commission on November 5th and by the City Council on November 23rd and December 14th. The Housing Element was adopted by the City Council on December 14, 2009.](#)

[The City received comments on the Housing Element from a variety of sources, including housing advocates, representatives of property owners, developers and others. These comments reflected both support for, and concerns about, the City's Housing Element, especially as related to the inventory of sites demonstrating that the City has sufficient capacity to meet the Regional Housing Needs Allocation for Lafayette. The City reviewed all comments](#)

received and provided responses to the State Department of Housing and Community Development. Detailed information on the public comments can be found as part of the staff report to the Planning Commission dated May 2, 2011.

SECTION I: HOUSING BACKGROUND

The information presented in the Housing Background section is intended to summarize the following: demographic characteristics; employment trends; inventory of vacant residential land; and the existing constraints to the construction of housing in Lafayette. The policies and implementation programs of this chapter address housing needs identified by this section.

Information in the Housing Background section is based on the following sources: the U.S. Census (1990 and 2000); the Association of Bay Area Governments (ABAG) Projections 2007 report; the California Department of Finance; Contra Costa County; and the City's Planning Division.

CONTEXT: LAFAYETTE WITHIN CONTRA COSTA COUNTY

The City of Lafayette is located within the Urban County of Contra Costa, and is committed to upholding the goals of its General Plan, which include:

1. Preserving and enhancing the character of Lafayette as a low-density semi-rural residential community, and
2. Facilitating and encouraging the development of diverse housing types and additional affordable housing units to accommodate diversity amongst Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs.

The community values the semi-rural character of its hillside residential neighborhoods. Community attitudes toward housing play a crucial role in determining the type of housing that will be built in the City.

Although this Housing Element presents data principally focused on the City of Lafayette, it is useful to understand the context in which Lafayette's housing concerns exist. The following introduction to the County's housing needs is derived from the County's federally-mandated Consolidated Plan of 2005.

High housing costs reduce economic opportunities, access to jobs and services, and the ability of lower-income households to live in the communities and neighborhoods of their choice. The affordability gap results in a concentration of lower-income households in older neighborhoods that have higher levels of substandard housing and overcrowding. Some of the indicators of housing need and the challenges facing the County are described below.

- Although rents moderated between 2000 and 2005, housing prices continue to rise faster than incomes. The median home price in January of 2007 was \$550,000, down 4.3% from the year before but still out of reach for many would-be buyers in Contra Costa County.

- Few lower-income households can afford to purchase homes. Most households earning less than 50% of the area median income face difficulties in finding affordable rental housing, as well.
- Approximately 61,800 lower-income households in the Urban County did not have adequate housing in 2000, based on calculations provided by HUD from the 2000 Census on overpayment, overcrowding, and substandard housing conditions.
- There were only approximately 10,200 assisted rental units affordable to lower-income households as of 2005, of which over 950 were at risk of converting to market rate housing.
- Nearly 7,000 rental housing vouchers are provided by the housing authorities of Pittsburg and Contra Costa County. The County Housing Authority reports over 4,300 applicants on its waiting list for public housing and over 3,100 on the waiting list for rental housing vouchers.
- Over 7,000 beds in 473 residential care facilities are available for individuals with special needs, (such as frail elderly and persons with disabilities) who cannot live independently in conventional housing. However, this is significantly less than the population of frail elderly, disabled, and others who may need a supportive housing environment.

Due to the ongoing gap in the availability of affordable housing, the County has assigned a high priority to new housing construction, homeownership assistance, and housing rehabilitation, particularly for households earning less than 50% of the area median income. Despite the high cost, the County has determined that it is essential to expand the supply of affordable housing and supportive housing, because the affordability gap cannot be addressed solely through existing housing.

SUMMARY OF DEMOGRAPHIC TRENDS

The City of Lafayette was incorporated in 1968. The City's population has increased steadily since the 1960's, with the greatest increase occurring between 1960 and 1970, largely due to annexations along Reliez Valley Road and in the Springbrook area. Table 1 indicates that the City's population decreased by 502 persons (-2.1%) between 1980 and 1990, as compared with a 3,519-person increase (17.2%) between 1970 and 1980. By 2000, however, the population had increased 407 people (1.7%), reversing the losses of the 1980s. The Department of Finance (DOF) estimates that as of 2007, there are 23,953 persons in Lafayette, an increase of 45 persons (0.2%) since 2000.

**TABLE 1
LAFAYETTE POPULATION GROWTH 1960-2007**

Year	1960	1970	1980	1990	2000	2007 (est.)
Population	7,114	20,484	24,003	23,501	23,908	23,953
Number of Households	2,285	6,504	7,822	8,976	9,152	9,347
Persons per Household	3.10	2.59	2.65	2.62	2.61	2.56

SOURCE: ABAG PROJECTIONS 2007, US CENSUS, STATE DEPARTMENT OF FINANCE

Significant population growth is expected to continue for both the region and for Contra Costa County. Over the forecast period 2000 - 2015, ABAG projections indicate that the population of the nine-county Bay Area may increase by about one million people. Contra Costa County's population is projected to increase by 17% over this period to 1,107,300 persons in 2015, making it one of the fastest growing counties in the Bay Area. Although Lafayette's population is not expected to increase significantly in size, demand for housing within the City will continue to be strong as the growth in the County's population continues.

**TABLE 2
LAFAYETTE POPULATION PROJECTIONS, 2000 TO 2015**

	2000	2005	2010	2015
Total Population	23,908	24,400	24,500	24,700
Number of Households	9,152	9,290	9,450	9,670
Persons per Household	2.61	2.63	2.59	2.55

SOURCE: ABAG PROJECTIONS 2007

DEMOGRAPHIC TRENDS

Household Size

In 2005, there were an estimated 9,290 households in Lafayette. Between 1970 and 1980 the average household size in the nine-county San Francisco Bay Area decreased from 2.90 persons to 2.51 persons. In Lafayette this figure increased from 2.59 persons to 2.65 persons per household (see Table 1). Average household size in Lafayette has been marginally higher than for the region.

In Lafayette, household size decreased slightly between 1980 and 1990, remaining essentially stable between 1990 and 2000. Projections indicate that household size likely increased slightly to 2.63 persons per household in 2005. However, over time it is expected that household size will remain stable with younger families adding new members or smaller households ("empty-nesters") being replaced by families with children.

Like the population as a whole, the total number of households in the region and the County are projected to continue increasing. ABAG projects a 5.7% increase in the number of Lafayette households between 2000 and 2015.

Age Statistics

Changes are occurring in the age structure of Lafayette's population that reflect state and national trends. The City's proportion of senior residents (over 65 years old) has increased, from 10% of the population in 1980 to 15% of the population in 2000. Children under 20 years old constituted 25% of the population in 1990 and increased to 27% in 2000.

Table 3 shows the age structure of Lafayette's population in 2000. The median age in Lafayette as of 2000 was 42.3 years of age, substantially higher than the nation as a whole (35.3 years) and higher than the median for Contra Costa County (36.4 years). The relatively small percentage (4.5%) of residents between the ages of 20 and 24 years can be attributed in part to the scarcity of affordable housing in Lafayette, as compared with other communities. In addition, lifestyle and educational choices can mean younger people move out of the area more than other people.

The California Department of Finance (DOF) projections for Contra Costa County indicated that the senior population will grow by 91% between 2000 and 2020, whereas the overall population is expected to increase only 29%. Lafayette will likely mirror this trend, which will have an impact on the provision of health and social services, as well as on the demand for specialized housing for the growing senior population.

**TABLE 3
AGE STRUCTURE**

Age Group	Number of People	% of Total
UNDER 5 YEARS	1,308	5.5%
5-9 YEARS	1,793	7.5%
10-14 YEARS	2,009	8.4%
15-19 YEARS	1,434	5.9%
20-24 YEARS	689	2.9%
25-34 YEARS	1,920	8.0%
35-44 YEARS	4,038	16.9%
45-54 YEARS	4,504	18.8%
55-59 YEARS	1,600	6.7%
60-64 YEARS	1,166	4.9%
65-74 YEARS	1,738	7.3%
75+ YEARS	1,709	7.2%
TOTAL	23,908	100.0%

SOURCE: U.S. CENSUS 2000

RACE/ETHNICITY DATA

The non-white population of Lafayette represents a relatively small proportion of the total population, but has grown, however, from 10.7% in 1990 to 13.4% of the total population in 2000, with the largest increase coming from persons of Asian origin (see Table 4).

In the future, it is likely that the majority of non-white population in Lafayette will continue to be of Asian origin, as immigration from Asia to the San Francisco region continues. In addition, Lafayette's minority population is significantly lower than the state-wide average, which showed a 40.5% non-white population in 2000.

**TABLE 4
POPULATION DISTRIBUTION BY RACE IN LAFAYETTE, 1990 AND 2000**

Race	1990		2000	
	Number	Percent	Number	Percent
White	21,092	90.0%	20,123	86.6%
Black/African American	155	0.6%	129	0.6%
Native American*	36	0.1%	39	0.1%
Asian**	1,335	5.6%	1,957	8.4%
Pacific Islander***	28	0.1%	20	0.1%
Other	10	negligible	33	0.1%
Two or more races****	-----	-----	662	(not included)
Hispanic (all races)	845	3.6%	945	4.1%
Total	23,501	100.0%	23,908	100.0%

SOURCE: U.S. CENSUS, 1990 AND 2000

* INCLUDES AMERICAN INDIAN, ESKIMO, AND ALEUT

** INCLUDES JAPANESE, CHINESE, FILIPINO, KOREAN, ASIAN-INDIAN, VIETNAMESE, THAI, AND OTHER ASIAN

*** INCLUDES POLYNESIAN, HAWAIIAN, SAMOAN, TONGAN, GUAMANIAN, AND OTHER PACIFIC ISLANDER

**** DATA NOT INCLUDED IN 1990 CENSUS

HOUSEHOLD INCOME

ABAG's 2005 estimated mean household income for Lafayette was \$165,900 compared with \$98,400 for Contra Costa County (see Table 5). The estimated percentage increase in mean household income projected between 2000 and 2015 is 8.2% for Lafayette and 8.5% for the County. Both the existing and projected income data indicate the differences in income levels between Lafayette and the County will continue, with incomes in Lafayette remaining substantially higher.

**TABLE 5
MEAN HOUSEHOLD INCOME: LAFAYETTE AND CONTRA COSTA COUNTY, 2000-2015**

	2000	2005	2010	2015
Lafayette	\$169,600	\$165,900	\$173,800	\$183,500
Contra Costa County	\$100,500	\$98,400	\$103,400	\$109,000

SOURCE: PROJECTIONS 2007 ABAG.

The increasing mean household income observed in the City has important effects on housing demand. The higher income households will be able to afford new housing built in the

community. These households will also be able to afford to renovate and repair many of the City's existing older single-family homes. It will continue to be necessary, however, to maintain incentives for the construction of additional housing units affordable to low and moderate income households, given the rapid increase in the cost of housing that has occurred throughout the Bay Area.

EMPLOYMENT PROJECTIONS 2000 TO 2015

ABAG projects that the total number of jobs in Lafayette will increase by 6.9% between the year 2000 and the year 2015 (see Table 6). The largest increase in projected new jobs in the City is anticipated to be in the Health, Education and Recreation Services sector (14%), while Manufacturing and Wholesale jobs will decline by 11.8%.

**TABLE 6
LAFAYETTE EMPLOYMENT PROJECTIONS, 2000 TO 2015**

Sector	2000	2005	2010	2015	Change, 2000-2015
Financial and Professional Services	3,130	3,200	3,240	3,310	5.8%
Retail	1,190	1,210	1,200	1,200	0.8%
Manufacturing/Wholesale/Transport	760	720	690	670	-11.8%
Health/Education/Recreation	4,130	4,600	4,690	4,710	14.0%
Other Jobs	1,580	1,660	1,660	1,640	3.8%
Total	10,790	11,390	11,480	11,530	6.9%

SOURCE: PROJECTIONS 2007, ABAG

NOTE: PROJECTIONS APPLY TO CITY AND ITS SPHERE OF INFLUENCE

A stronger increase in employment is projected by ABAG for Contra Costa County as a whole, which is anticipated to have a 19% increase in employment between 2000 and 2015. Although there may be variations among projected growth in employment between Lafayette and the County, the significance of these projections is that they indicate that an important structural change in the local economy is taking place. Future job creation is becoming increasingly based on the growth of the service sectors, rather than on the growth of the manufacturing industry. The projected increase in employment will affect the balance between jobs and housing. At present there are more employed residents in Lafayette than there are jobs (0.84 jobs to every employed resident). This means that some proportion of employed residents commute to work outside the City. Increasing the number of jobs, particularly in the retail and service sectors, will result in an increased demand for affordable housing.

HOUSING CHARACTERISTICS

One measure of housing condition is the age of housing. As summarized in Table 7, the older the unit, the greater it can be assumed to be in need of some level of rehabilitation. A general rule in the housing industry is that structures older than 20 years begin to show signs of deterioration and require renovation to maintain their quality. Unless properly maintained, homes older than 50 years can pose health, safety and welfare problems for occupants.

Consistent with State law, Table 7 estimates the number of units in need of rehabilitation and the number of units needing replacement. Although the exact number of Lafayette units in need of rehab is not currently known, the State accepts estimates based on a formula that assumes the older the unit, the more likely the rehab need. By applying an increasing percentage to the housing stock in each age category,, it is estimated that there are approximately 838 units in need of some level of rehabilitation in Lafayette, representing about 9% of the housing stock. The range of rehabilitation needs can include anything from minor repairs to major structural replacements. It is estimated that nearly all of the units in need of rehabilitation can be repaired without replacement.

**TABLE 7
AGE OF HOUSING STOCK AND ESTIMATED REHABILITATION NEEDS**

	Number of Units	Percent of Total	Units Needing Rehab, Percent	Units Needing Rehab, Total	
Built 1999 to March 2000	53	0.6%			
Built 1995 to 1998	120	1.3%			
Built 1990 to 1994	143	1.6%			
Built 1980 to 1989	630	6.8%	1%	6	
Built 1970 to 1979	1,477	16.0%	3%	44	
Built 1960 to 1969	1,968	21.4%	5%	98	
Built 1950 to 1959	3,212	34.9%	10%	321	
Built 1940 to 1949	1,154	12.5%	20%	231	
Built 1939 or earlier	456	4.9%	30%	137	
	9,213	100.0%		838	Total Units Needing Rehab
				9.1%	Percentage of Total Units
			99.5%	834	Units that can be repaired
			0.5%	4	Units that must be replaced

SOURCE: 2000 CENSUS

Census tract data reveals that older housing stock is located east of Pleasant Hill Road, east of Moraga Road and south of Mt. Diablo Blvd., and certain areas north of Deer Hill Road. According to Lafayette’s Code Enforcement Officer, the vast majority of housing is in good condition and most of the complaints he processes are related to illegal vehicles, the accumulation of junk and debris and lack of property upkeep and maintenance.

The Contra Costa County Property Conservation Department provides enforcement services for Lafayette related to building and housing code issues. According to their records, the Department issues notices to comply for one complaint related to substandard housing conditions in 2005; one complaint related to substandard housing conditions and two complaints related to building code violations in 2006; three complaints related to substandard housing conditions and one complaint related to building code violations in 2007 and one complaint related to substandard housing conditions in 2008. Despite the age of the houses in these areas (fifty years or older) most of the homes are well maintained. This is due to the high mean household income and high mean home value that allows property owners to afford to

renovate or repair their homes. Property owners are also generally responsive when informed of code violations.

Since Lafayette is a predominantly residential community, the existing housing stock defines the character of the City and its neighborhoods. There are several policies in the Housing Chapter, which continue to promote the maintenance, enhancement and protection of residential neighborhoods.

ANNUAL CONSTRUCTION OF HOUSING UNITS BY TYPE 1980 – 2008

Fluctuations in the type of housing built reflect not only the relative amount of land zoned for different types of residential development in the City, but also changes in various economic factors such as tax codes and the real estate and financial markets. Table 8 indicates single- and multi-family home construction in Lafayette during the period 1980-2008.

**TABLE 8
ANNUAL CONSTRUCTION OF HOUSING UNITS BY TYPE IN LAFAYETTE, 1980 TO 2008**

Year	Single Family Units	Multiple Family Units	Demo-litions	Net Housing Unit Increase	Year	Single Family Units	Multiple Family Units	Demo-litions	Net Housing Unit Increase
1980	35	0	0	35	1994	16	5	0	21
1981	40	4	1	43	1995	21	6	0	27
1982	21	3	0	24	1996	21	0	0	21
1983	31	0	0	31	1997	35	0	0	35
1984	33	32	1	64	1999	29	0	0	20
1985	31	0	0	31	2000	29	75	0	104
1986	57	16	6	67	2001	19	0	18	1
1987	54	0	8	46	2002	21	11	19	13
1988	61	8	7	62	2003	20	0	12	8
1989	40	0	6	34	2004	8	9	6	11
1990	23	13	9	27	2005	23	0	3	20
1991	25	0	14	11	2006	18	0	11	7
1992	17	0	7	10	2007	23	0	5	18
1993	13	0	0	13	2008	16	0	10	6
					Total	824	182	143	863

SOURCE: CITY OF LAFAYETTE PLANNING DIVISION 2008

As shown in the table above, the majority of new housing construction during the period 1980-2008 was single-family units. The rate of construction has declined since the 1980s, in large part due to the lack of larger tracts of land available for subdivision.

HOUSING TYPES AND TENURE

Tables 9 and 10 present information on housing types and tenure in Lafayette. Lafayette remains a predominantly single-family residential community, with a high rate of owner-occupied dwellings. According to the State Department of Finance (DOF) and U.S. Census data

for 2007, it is estimated that 82.5% of the city's total housing units are single-family and 76.7% are owner-occupied.

**TABLE 9
NUMBER OF HOUSING UNITS BY TYPE**

Type of Housing	1990		2000		2007 (est.)	
	Number	Percent	Number	Percent	Number	Percent
Single-Family	7,687	83.2%	7,886	83.2%	7,821	82.5%
Multi-Family	1,544	16.7%	1,586	16.7%	1,657	17.5%
Mobile Home or Trailer	7	0.1%	5	0.1%	0	0.0%
Total Housing Units	9,238	100.0%	9,477	100.0%	9,478	100.0%

SOURCE: 1990 CENSUS, AND DOF 2000 AND 2007

**TABLE 10
HOUSING TENURE**

Tenure	1990		2000	
	Number	Percent	Number	Percent
Owner-Occupied	6,854	76.4%	7,024	76.7%
Renter-Occupied	2,122	23.6%	2,128	23.3%
Total Occupied	8,976	100.0%	9,152	100.0%

SOURCE: U.S. CENSUS 1990 AND 2000

Data from the 2000 Census indicates that the vacancy rate has gone down in since 1990. In 2000, the homeowner vacancy rate was 0.4% and the rental vacancy rate was 1.9%. According to the DOF, it is estimated that the overall vacancy rate is still quite low, at 1.9% in 2007 as well. An overall vacancy rate of 4% is generally acceptable to provide for normal turnover in housing units. Lafayette's vacancy rate indicates a strong demand for all types of housing, particularly owner-occupied units.

INCOME CATEGORIES

Every year, the US Department of Housing and Urban Development, in conjunction with the State of California, establish income categories based on the median income in each county. Based on new requirements for the completion of the Housing Element, jurisdictions must now report on the following categories of income:

Extremely Low Income: 0-30% of Median Family Income, or MFI
 Very Low Income: 30-50% MFI
 Low Income: 50-80% MFI
 Moderate Income: 80-120% MFI
 Above Moderate Income: 120%+ MFI

Based on data from February 2008, the following table illustrates the income categories for Contra Costa County. The median income for a family of four is \$86,100.

**TABLE 11
 INCOME LIMITS, 2008**

Income Category	Number of Persons in Household							
	1	2	3	4	5	6	7	8
Extremely Low Income (0-30% MFI)	\$18,100	\$20,700	\$23,250	\$25,850	\$27,900	\$30,000	\$32,050	\$34,100
Very Low Income (30-50% MFI)	\$30,150	\$34,450	\$38,750	\$43,050	\$46,500	\$49,950	\$53,400	\$56,850
Low Income (50-80% MFI)	\$46,350	\$53,000	\$59,600	\$66,250	\$71,550	\$76,850	\$82,150	\$87,450
Median Income (100% MFI)	\$60,300	\$58,900	\$77,500	\$86,100	\$93,000	\$99,900	\$106,800	\$113,700
Moderate Income (80-120% MFI)	\$72,300	\$82,600	\$93,000	\$103,300	\$111,600	\$119,800	\$128,100	\$136,400

SOURCE: STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, INCOME LIMITS 2008

Although not all data is available according to these classifications (especially extremely low-income), this Housing Element will provide as much information as possible on these various groups. The following table presents the distribution of households by these income categories in Lafayette for both 1990 and 2000.

**TABLE 12
 DISTRIBUTION OF LAFAYETTE HOUSEHOLDS BY INCOME CATEGORY**

INCOME CATEGORY	1990		2000	
	NUMBER OF HHs	%	NUMBER OF HHs	%
Extremely Low Income HHs (0-30% MFI)	n/a		424	4.7%
Very Low Income HHs (30-50% MFI)	n/a		309	3.4%
<i>Very Low TOTAL (0-50% MFI)</i>	<i>1,174</i>	<i>13.0%</i>	<i>733</i>	<i>8.2%</i>
Low Income HHs (50-80% MFI)	813	9.0%	651	7.3%
Median/Moderate Income HHs and Above (>80% MFI)	7,046	78.0%	7,592	84.6%
TOTAL	9,033		8,976	

SOURCE: CHAS SPECIAL TABULATIONS OF CENSUS DATA, 1990 AND 2000; HUD DATA DO NOT DISAGGREGATE MODERATE-INCOME HOUSEHOLDS AND ABOVE-MODERATE INCOME.

As shown above, the number of households earning very low- and low-incomes has declined since 1990, while the number of moderate income and above-moderate income households has increased. In addition, lower-income households represent a lower percentage of the total number of households in 2000 than in 1990. Although data was not available in 1990 to determine the specific number of households at the very lowest incomes (less than 30% of median family income) in 2000 these extremely low income households represented more

than half the households in the poorest category. Of the 424 households in the extremely low-income category, 58.5% or 248 are renter households, with 176 owner households in this category.

SPECIAL HOUSING NEEDS

Special Housing Needs: Seniors

A relatively large proportion (23%) of Lafayette's housing units are occupied by persons 65 years of age or older. Table 13 below shows senior citizen occupancy of owner- and renter-occupied housing units.

**TABLE 13
HOUSING UNIT TENURE BY AGE OF HOUSEHOLDER**

Age of Householder	Owner-Occupied		Renter-Occupied		Total Occupied	
	Units	%	Units	%	Units	%
Under 65	5,132	73.0	1,935	91.0	7,067	77.2
65 or older	1,892	27.0	193	9.0	2,085	22.8
Total	7,024	100.00	2,128	1.00	9,152	100.0

SOURCE: U.S. CENSUS 2000

There are 66 housing units set-aside exclusively for senior citizens in Lafayette. Based on the total number of units occupied by seniors (2,085 units), the dedicated units represent only a fraction of the demand senior citizens have for housing. This demand is primarily met by single-family homes purchased many years ago.

The City of Lafayette has been working with Eden Housing, a nonprofit developer, to create a new independent living facility for extremely low-income and very low-income seniors. In addition to financial assistance to the proposed 46-unit development, the City has provided several land-use benefits to the project, such as a density bonus, an increase to the maximum allowable height and a reduction in the parking requirements. This project will provide an exceptionally-designed building on Mt. Diablo Boulevard in the Downtown area that includes a wide variety of amenities for the City's senior population.

The State Department of Finance projects nearly a doubling in the number of seniors over age 65 in Contra Costa County between 2000 and 2020. Of the increase, 71% (almost 39,000 people) will be between the ages of 65 and 75 years. Lafayette is expected to experience a similar increase; many of the City's seniors will continue to live in their homes of long-standing. However, others will be prepared to give up the maintenance and expense of their homes while wishing to remain citizens of the community. Lastly, middle-aged Lafayette households will face the need to care for older parents and some will want them to live nearby. To address these conditions, this Chapter provides opportunities for additional housing for seniors of all income categories. Three principal factors will affect the future number of senior housing and care facilities that can be built:

- a) Senior housing typically is denser than general multifamily housing, since seniors tend to live alone in smaller units and because they frequently do not have the space requirements that younger families might have. In addition, senior housing often has substantially less parking demand than other kinds of housing. Current high-density zoning districts in the City may not provide high enough densities for additional senior housing. In addition, City parking requirements may be too strict to allow the kind of flexibility needed for a senior project.¹
- b) There has been decreasing Federal and State funding to provide additional housing for seniors. In addition, the federal tax reform enacted in 1986 provides for the establishment of State caps for private activity bonds which will result in major reductions in the volume of tax-exempt bonds issued to finance single and multi-family housing in California.
- c) There are vacant bedrooms in the City. It is difficult to quantify accurately the number of such under-utilized housing units in the City. The diminishing household size since the 1960s combined with the large number of existing single-family homes indicates that there could be a significant source of additional housing for seniors dispersed throughout existing neighborhoods. An acceptable housing program for seniors could be implemented to utilize this extra housing capacity.

Programs to assist seniors who wish to continue living in their own homes not only provide important psychological and social benefits, but also reduce the need to build additional housing. Examples of such programs include low interest loans to qualifying seniors for maintenance and repair of their homes and matching seniors with spare capacity in their homes with other seniors looking for housing.

Special Housing Needs: Disabled Persons

The number of disabled persons in a city has important planning and social implications and will affect the demand for specialized handicapped access and transportation facilities, and certain social services, in addition to specialized housing.

The U.S. Census collects information on disabled people based on work disabilities and public transportation disabilities. According to the 2000 Census, 2,167 persons in Lafayette, or 9.8% of the City's population, had some kind of disability. The following table breaks down this information by age.

¹It should be noted that the City is proposing to study the feasibility of enacting a zoning classification that would allow higher density senior housing. See the Goals, Policies and Programs.

**TABLE 14
HOUSING UNIT TENURE BY AGE OF HOUSEHOLDER**

Age Category	Number	Percent of Disabled Population	Percent of Total Population in Age Category
Age 5-20 years	205	9.5%	4.0%
Age 21-64	1,147	52.9%	8.3%
<i>Number employed</i>	774		
<i>Number unemployed</i>	373		
Age 65+	815	25.4%	25.4%
TOTAL	2,167		9.8%

SOURCE: U.S. CENSUS 2000

The data show that the largest number of disabled persons is in the 21-64 age category, and a significant number of them are unemployed. Other information available through special tabulations of Census data indicate that there are a total of 753 households where there is at least one person who has a mobility or self-care limitation, defined as 1) a long-lasting condition that substantially limits one or more basic physical activity, such as walking, climbing stairs, reaching, lifting, or carrying and/or 2) a physical, mental, or emotional condition lasting more than 6 months that creates difficulty with dressing, bathing, or getting around inside the home. As can be expected, a large percentage of these households include seniors (62-74 years of age) or the “extra elderly” (75+ years of age).

**TABLE 15
HOUSEHOLDS WITH MOBILITY OR SELF-CARE LIMITATION**

Household by Type, Income	Renters				Owners				Total HHs
	Extra Elderly 1 & 2 Member HHs	Elderly 1 & 2 Member HHs	All Other HHs	Total Renters	Extra Elderly 1 & 2 Member HHs	Elderly 1 & 2 Member HHs	All Other HHs	Total Owners	
Extremely Low Income	20	8	0	28	19	15	8	42	70
Very Low Income	10	0	4	14	10	0	4	14	28
Low Income	15	10	14	39	44	4	14	62	101
Median/Mod Income+	0	4	69	73	109	98	274	481	554
Total Households	45	22	87	154	182	117	300	599	753

SOURCE: U.S. CENSUS 2000, SPECIAL TABULATIONS (CHAS DATABOOK)

HUD has provided additional information on mobility-impaired households by quantifying the number of households with housing problems, defined as overpayment on housing cost, overcrowding, or other housing difficulties.

**TABLE 16
HOUSEHOLDS WITH MOBILITY OR SELF-CARE LIMITATION AND HOUSING PROBLEMS**

Household by Type, Income	Renters				Owners				Total HHs
	Extra Elderly 1 & 2 Member HHs	Elderly 1 & 2 Member HHs	All Other HHs	Total Renters	Extra Elderly 1 & 2 Member HHs	Elderly 1 & 2 Member HHs	All Other HHs	Total Owners	
Extremely Low Income	20	4	0	24	4	15	4	23	47
Very Low Income	0	0	4	4	0	0	0	0	4
Low Income	15	0	4	19	4	4	10	18	37
Median/Mod Income+	0	4	19	23	4	34	44	82	105
Total Households	35	8	27	70	12	53	58	123	193

SOURCE: U.S. CENSUS 2000, SPECIAL TABULATIONS (CHAS DATABOOK)

Based on this information, more than 25% of the total number of households with a mobility or self-care limitation have housing problems. Although the majority of these households are owners in the median to moderate income and above categories, there are also significant numbers of households in need at the lower incomes in both owner and renter categories.

The affordability of housing for disabled people is an important concern in Contra Costa County, and within the City of Lafayette. Considering that the current (January 2008) monthly Supplemental Security Income (SSI) benefit, which provides monthly disability income for those who meet Social Security rules for disability and who have limited income and resources, is just \$870 per month for an individual, the ability for a disabled person on SSI to find affordable housing is extremely difficult, if not impossible. At this amount, the maximum rent a disabled person on SSI could pay is just \$261 per month (30% of the monthly income, according to HUD rules).

Special Housing Needs: Single-Parent Households

According to the 2000 Census, Lafayette has a total of 819 family households with one head-of-household and one or more persons less than 18 years of age (see Table 16). Of the 819 family households, 598 (or 73%) are headed by a female with no husband present, and 221 (or 27%) are headed by a male with no wife present. The 819 single-parent households represent 12% of the 6,755 family households in Lafayette.

**TABLE 17
SINGLE-PARENT HOUSEHOLDS IN LAFAYETTE**

	Owner-Occupied		Renter-Occupied		Total Households	
	Households	Percent	Households	Percent	Households	Percent
Male-Headed Households	137	27%	84	27%	221	27%
<i>with children</i>					124	
<i>without children</i>					97	
Female-Headed Households	372	73%	226	73%	598	73%
<i>with children</i>					384	
<i>without children</i>					214	
TOTAL	509	100%	310	100%	819	100%

Although data is not available by tenure, 76% of the total single-parent families with children are headed by women. Accordingly, female-headed households are likely to have greater demand than two-parent households – or male-headed households -- for childcare and other social services. There is an obvious need for more affordable housing for this sector of the community. The waiting list for Section 8 housing at the Contra Costa County Housing Authority (CCCHA) is over 4,000 persons, more than 40% of whom represent female-headed households.

Special Housing Needs: Large Households

HUD defines a large family as one with five or more members. The 2000 special tabulations of Census data reported 703 households in Lafayette with five persons or more, or about 8% of the total households in the City. Ninety-two percent of the large households live in owner-occupied dwelling units (see Table 18).

**TABLE 18
LARGE HOUSEHOLDS**

Large Households-Owner Occupied		Large Households- Renter Occupied		Total Large Households	
Households	Percent	Households	Percent	Households	Percent
650	92%	53	8%	703	100%

SOURCE: U.S. CENSUS 2000 CHAS DATABOOK

The Census defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered severely overcrowded. Overcrowding increases health and safety concerns and stresses the condition of the housing stock and infrastructure. Overcrowding is strongly related to household size, particularly for large households and especially very large households and the availability of suitably sized housing. Overcrowding impacts both owners and renters; however, renters are generally more significantly impacted. In 2000, renter households were three times more likely than owners to be overcrowded, regardless of household size.

While family size and tenure are critical determinants in overcrowding, household income also plays a strong role in the incidence of overcrowding. As a general rule, overcrowding levels tend to decrease as income rises, especially for renters. The rate of overcrowding for very low-income households is generally nearly three times greater than households over 95% of the area median income. As with renters, owner households with higher incomes have lower rates of overcrowding.

Between 1980 and 1990, the percentage of overcrowded households in California nearly doubled from 6.9% to 12.3%. Census 2000 reports more than 15% of California households were overcrowded with overcrowding most common among low-income households, and most prevalent in renter housing. Roughly 24% of renter households statewide were overcrowded; in some counties, nearly a third of renter households were overcrowded. One quarter of all overcrowded renter households contained more than one family. Of all owner and renter

overcrowded households, estimates are that more than half are severely overcrowded (more than 1.5 persons per room).

Households in Lafayette tend to be somewhat larger than in the San Francisco Bay Area as a whole. While some large families may be subject to overcrowding, there is generally little overcrowding in Lafayette. According to the 2000 Census, 128 housing units, or 1.4% of the city's total units, contain more than 1.00 persons per room (see Table 19). This is an increase of almost 35% from 1990, when there were 95 overcrowded units. The majority of the overcrowded units are renter-occupied (71.1%), rather than owner-occupied.

**TABLE 19
OVERCROWDED HOUSING UNITS**

	Owner-Occupied	% of Total	Renter-Occupied	% of Total
Not Overcrowded (<1.0 persons per room)	6,809	99.5%	2,093	95.8%
Overcrowded (1.01>1.5 persons per room)	28	0.4%	62	2.8%
Severely Overcrowded (>1.5 persons per room)	9	0.1%	29	1.3%
TOTAL	6,846		2,184	

SOURCE: 2000 CENSUS

Though 1.00 persons per room is a general measure of overcrowding, the actual level of perceived overcrowding will vary according to household size and structure. Houses with fewer rooms and non-related adult residents may seem more overcrowded, based on the 1.00-person-per-room standard, than larger, family households. According to the 2000 Census, most housing units (90%) in Lafayette have four or more rooms. Consequently, the 1.00-person-per-room overcrowding standard may represent relatively less perceived overcrowding in Lafayette than in other Bay Area communities.

In addition to overcrowding, large households also often pay too much for their housing compared with other kinds of households. Households that spend more than 30% of their income on housing costs are considered to have a cost burden, whereas households that spend more than 50% of their income are considered to have a severe cost burden. The following table shows that in Lafayette, the vast majority of large households that pay too much for housing are lower-income owner households. Although this is principally because there are very few large renter households, there are disproportionately fewer large renter households than large owner households. While large renter households make up 2.4% of the total renter households, large owner households make up 7.2% of the total owner households.

**TABLE 20
HOUSEHOLD TYPE BY HOUSING PROBLEMS, 2000**

Household by Type, Income, & Housing Problem	Large Renter Households	Large Owner Households
Extremely Low Income	0	30
<i>Percentage w/Cost Burden >30%</i>	-	100%
<i>Percentage w/Cost Burden >50%</i>	-	100%
Very Low Income Households	0	15
<i>Percentage w/Cost Burden >30%</i>	-	100%

Household by Type, Income, & Housing Problem	Large Renter Households	Large Owner Households
<i>Percentage w/Cost Burden >50%</i>	-	100%
Low Income Households	8	8
<i>Percentage w/Cost Burden >30%</i>	50%	50%
<i>Percentage w/Cost Burden >50%</i>	0%	50%
Median/Moderate Income and Above	45	597
<i>Percentage w/Cost Burden >30%</i>	22%	26%
<i>Percentage w/Cost Burden >50%</i>	0%	7%
Total Households	53	650
<i>Percentage w/Cost Burden >30%</i>	26%	31%
<i>Percentage w/Cost Burden >50%</i>	0%	14%

SOURCE: 2000 CENSUS, CHAS DATABOOK

Special Needs: Homeless

Accurate information on the number of homeless persons in Lafayette is difficult to obtain as people often move from place to place every night. Lafayette Police Department personnel indicate that they occasionally encounter transients but they tend to be persons who have arrived in Lafayette via public transportation and are not from Lafayette.

Project HOPE is a homeless outreach project to the encampment and serves people experiencing homelessness and co-occurring disorders (including mental health, substance abuse, and medical problems) throughout Contra Costa County. During the period January 2008 to July 2008, there was only one person who was contacted by Project HOPE and who received services per month in the City of Lafayette.

The Contra Costa Inter-jurisdictional Council on Homelessness (CCICH) is charged with providing a forum for communication about the implementation of Contra Costa County's Ten Year Plan to End Homelessness and providing advice and input on the operations of homeless services, program operations, and program development efforts in Contra Costa County. The CCICH Executive Committee is an Advisory Board to the Contra Costa Board of Supervisors in issues relating to homelessness.

CCICH has provided information for each jurisdiction in the County for use in their Housing Elements relating to the analysis of the need for emergency shelter and estimate of the daily average number of persons lacking permanent shelter. This information includes:

- Homeless population estimates
- Unmet need
- Data methodology
- Inventory of existing shelters, transitional housing and permanent supportive housing

After considering the strengths and shortcomings of each source of data, the subcommittee addressing these issues determined that the bi-annual Homeless Count results and outreach data are the most accurate and useful sources of information. Additionally, as required by the federal government in order to receive a variety of homeless funds, this Homeless Count is

conducted biannually. According to the 2009 Homeless Count, there were 23 homeless persons identified within Lafayette who are unsheltered, as compared with 5 in 2007.

While this point-in-time data is useful, it does not give much information about the circumstances in which these individuals found themselves to be homeless. As of this writing, no further information – such as the number of persons who are single or in families, those with mental health concerns or alcohol/drug addition issues, etc. – is available.

The Ten-Year County Plan describes three different kinds of homeless people, each with their own set of needs. Although this information addresses Countywide homeless concerns, it is relevant for Lafayette in terms of what kind of programs and housing may be provided with in the City.

Chronically Homeless: This category is estimated to include 2,000 people, about 40% of the population that is homeless on any given night and slightly more than 10% of those who experience homelessness over the course of a year. They are severely disabled with a mental health condition, physical illness or substance abuse problem, and they have been homeless for a year or longer or have had at least four episodes of homelessness in the last three years. They are the most visible segment of the homeless population and the focus of community frustration due to their ongoing habitation of public places and their non-conforming behavior. Though a small percentage of the overall yearly homeless population, chronically homeless people use the majority of resources within the homeless service system and are costly to mainstream systems because of frequent interactions with hospitals, mental health crisis services, detox programs, and the criminal justice system. Because the services they receive tend to be fragmented and accessed only in crisis, their high service usage does not translate into long term gains in stability, but often reinforces their alienation and distrust of the service system.

Discharged Into Homelessness: These are people who are released from public institutions directly to the streets or shelters. These institutions include the foster care system, jails and prisons, mental health programs, drug and alcohol programs, and hospitals. Too often these systems do not engage in pre-release permanent housing planning to ensure that those discharged have stable housing and are linked to necessary services to ensure their ongoing stability and facilitate their transition back into the community. Individuals who have serious disabilities and who are discharged without receiving appropriate assistance often become part of the costly chronic homeless population.

Transitionally Homeless: Almost 90% of those who experience homelessness each year are experiencing a first or second episode of homelessness which typically lasts less than one year. An estimated two-thirds of this sub-population lives in family households. Typically, a job loss, illness or eviction causes them to lose their housing. Unable to find other housing that is affordable and/or resolve their lack of income, they become homeless.

The homeless count conducted on January 26, 2005 found over 7,000 homeless persons in Contra Costa County, 1,463 of which were living outdoors and the rest in shelters, transitional housing, soup kitchens and other programs serving the homeless. Of the people found in programs, 1,800 were members of homeless families, 5,200 were single adults, and 162 were youth under age 21.

According to the County Consortium's 2004 Continuum of Care application for McKinney-Vento Act funds, approximately 12.4% of all homeless individuals were sheltered, while approximately 13.6% of all persons in homeless families with children were sheltered. The application indicated that the largest unmet need for homeless individuals and families was for permanent supportive housing. The Continuum of Care application also indicated the following number of homeless subpopulations:

- Chronically Homeless - 2,016, of which 266 were sheltered
- Severely Mentally Ill - 773
- Chronic Substance Abuse - 924
- Veterans - 153
- Persons with HIV/AIDS - 234
- Victims of Domestic Violence - 366
- Youth (under 18 years of age) – 276

Some of the homeless population are people suffering from mental illness and other chronic disabilities who have become an ongoing presence in our city centers, parks and open spaces. Others are not so visible, but still in need of assistance — disadvantaged youth discharged from the foster care system with nowhere to go; single mothers with children, recently divorced or fleeing a situation of domestic violence; and low income single adults and families without savings to help them weather an unexpected job loss, illness or eviction. In addition, an estimated 17,000 households in Contra Costa County have extremely low incomes and are at-risk of homelessness, paying an excessive portion of their income for rent. An unexpected job loss, illness or eviction can put them in the streets since their high rents preclude them from accumulating a savings cushion to protect themselves.

Special Housing Needs: Farmworkers

There are no farmworkers in Lafayette, and the city is located in a largely urbanized area of Contra Costa County. Consequently, farm worker housing needs are not expected to be an issue in Lafayette.

HOUSING COSTS AND AFFORDABILITY

The National Association of Homebuilders reports that California cities have the lowest homeowner affordability rates in the country, defined as the percentage of homes affordable to the median income family. Despite the high median incomes, especially in the Bay Area, few can afford the cost to purchase a home. The Oakland Metropolitan Division, of which Lafayette is a part, ranked 155th out of 221 metropolitan areas studied in the third quarter of 2008, (San Luis Obispo is the least affordable area in the state). This is a significant improvement from 2007: in that year, only 17.4% of homes were affordable to families earning the median income. In late 2008, that figure improved to 49.5%; however, much of this improvement can likely be attributed to foreclosure sales in areas well outside of Lafayette, including parts of Oakland and East Contra Costa County.

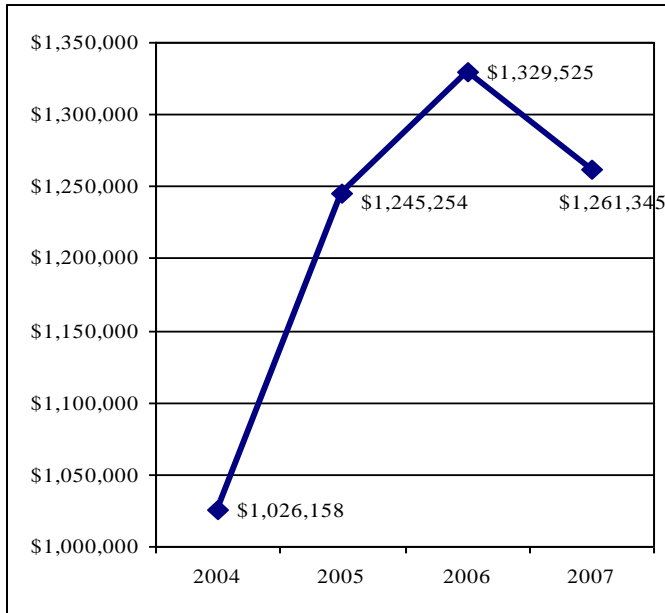
TABLE 22
HOUSING AFFORDABILITY INDEX, SELECTED CALIFORNIA MSAS, THIRD QUARTER 2008

Metro Area	Share of Homes Affordable for Median Income	2008 Median Family Income	Median Sales Price	Affordability Rank National
Sacramento--Arden-Arcade--Roseville, CA	59.9%	\$71,000	\$220,000	120
Modesto, CA	59.7%	\$56,500	\$176,000	121
Stockton, CA	58.1%	\$61,300	\$194,000	127
Vallejo-Fairfield, CA	54.8%	\$74,300	\$252,000	139
Bakersfield, CA	52.1%	\$50,000	\$162,000	149
Oakland-Fremont-Hayward, CA ^{^^^}	49.5%	\$86,100	\$316,000	155
Fresno, CA	44.1%	\$49,900	\$186,000	175
Santa Barbara-Santa Maria-Goleta, CA	38.8%	\$65,200	\$285,000	191
San Diego-Carlsbad-San Marcos, CA	38.7%	\$72,100	\$308,000	192
Santa Rosa-Petaluma, CA	37.8%	\$77,800	\$325,000	196
San Jose-Sunnyvale-Santa Clara, CA	33.0%	\$97,800	\$459,000	206
Napa, CA	23.2%	\$79,600	\$415,000	214
Santa Cruz-Watsonville, CA	22.8%	\$79,900	\$425,000	216
Los Angeles-Long Beach-Glendale, CA ^{^^^}	20.7%	\$59,800	\$340,000	218
San Francisco-San Mateo-Redwood City, CA ^{^^^}	16.6%	\$94,300	\$615,000	220
San Luis Obispo-Paso Robles, CA	13.4%	\$67,000	\$400,000	221

^{^^^} Indicate Metropolitan Divisions. All others are Metropolitan Statistical Areas.

SOURCE: National Association of Homebuilders, 2008

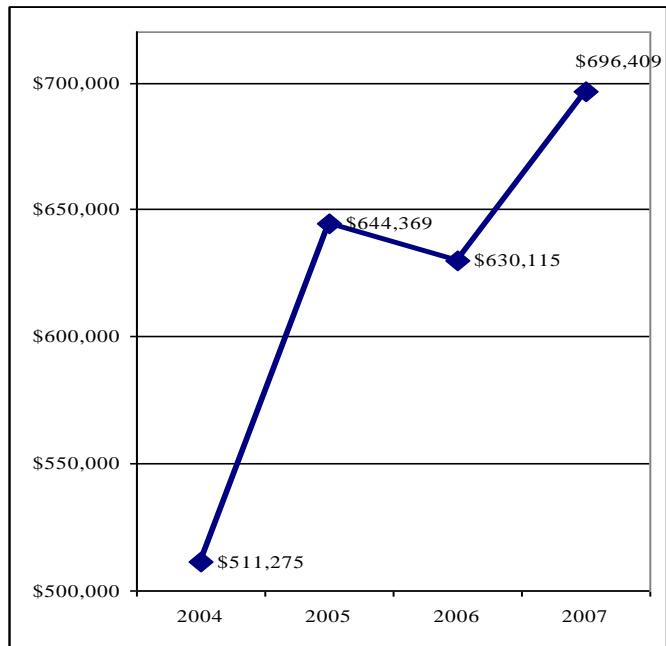
As shown earlier, overpayment for housing is a considerable problem for various special needs groups, but it also impacts the general population as well. According to HUD special tabulations of Census data, 704 renter households, regardless of income category, pay more than 30% on housing costs (this translates to 32.4% of all renter households). Similarly, 23.8% of all owner households (1,619) pay too much for housing. At the lower income levels, the problem affects an even greater percentage of households: 515 renter households and 319 owner households in the lower-income categories pay too much for housing, representing 73.5% and 46.6% of lower income renter and owner households, respectively.



In Lafayette, sales prices for both single family detached and condominiums/ townhouses have increased rapidly over the past several years, but are beginning to moderate with the economic downturn facing the Bay Area and the nation as a whole in 2008. The chart to the left shows that the median sales price for single-family homes rose by almost 30% between 2004 and 2006, but dropped by about 5% into 2007.

The situation for condos and townhouses is shown in the chart to the right. Although the median sales price for condos dropped by 2.2% between 2005 and 2006, they have begun to increase again, rising more than 23% between 2006 and 2007.

The high cost of housing means that people wanting to own a home in Lafayette must have significant incomes, even for the relatively less expensive condos. The following table shows how much a household must earn annually in order to be able to afford the median priced home in Lafayette in 2008.



SOURCE FOR BOTH CHARTS: CONTRA COSTA ASSOCIATION OF REALTORS, 2008

**TABLE 23
OWNERSHIP AFFORDABILITY, 2008**

	Median Sales	Estimated Annual Expenses	Income Needed to Afford
Single-Family	\$1,261,345	\$106,650	\$266,640
Condo	\$696,409	\$58,900	\$147,200

SOURCE: CONTRA COSTA ASSOCIATION OF REALTORS, 2008²

The decreasing supply of affordable rental units is a countywide phenomenon. Until additional construction of rental units occurs, the combination of strong demand and low vacancies will contribute to an increasingly severe shortage of rental units and a decrease in their affordability.

The following table illustrates the affordable rents associated with each income category. In the case of an extremely low-income household of two people (for example, a single parent with a child), the annual income of \$20,700 translates to a full time job paying \$10.15 per hour. In this scenario, the maximum rent they could afford would be about \$518 per month – far below average rents in the area, even for studios.

**TABLE 24
RENTAL AFFORDABILITY, 2008**

Income Category	Percent of Median	Income Limit (Two-Person Household)	Affordable Rent
Extremely Low-Income	30%	\$20,700	\$518
Very Low-Income	50%	\$34,450	\$861
Low-Income	80%	\$53,000	\$1,325
Median-Income	100%	\$58,900	\$1,473
Moderate-Income and Above	120%	\$82,600	\$2,065

SOURCE: LAFAYETTE DEPARTMENT OF PLANNING AND BUILDING, 2008

Through its Section 8 and other housing programs, HUD provides rental housing assistance to low-income households. According to the Contra Costa County Housing Authority, 46 households in Lafayette currently receive Section 8 rental assistance, in the form of Housing Choice Vouchers. Of these, 35 include one or more persons with a disability. The *Inventory of Federally Subsidized Low-Income Rental Units at Risk of Conversion* indicates only one property, Chateau Lafayette, as potentially at risk of conversion in the next ten years. An analysis of the conversion risk can be found further in this Element.

² Estimated annual expenses based on 1.1% of sales price; monthly mortgage costs at 6% interest over 30 years; affordable housing costs calculated at 40% of annual income.

REGIONAL HOUSING NEEDS ALLOCATION

The Regional Housing Needs Allocation process is a State mandate, devised to address the need for and planning of housing across a range of affordability and in all communities throughout the State. Each jurisdiction in the Bay Area is given a share of the anticipated regional housing need. The Bay Area's regional housing need is allocated by the California State Department of Housing and Community Development (HCD), and finalized through negotiations with ABAG.

According to ABAG, the regional housing need is determined by estimating both the existing need and the projected need for housing. Existing need is the amount of housing needed to address existing overcrowding or low vacancy rates. Projected need relates to providing housing for the growing population. Using slightly different methods, both the State, through the State Department of Finance (DOF), and the region, via ABAG, estimate projected household growth. Since these numbers may differ, the State and the region work closely together to arrive at an agreed upon estimate of future population growth; therefore, housing need through 2014.

The region's total housing need is allocated to Bay Area jurisdictions through an allocation method. The method contains two distinct components, mathematical equations and rules. There are two mathematical equations in the allocation method. The first equation is used to allocate total units among jurisdictions. This equation consists of factors, each weighted to indicate relative importance. The second equation is used to divide each jurisdiction's total need, based on the first formula, into the four income categories, as defined by state law. The allocation method also contains a set of rules. These rules address how to allocate units by income, how to handle units in spheres of influence and voluntary transfers of units between jurisdictions and subregions.

RHNA law delineates the specific factors that must be considered for inclusion in the mathematical equation component of the housing needs allocation method. These factors are:

- 1) Water and sewer capacity
- 2) Land suitable for urban development or conversion to residential use
- 3) Protected open space - lands protected by state and federal government
- 4) County policies to protect prime agricultural land
- 5) Distribution of household growth
- 6) Market demand for housing
- 7) City-centered growth policies
- 8) Loss of affordable units contained in assisted Housing
- 9) High housing cost burdens
- 10) Housing needs of farm workers
- 11) Impact of universities and colleges on housing needs in a community.

In devising the formula for allocating units to jurisdictions, staff and members of the Housing Methodology Committee (HMC) had to consider how each of these statutory factors could be

incorporated into the mathematical equation component of the allocation method. For the Bay Area’s allocation formula, the selected factors and their respective weights are:

- Household growth (45%)
- Existing employment (22.5%)
- Employment growth (22.5%)
- Household growth near existing transit (5%)
- Employment growth near existing transit (5%)

Household growth, existing employment and employment growth are each forecasted in the region’s job, household and employment forecast, *Projections 2007*. By applying these factors and weights in the allocation formula, housing would be allocated to jurisdictions in a manner consistent with state RHNA objectives, statutory requirements, local land use and regional policies. Jurisdictions would then be required to plan for their allocated number of housing units within the Housing Elements of their general plans. The following table illustrates the housing allocation figures for the City of Lafayette for the period 2007 – 2014.

**TABLE 25
ABAG REGIONAL HOUSING NEED ALLOCATION, 2007 – 2014**

Total Projected Need	Very Low	Low	Mod	Above Mod	Average Yearly Need
361	113	77	80	91	52
	31%	21%	22%	25%	

In addition, State Housing Element Law requires that jurisdictions provide for the needs of residents considered to be extremely low-income, defined as households earning less than 30% of median income. According, the need allocation is further disaggregated as follows:

**TABLE 26
ABAG REGIONAL HOUSING NEED ALLOCATION, WITH EXTREMELY LOW-INCOME DISAGGREGATED, 2007 – 2014**

Total Projected Need	Extremely Low	Very Low	Low	Mod	Above Mod	Average Yearly Need
361	57	56	77	80	91	52
	16%	16%	21%	22%	25%	

HCD requires that the City project new construction needs over the next five years. Based on ABAG’s seven-year housing needs determination, Lafayette’s housing needs are approximately 52 units per year. This annual figure multiplied by five results in an estimated need for 258 units over the next five years (July 1, 2007 through June 30, 2012).

TABLE 27
FIVE-YEAR HOUSING NEEDS, 2007-2012

Income Category	Five-Year New Construction Need
Extremely Low-Income	41
Very Low-income	40
Other Lower-income	55
Moderate-income	57
Above moderate-income	65
Total Units	258

SHELTER NEEDS

There are no emergency shelters or transitional housing facilities located in Lafayette; however, there are several programs and agencies serving Lafayette and central Contra Costa County for those in need. One of the major agencies is the Contra Costa Crisis Center-Homeless Services. This agency conducts the intake and assessment of people to the county's shelters. They also provide other services such as food, job training and laundry facilities as well as providing emergency lodging vouchers to at risk individuals and families. Shelter, Inc. is a non-profit organization providing short-term transitional housing programs to homeless individuals and families and information on emergency shelters, government assistance, emergency food services, medical care, and rental assistance programs. The table in the following page illustrates the facilities available throughout the County for persons who are homeless.

**TABLE 28
CONTRA COSTA HOMELESS FACILITY INVENTORY**

FACILITY NAME	REGION	TARGET POPULATION	TOTAL YEAR-ROUND BEDS
<i>Interim Housing (Emergency Shelters)</i>			
Bay Area Crisis Nursery	Richmond	Single men & women	20
Calli House Youth Shelter	Richmond	Transition-age youth	6
Concord & Brookside Adult Interim Housing	Concord and Richmond	Single men & women	175
East County Shelter	Antioch	Single men & women	20
Emergency Shelter	Richmond	Families with children	75
Family Emergency Shelter	Concord	Families with children	30
Rescue Mission	Richmond	Families with children	150
Rollie Mullen Center	Confidential	Domestic Violence	24
Shepherd's Gate		Mixed	30
Winter Nights Shelter	Various	Mixed	0
<i>Transitional Housing</i>			
Appian House: Youth	Richmond	Transition-age youth	6
Deliverance House		Families with children	12
East County Transitional Housing	Antioch	Families with children	70
MOVE	Confidential	Domestic Violence	28
Next Step		Mixed	7
Pittsburg Family Center	Pittsburg	Families with children	32
Pride and Purpose House	Richmond	Children	6
Project Independence	Richmond	Mixed	25
Prop 36 Housing	Scattered Site	Single men and women	
REACH Plus	Scattered Site	Mixed	128
San Joaquin II	Richmond	Families with children	20
Transitional Housing	Richmond	Mixed	44
Transitional Housing		Children	5
<i>Permanent Housing</i>			
ACCESS	Scattered Site	Single men and women	30
Aspen Court		AIDS	2
Casa Barrett		Single men and women	6
Casa Lago	Antioch	Single men and women	13
Casa Verde		Single men and women	11
Garden Parks Apartments	Pleasant Hill	HIV	72
Idaho Apartments	Richmond	Single men and women	28

**TABLE 28
CONTRA COSTA HOMELESS FACILITY INVENTORY**

FACILITY NAME	REGION	TARGET POPULATION	TOTAL YEAR-ROUND BEDS
Maple House	Concord	Single men and women	5
Mary McGovern House	Concord	Single men and women	6
Project Coming Home	Scattered Site	Single men and women	40
Shelter Plus Care	Scattered Site	Mixed	318
Sunset House	Pittsburg	Single men and women	8
Transitional Housing Partnership	Scattered Site	Mixed	37
Walter's Way House	Concord	Single men and women	12
West Richmond Apartments	Richmond	Single men and women	4

SOURCE: CONTRA COSTA COUNTY INTERAGENCY COUNCIL ON HOMELESSNESS, 2008

Despite these and other programs to aid the homeless, the magnitude of this problem far exceeds the resources of local government, particularly smaller cities. The City in general supports “Ending Homelessness in Ten Years: A County-Wide Plan for the Communities of Contra Costa County” (Ten Year Plan).

Through the Ten Year Plan, the County has adopted a “housing first” strategy, which works to immediately house a homeless individual or family rather than force them through a sequence of temporary shelter solutions. The Ten Year Plan further deemphasizes emergency shelters by supporting “interim housing” as a preferred housing type. Interim housing is very short-term and focuses on helping people access permanent housing as quickly as possible. Services provided in interim housing include housing search assistance and case management to help address immediate needs and identify longer-term issues to be dealt with once in permanent housing.

To determine the amount of unmet need for emergency shelter, transitional housing and permanent supportive housing, researchers compared the results of the Homeless Provider Survey to the data specific to the number of persons living on the streets: the January 2007 unsheltered homeless point-in-time count and Project HOPE outreach team data. Statewide and national data were then considered regarding homeless people and their needs. Researchers compared the difference between total homeless persons and housing inventory to determine the unmet need. In the final analysis, the unmet need was divided between emergency and permanent supportive housing, with the vast majority of the unmet need going to permanent supportive housing, consistent with the Housing First strategy. Additionally, there is no unmet need for transitional housing.

Consistent with the Ten Year Plan, the City will prioritize the use of its limited housing development resources to support permanent housing affordable to those with extremely-low, very-low and low incomes. The City, however, will comply with a recent revision to Housing Element Law regarding the identification of adequate sites to facilitate the development of emergency shelters and transitional housing with programs, which identify an area suitable for this use.

Programs contained in this Housing Chapter require a Zoning Ordinance Amendment to allow emergency shelters as a permitted use in the General Commercial District C-1 (Zoning Map symbol C-1). The C-1 Zoning District is an appropriate location for such a facility because:

1. There are several underutilized sites within this district;
2. This area is centrally located and near public transit; and
3. All infrastructure, such as water, sewer, roads, and sidewalks, is in place.

An informal survey of a broad range of homeless shelters – from small shelters with fewer than 30 people to mass shelters for more than 200 people – indicates that the average square footage per homeless shelter client is approximately 150 square feet (gross). For comparison purposes, the City’s proposed senior housing overlay zoning ordinance calls for studios to be no less than 450 square feet; to accommodate a shelter of up to 30 clients, any site needs to roughly be able to accommodate ten studio apartments (150 SF X three clients = 450 SF; for 30 clients, multiply by ten). Considering that emergency shelters are arranged dormitory-style and not as housing units, the space needed to create a 30-bed shelter is significantly less than for traditional housing and as such, should easily be accommodated within the C-1 district.

The City included in its review of suitable locations for shelters ten discrete development sites, totaling more than ten and a half acres, within the C-1 zone. All of these sites are within the Redevelopment Area, and all are sites that are in the inventory of adequate sites for housing. The average size of these sites is 1.05 acres (aggregated), with the largest at 1.50 acres and the smallest at 0.60 acres. Within these aggregated sites, many individual sites are large enough to accommodate a small emergency shelter. Further, some individual sites are in common ownership and could also accommodate a shelter. This subset of sites – sites that do not need lot consolidation in order to serve as a viable shelter location – includes nine sites, totaling 7.50 acres. The largest of these sites is 1.50 acres, the smallest is 0.4, and the average is 0.83 acres.

There are potentially other sites within the C-1 zone that could be used for this purpose, but this Housing Element only includes sites that have already been reviewed for their suitability as housing and/or mixed use development. Should any one of these sites be developed for a shelter rather than for permanent housing, the City will identify a replacement site of like kind consistent with the “no net loss” provisions of State Housing Element Law, as warranted. Conversely, if any of these sites are developed for non-shelter uses, the City will identify appropriate replacement sites. See the two related programs: Program H-2.4.3: RHNA Monitoring Program and Program H-3.6.2: Emergency Shelter Capacity Monitoring Program. Further, although the acres identified for the inventory overlap sites to accommodate emergency shelters, the site inventory identifies the potential for over 700 units, and therefore the City is confident there are sufficient sites to accommodate both the RHNA and emergency shelters.

PREVIOUS HOUSING ELEMENT

Prior to the 2002 Housing Element, the City of Lafayette's Housing Element was last revised April 1986. The Regional housing Allocation for the last reporting period was:

**TABLE 29
ABAG HOUSING NEEDS DETERMINATION 1999 – 2007**

Income Group – Percentage of County Median Income	Percentage of Total	Total Housing Unit Need
Very Low [0-50]	15	30
Low [50-80]	9	17
Moderate [80-120]	22	42
Above Moderate [>120]	54	105
Total	100	194

The policies and implementing actions of the previous Housing Element concentrated on preservation of existing single-family neighborhoods and encouragement of second units and multi-family and senior citizen housing. See Appendix A for a complete review of the previous Element's implementing actions.

The City has been moderately successful in achieving the goals established by the previous Housing Element as illustrated in the table below:

**TABLE 30
PROGRESS TOWARDS MEETING REGIONAL HOUSING NEEDS 1999 TO 2007**

Income	Regional Housing Needs Allocation 1999-2007	Building Permits Issued	Percentage of RHNA
Very Low	30	15	50
Low	17	2	12
Moderate	42	78	186
Above Moderate	105	97 ³	92

The revised Housing Chapter builds on the foundation established by the previous Element, but contains more specific implementation programs and quantified objectives. Priorities of the Chapter include: (1) conservation and rehabilitation of existing homes, (2) encouragement of housing in the downtown and (3), programs to advertise, implement and fund these activities. The Chapter also recognizes the need to provide stronger incentives for the construction of additional affordable housing.

MEETING THE REGIONAL HOUSING NEEDS ALLOCATION

Table 33 shows the vacant or underdeveloped land in the Downtown that could accommodate the regional housing needs allocation. The figures shown in the table are based on a parcel-by-

³In this period, the City issued 168 permits for new homes and 71 demolition permits.

parcel analysis of the number of dwelling units that could be constructed, taking into account the site constraints specific to each parcel, the residential densities typically approved for similar properties, and the requirements of the Zoning Ordinance. The conclusion that can be drawn from this table is that the City has sufficient vacant and underdeveloped land to meet its remaining regional housing allocation

Appendix B contains a list of vacant and underdeveloped properties in the downtown area that have the potential of being used for multifamily housing. The sites identified in this inventory are spread along the entire length of Mt. Diablo Blvd. Development of these sites for multifamily housing will not necessarily impact the streets in the Downtown Core that are most heavily used. Residents from these multifamily developments have a variety of options to exit the downtown and access the freeway, including Pleasant Hill Road to the east and Acalanes Road to the west. The residential development would also generate less traffic impacts than commercial development.

While a number of the sites identified in the inventory allow commercial use, they also allow housing. One of this Chapter’s programs removes the requirement of a land use permit for housing, thereby allowing housing as of right. Further, additional programs have been included to encourage the development of housing over commercial (or mixed use over commercial) in the Downtown. The inventory and methodology provided in this Chapter demonstrate that in recent years, there has been a trend towards developers purchasing commercial sites for housing development, including the SRM development, The Woodbury, and the Eden project. The table below lists the previous or current uses on these sites:

**TABLE 31
RECENT HOUSING PROPOSALS ON FORMERLY COMMERCIAL SITES**

<u>Site</u>	<u>Previous or Current Uses</u>	<u>Number of Units</u>
<u>SRM Development</u>	<u>Garden supply store, tow yard and restaurant</u>	<u>Application not yet filed</u>
<u>The Woodbury</u>	<u>Motel, restaurant</u>	<u>65</u>
<u>Eden Housing</u>	<u>Parking lot for car dealership</u>	<u>46</u>

In addition, the City has consulted with local realtors and developers concerning the use of commercially-zoned sites for residential development. Several of these groups have provided letters which document that this trend should continue in the coming years. This Chapter’s goals, policies and programs include a variety of incentives to assist developers in assembling land for housing, especially affordable housing.

Despite sufficient vacant and underdeveloped land there exist potentially significant constraints to increased residential development, which are discussed in the *Constraints to Housing Development* section. Table 32 represents the quantified goal of the City to provide 335 new and rehabilitated housing units.

TABLE 32
QUANTIFIED OBJECTIVES SUMMARY

Income Level	New Construction	Rehabilitation/ Conservation	Totals
Extremely/Very Low Income	45	5	50
Low Income	20	10	30
Moderate Income	50	5	55
Above Moderate Income	200	0	200
Grand Total	315	20	335

SOURCE: LAFAYETTE PLANNING DIVISION, 2009

TABLE 33
RESIDENTIAL POTENTIAL FOR VACANT AND UNDERDEVELOPED LAND IN THE DOWNTOWN

<u>General Plan Classification</u>	<u>Zoning District</u>	<u>Vacant and Underdeveloped Land</u>	<u>Potential Number of Units</u>
<u>West End</u>	<u>C</u>	<u>5.63</u>	<u>135</u>
<u>East End</u>	<u>C-1</u>	<u>10.53</u>	<u>305</u>
<u>Downtown Core</u>	<u>SRB, RB, P-1</u>	<u>5.07</u>	<u>177</u>
<u>High Density Multi Family</u>	<u>MRO/MRA</u>	<u>7.76</u>	<u>143</u>
	<u>Total Acres</u>	<u>28.99</u>	<u>760</u>

SOURCE: LAFAYETTE PLANNING DIVISION 2010

Note that this inventory increases the total number of acreage for housing by approximately 7% over the prior Housing Element, with a 13% increase in the number of units from the prior Element. A complete inventory of parcels is found in Appendices B and C. Underdeveloped land is land which has a development intensity significantly less than what is allowed under the City's land use regulations.

The site-specific analysis of underdeveloped parcels, as shown in Table 33, indicates there is a reasonable potential they will be developed with multi-family housing, since:

- The parcels are located in commercial and residential zoning districts which permit mixed uses and residential development at a density of up to 35 du/acre;
- The Redevelopment Plan provides incentives for the construction of multi-family housing and requirements for the provision of affordable housing; and
- There exists the potential of assembling underdeveloped parcels to facilitate application of development incentives contained in the Planned Unit Development (PUD) section of the Zoning Ordinance and adopted Specific Plans.

It will be market forces, however, that will have the strongest influence in determining the type, density, and phasing of future multi-family housing development in Lafayette. Such factors as interest rates and the vitality of the local and national economy are beyond the scope of local government.

| [\(Note: reference to the Redevelopment Agency has been moved to Page V-46.\)](#)

GOVERNMENTAL CONSTRAINTS TO HOUSING DEVELOPMENT

Annexation Standards

Although the City of Lafayette does not expect to annex land within the planning period, an important land use regulation affecting development in Lafayette, as well as other cities in Contra Costa County, is the policy adopted by the Contra Costa County Local Agency Formation Commission (LAFCO) regarding annexation proposals.

The standards and procedures set forth in the LAFCO policy affect its review of requests for city annexation of lands proposed for development. The application of these standards will affect development of land outside existing City limits.

Currently, the Lafayette's Sphere of Influence does not extend substantially beyond the City limits. It is not expected that the existing Sphere of Influence area will be altered to include vacant lands that would yield many more developable lots.

Land Use Controls

The Lafayette Zoning Ordinance, contained within the City's Municipal Code, sets forth land use designations and development requirements for construction activity within the City. California law requires that the Zoning Ordinance be consistent with the General Plan. The Lafayette Zoning Ordinance will be amended to be consistent with the Housing Element following its completion.

The Zoning Ordinance establishes two primary types of residential zoning: Single-Family Residential (R-6, R-10, R-12, R-15, R-20, R-40, R-65, R-100, LR-10 and LR-5) and Multiple-Family Residential (D-1, MRA, MRB, MRO, MRT, APO and MRP). Multi family residential is also permitted in the commercial zoning districts (C, C-1, SRB, RB).

[The following tables illustrate the City's development standards.](#)

**TABLE 34
SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area	Average Lot Width	Minimum Lot Depth	Maximum Building Height	Minimum Side Yards	Minimum Setback	Minimum Rear Yard
R-6	10,000 s.f.	80'	90'	2 ½ stories (35')	10' (20' aggregate)	20'	15'
R-10	10,000 s.f.	80'	90'	2 ½ stories (35')	10' (20' aggregate)	20'	15'
R-12	12,000 s.f.	100'	100'	2 ½ stories (35')	10' (25' aggregate)	20'	15'
R-15	15,000 s.f.	100'	100'	2 ½ stories (35')	10' (25' aggregate)	20'	15'
R-20	20,000 s.f.	120'	120'	2 ½ stories (35')	15' (35' aggregate)	25'	15'
R-40	40,000 s.f.	140'	140'	2 ½ stories (35')	20' (40' aggregate)	25'	15'
R-65	65,000 s.f.	140'	140'	2 ½ stories (35')	20' (40' aggregate)	25'	15'
R-100	100,000 s.f.	200'	200'	2 ½ stories (35')	30' (60' aggregate)	30'	30'
LR-10	10 acres	200'	200'	2 ½ stories (30')	50'	50'	50'
LR-5	5 acres	200'	200'	2 ½ stories (30')	50'	50'	50'

**TABLE 35
MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area	Average Lot Width	Minimum Lot Depth	Maximum Building Height	Minimum Side Yards	Minimum Setback	Minimum Rear Yard
D-1	10,000 s.f.	80'	90'	1 ½ stories (25')	10'	20'	15'
MRA	10,000 s.f.	80'	90'	25' – 35'	10'- 20'	20'	15'
MRB	10,000 s.f.	80'	90'	35'	10'-20'	20'	15'
MRO	10,000 s.f.	80'	90'	2 - 3 stories (30'- 35')	10'	20'	15'
MRT	No minimum standards			25'	No minimum standards		
MRP	10,000 s.f.	80'	90'	1 story (20')	No minimum standards		

**TABLE 36
MIXED COMMERCIAL AND RESIDENTIAL DEVELOPMENT STANDARDS**

<u>Zoning District</u>	<u>Minimum Lot Area</u>	<u>Average Lot Width</u>	<u>Minimum Lot Depth</u>	<u>Maximum Building Height</u>	<u>Minimum Side Yards</u>	<u>Minimum Front Setback</u>	<u>Minimum Rear Yard</u>	<u>Minimum Open Space</u>
RB	<u>5,000 s.f.</u>	<u>N/A</u>	<u>N/A</u>	<u>35'</u>	<u>10' when adjacent to residential</u>			<u>20%</u>
C	<u>7,500 s.f.</u>	<u>55'</u>	<u>75'</u>	<u>35'</u>	<u>10' when adjacent to residential. 20' setback required for three story buildings which may be reduced if findings can be made.</u>	<u>10'</u>	<u>10' when adjacent to residential.</u>	<u>None</u>
SRB	<u>5,000 s.f.</u>	<u>N/A</u>	<u>N/A</u>	<u>35' except in BART Block where height over 35' is allowed but a maximum of 3 stories</u>	<u>10' when adjacent to residential</u>	<u>None except in BART Block where 6' is required</u>	<u>10' when adjacent to residential</u>	<u>20%</u>
C-1	<u>7,500 s.f.</u>	<u>55'</u>	<u>75'</u>	<u>2 ½ - 3 stories (35')</u>	<u>10' when adjacent to residential. Third story setback of 50' required from certain streets and residential zones</u>	<u>10'. Third story setback of 50' required from certain streets and residential zones</u>	<u>10' when adjacent to residential. Third story setback of 50' required from certain streets and residential zones</u>	<u>None</u>
APO	<u>4.94 acres</u>	<u>N/A</u>	<u>N/A</u>	<u>22'-36'</u>	<u>49.21'</u>	<u>26'- 49'</u>	<u>26.25'</u>	<u>20%</u>

The City anticipates that the majority of higher density, affordable units will be built in the Downtown zoning districts C, C-1, SRB and RB. It is in these districts that services such as grocery and drug stores, civic uses such as the library and post office and transit facilities such as BART are located. As can be seen from the table above, the building setback requirements in these districts are modest. A density of 35 du/acre – the maximum permitted in Lafayette -- and a 35 foot height limit are allowed. There is no floor area ratio ("FAR") requirement in these districts.

Existing parcels in the multifamily zoning districts (MRA, MRB, MRO) are typically modest in area and cannot accommodate many residential units. The minimum lot area requirement for new lots (10,000 SF) was put in place to ensure that newly zoned multifamily parcels would be large enough to accommodate projects of considerable size and density. This requirement however does not apply to the development of multifamily projects on existing lots less than 10,000 SF in area and is therefore not a constraint. Additionally, in the MRA district, the City allows for increases in floor area ratio (FAR) to a maximum of 0.40 on lots that are under 20,000 SF in area if it finds that the lot cannot be reasonably merged with an adjacent parcel. In the MRO district, an FAR of 0.50 is allowed.

Parking Requirements

The City's parking standards for multifamily projects are similar to the standards in neighboring jurisdictions. The requirements are 1.2 spaces for a one bedroom unit, 1.5 spaces for a two bedroom units and 2 spaces for a unit with three or more bedrooms. Although not cited specifically in the code, the City has and will continue to allow for creative ways to accommodate parking and has approved the installation of a hydraulic lift system that stacks cars in an apartment complex.

In recent years, several proposed senior housing projects have illustrated the unique needs of these types of developments – needs that make the strict application of certain residential zoning controls developments problematic. Seniors tend to drive less than their younger counterparts, and they typically do not need (or want) as much living space as is found in family housing types.

As a consequence, residential parking requirements may be too onerous for a senior development, and the smaller unit sizes increase the density of a project such that it may conflict with existing zoning requirements. In recognizing these unique needs, the City has adopted a Senior Housing Overlay zone – with reduced parking standards and increased density, among other things -- to allow senior housing developments that are truly reflective of their resident populations.

On- and Off-Site Improvement Requirements

The standards for on- and off-site improvements contained in the Subdivision Ordinance do not constitute a constraint to housing development. They are no more restrictive than those typically found in other Contra Costa County cities. Indeed, in some cases, less restrictive standards exist in Lafayette, since sidewalks with full curb and gutters are not required for most types of residential subdivisions. Sewer and water connection fees are established by the Contra Costa Central Sanitary District and the East Bay Municipal Utilities District and are therefore similar to other jurisdictions served by these districts in the County.

Analysis of Land Use Controls: Impacts on Recent Developments

As part of the development of the Housing Element, the Planning Staff conducted an analysis of the City's development standards to determine whether they constitute a constraint to housing development. Two schematic housing plans that were submitted by prospective developers of two of the sites in the housing inventory were studied. Both projects were analyzed using current regulations and without granting exceptions to discern whether or not the City's regulations posed a constraint to the production of housing.

The analysis determined that while most development standards do not constrain the development of housing and are typical standards for the zoning designation, some standards can be perceived to be impediments to the efficient and timely development of housing. Regulations for residential development (e.g. required setbacks, maximum lot coverage, height limits, minimum lot sizes) are no more restrictive than those of surrounding jurisdictions. The Zoning Ordinance and related land use regulations serve to promote, rather than constrain, housing development. In addition to these zoning districts, the Zoning Ordinance incorporates the Planned Unit Development concept. Lafayette's PUD process permits housing developments to be built with flexible setbacks, lot coverage and other regulations and permits the construction of mixed-use developments. The proposed Woodbury condominium project (65 units) and existing Town Center apartments (75 units) are examples of higher density projects that have used the PUD process.

The two sites reviewed for potential constraints are Parcel #241-020-013, which is part of Site 4, and Site 15. The following tables analyze the impacts of the City's development standards on those two proposals.

Part of Site 4: Parcel #241-020-013

Total area: 1.32 acres (includes Parcel #241-020-005 which is in common ownership)

Zone: C (General Commercial)

<u>Regulation</u>	<u>City Requirement</u>	<u>Proposed Project</u>	<u>Comments</u>
<u>Allowed uses</u>	<u>Offices, commercial, residential with a land use permit</u>	<u>Mixed use, three stories - commercial on the ground floor fronting Mt. Diablo Blvd., residential units above and in the rear.</u>	<u>The land use permit process could potentially be a constraint to the production of housing. The Housing Element contains a program that would allow residential by right in the Downtown (H-2.4.2).</u>
<u>Minimum lot area</u>	<u>7,500 SF.</u>	<u>1.32 acres</u>	<u>Regulation is not a constraint</u>
<u>Maximum density</u>	<u>@35 du/acre= 46</u>	<u>46</u>	<u>Regulation is not a constraint</u>
<u>Maximum height</u>	<u>35'</u>	<u>35'</u>	<u>The 35 foot height limit is not a constraint because the maximum density can be achieved within this limit.</u>
<u>Front setback</u>	<u>10'</u>	<u>10'</u>	<u>Regulation is not a constraint</u>

<u>Regulation</u>	<u>City Requirement</u>	<u>Proposed Project</u>	<u>Comments</u>
<u>Side yard setback</u>	<u>10' if adjacent to residential. 20' if three stories, but this requirement can be reduced if findings are made.</u>	<u>Project is not adjacent to residential uses. Side yard setbacks vary from 10' to 20'.</u>	<u>The 20' setback for three story buildings is a potential constraint, even though it can be reduced if the Planning Commission makes the necessary findings. The Housing Element contains a program that requires the City to develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as <u>compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown (5.1.6).</u></u>
<u>Rear yard setback</u>	<u>10' if adjacent to residential.</u>	<u>Project is not adjacent to residential uses. Rear yard setback is 5' to the EBMUD aqueduct right-of-way</u>	<u>Regulation is not a constraint</u>
<u>Parking</u>	<u>(1) One-bedroom units, 1.0 spaces per unit; (2) Two-bedroom units, 1.2 spaces per unit; (3) Units with three or more bedrooms, 1.5 spaces per unit. In addition, one guest parking space shall be provided for each five dwelling units. A minimum of one parking space per unit shall be covered.</u>	<u>The breakdown of units by the number of bedrooms was not provided at the study session; however, the residential units are parked at a ratio of 2 spaces per unit – well above the City's requirement. Project includes tandem parking spaces.</u>	<u>Potentially a constraint because the project needs tandem spaces to meet parking requirements. The Housing Element includes a program that requires the City to develop and establish measures such as allowing tandem spaces, car lifts and other creative ways to accommodate required parking for developments (5.1.6).</u>

Note that the realistic capacity for this parcel as shown in Appendix C is 33 units. As stated elsewhere in this Element, although nothing in the inventory specifically prevents a site from being developed closer to its calculated capacity, the City has intentionally adopted a conservative stance to ensure that there is adequate capacity for the inventory without having to move outside the Downtown to achieve its housing goals.

Site 15

Total area: 1.21 acres

Zone: C-1 (General Commercial-1)

<u>Regulation</u>	<u>City Requirement</u>	<u>Proposed Project</u>	<u>Comments</u>
<u>Allowed uses</u>	<u>Service commercial, residential with a land use permit</u>	<u>Mixed use - commercial on the ground floor fronting Mt. Diablo Blvd., residential units above and in the rear.</u>	<u>The land use permit process could potentially be a constraint in the production of housing. The Housing Element contains a program that would allow residential by right in the Downtown (H-2.4.2).</u>
<u>Minimum lot area</u>	<u>7,500 SF.</u>	<u>1.21 acres (Note that the developer/owner's plans show a total land</u>	<u>Regulation is not a constraint</u>

<u>Regulation</u>	<u>City Requirement</u>	<u>Proposed Project</u>	<u>Comments</u>
		<u>area of 1.34 acres which includes part of the 2nd Street right-of-way</u>	
<u>Maximum density</u>	<u>@35 du/acre= 46 with street right of way, 43 without right-of-way</u>	<u>46</u>	<u>Regulation is not a constraint</u>
<u>Maximum height</u>	<u>35'. Third story allowed if residential.</u>	<u>35'</u>	<u>The 35 foot height limit is not a constraint because the maximum density can be achieved within this limit.</u>
<u>Front setback</u>	<u>10'. Third story setback of 50' required from certain streets and residential zones</u>	<u>10'. Third floor set back 50' from Mt. Diablo Blvd.</u>	<u>While the 50' setback for the third story is not a constraint in this case, it could potentially be a constraint for sites that do not possess sufficient depth. The Housing Element contains a program that requires the City to develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown (5.1.6).</u>
<u>Side yard setback</u>	<u>10' when adjacent to residential. Third story setback of 50' required from certain streets and residential zones</u>	<u>Not adjacent to residential zoned property</u>	<u>While the 50' setback for the third story is not a constraint in this case, it could be a potential constraint for other sites in the Downtown. The Housing Element contains a program that requires the City to develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown (5.1.6).</u>
<u>Rear yard setback</u>	<u>10' if adjacent to residential. Third story setback of 50' required from certain streets and residential zones</u>	<u>Not adjacent to residential zoned property</u>	<u>While the 50' setback for the third story is not a constraint in this case, it could be a potential constraint for other sites in the Downtown. The Housing Element contains a program that requires the City to develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown (5.1.6).</u>
<u>Parking</u>	<u>1. One-bedroom units, 1.0</u>	<u>Total spaces provided =</u>	<u>Regulation is not a constraint in this case.</u>

Regulation	City Requirement	Proposed Project	Comments
	<p>spaces per unit;</p> <p>2. Two-bedroom units, 1.2 spaces per unit;</p> <p>3. Units with three or more bedrooms, 1.5 spaces per unit.</p> <p>In addition, one guest parking space shall be provided for each five dwelling units. A minimum of one parking space per unit shall be covered.</p> <p>In the C-1 district, the number of parking stalls for the residential units provided on the third floor need not meet the minimum number of parking stalls required for other residential units. The number of parking stalls required will be determined by the planning commission in consideration of the cumulative parking needs of all the uses on the subject property. Total required: 113 spaces.</p>	117.	

Note that the realistic capacity for this parcel as shown in Appendix C is 35 units. As stated elsewhere in this Element, although nothing in the inventory specifically prevents a site from being developed closer to its calculated capacity, the City has intentionally adopted a conservative stance to ensure that there is adequate capacity for the inventory without having to move outside the Downtown to achieve its housing goals.

Conclusions

In summary, the City has conducted an in-depth analysis of its land use controls as applied to two recent projects in order to determine whether such controls impact the development of housing in a negative way. This analysis reveals that several of the City’s land-use controls may be constraints that should be mitigated:

1. Requiring a land use permit for housing is a constraint to the production of housing. Typically, land use permit applications take longer to process than applications for design review approval and involve higher processing fees. To remove this constraint, the Housing Element contains the following program:

Program H-2.4.2: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas where such development now requires a discretionary land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.

2. The setback requirement of 50 feet for third stories in the C-1 and MRO districts and the setback requirement of 20 feet for three story buildings in the C district is a constraint to the production of housing in Downtown Lafayette. Housing sites in the Downtown vary in size, width and depth; few are regular in shape, making it difficult to comply with the requirements. Imposing a uniform upper story setback requirement on irregularly-shaped sites render certain parcels ineligible to accommodate three story structures without variances. To remove this constraint, the Housing Element contains the following program:

Program H-5.1.6: Downtown Specific Plan Implementation. Following the Downtown Specific Plan adoption, revise the zoning ordinance to address the following constraints on the development of housing:

*Upper story setback requirements in the C, C-1 and MRO districts
Develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown.*

3. The current parking code is a constraint to the production of housing because it does not permit tandem spaces or other options to provide parking. To remove this constraint, the Housing Element contains the following program:

Program H-5.1.6: Downtown Specific Plan Implementation. Following the Downtown Specific Plan adoption, revise the zoning ordinance to address the following constraints on the development of housing:

*Parking
Develop and establish measures such as allowing tandem spaces, car lifts and other creative ways to accommodate required parking for developments.*

Lafayette also has a number of tools to encourage the construction of higher density housing in the Downtown; many of these, in conjunction with other actions to remove constraints, make it easier for housing to be built. They include:

1. Redevelopment Agency: One of the goals of the Lafayette Redevelopment Plan is “Increase, improve and preserve the community’s supply of affordable housing.” To ensure the realization of this goal, the Redevelopment Agency Board in 2006 adopted a resolution requiring each project with new and/or substantially rehabilitated dwelling units within the Project Area to make available 15 percent of units at affordable housing cost to households of very low, low and moderate income. Projects that do not or cannot provide the affordable units on site are required to provide additional affordable units. An example is the approved 65-unit The Woodbury project. Since the affordable units will be located off-site, the developer was required to provide 18 affordable units – 8 more units than what would have been the requirement on site.

The Redevelopment Agency has also funded affordable housing projects. For the Town Center retail/housing development, the Agency sold a City owned parcel at reduced value, paid for the demolition and clearing, including hazardous materials clearance, of the City-owned property and access road, shared in the cost of off-site improvements, and returned to the developer the tax increment revenues from the housing project that the Agency would normally have received in exchange for a guarantee of 12 affordable units. More recently, the Agency pledged \$3.5M to the 46 unit all – affordable Eden Housing project.

In February 2010, Lafayette adopted a Five Year Implementation and Housing Compliance Plan (2010-2014) for the Lafayette Redevelopment Project Area. The Implementation Plan identifies the following potential housing projects and programs:

- (a) Emergency Housing Fund: An emergency housing fund is needed to subsidize rents for seniors at risk of being displaced from existing affordable housing units. (\$50,000)
- (b) Affordable Housing Grant Applications: Funds are needed for administrative costs related to applying for affordable housing grants, such as the California HELP program. (\$10,000)
- (c) Special Needs Housing: Pursuant to the County Settlement Agreement, the Agency is required to construct or substantially rehabilitate at least 20units of special needs housing for disabled persons who are not dangerous to the health and safety of others who are mentally disabled or impaired or are affected by physical disabilities or impairments, or by other limitations which the Agency and County mutually deem appropriate. The Agency has provided five units to date. This project will produce15 units affordable to very low to moderate income levels. Funds could be used for lot acquisition, site consolidation, or construction. (\$1,000,000)
- (d) Family Housing: Agency incentives will encourage and assist projects that include three bedroom units that are that are affordable to extremely low, very low, low and moderate income households. Additionally, financial assistance may be given to help fund new affordable rental housing of various sizes in the Project Area. Funds could be used for lot acquisition, site consolidation, or construction. (\$9 million to \$11 million if bonds are issued, \$3 million if not)
- (e) Housing Rehabilitation Assistance: Agency incentives will encourage and assist property owners to rehabilitate the Project Area's housing stock, including upgrades to appearance, wiring, plumbing, painting, roof repairs, and seismic upgrades. (\$300,000)

(f) Processing Fees Assistance: The Agency will consider paying the application processing fees for housing projects containing 25% or more units that are affordable to extremely low, very low, low and moderate income households. (\$140,000)

(g) Purchase of Affordability Covenants: The Agency may negotiate with developers to purchase affordability covenants on housing to assure their affordability over a long-term period. (\$500,000)

It is estimated that by the end of the planning period (2014), the Redevelopment Agency housing set aside fund will total approximately \$7.3 million.

2. The Downtown Specific Plan: The draft Downtown Strategy and Specific Plan currently under review contains a number of goals to promote the development of housing in the Downtown. They include:

a. Allow housing by right in the Downtown

b. Review and update existing development standards to ensure that the distinct character of the Downtown residential neighborhoods is preserved, existing multi family development is protected, and new multifamily development is encouraged.

c. Review and update current parking codes

d. Encourage sustainable development and the location of housing close to transit and services

3. Senior Housing Overlay District: The City Council approved the creation of a senior housing overlay district on October 12, 2010. The purpose of this overlay is to permit greater densities and lower parking requirements for senior housing projects in the Downtown. The proposed development standards include an increase in the allowable density for senior residential units from 35 units per acre to 45 units per acre not including otherwise applicable density bonuses under state law. A market rate senior residential project would qualify for a density bonus of 20% which would allow up to 54 units per acre on a site. In comparison, an affordable senior residential project could qualify for a density bonus of up to 35% and would yield a maximum of 61 units on an acre. Parking requirements will be reduced to one space for each 5 residents for residential care facilities, .40 parking spaces per unit for assisted living facilities, and .5 spaces per unit studio and 1-bedroom units for extremely low, very low, and low income units.

4. Density Bonus Regulations: In 2006, the City Council adopted the State's density bonus guidelines by resolution. The resolution allows a developer proposing additional

[affordable units that exceed what is required in the Redevelopment Project Area to request a density bonus for the voluntary affordable units that exceed the required affordable units.](#)

The City has a proven track record of approving higher density residential and mixed use projects. The following table lists some of those projects.

**TABLE 37
DENSITIES OF SELECTED APPROVED OR BUILT PROJECTS**

<u>Project address</u>	<u>Units</u>	<u>Acres</u>	<u>Project Density</u>	<u>Allowed density</u>	<u>Year Built or Approved</u>	<u>Zone</u>
<u>1076 Carol Lane</u>	<u>150</u>	<u>8.22</u>	<u>18 du/acre</u>	<u>17 du/acre</u>	<u>1973</u>	<u>MRB</u>
<u>925 Colina Court</u>	<u>8</u>	<u>0.35</u>	<u>23 du/acre</u>	<u>35 du/acre</u>	<u>1985</u>	<u>MRA</u>
<u>231 Lafayette Circle</u>	<u>8</u>	<u>0.17</u>	<u>46 du/acre</u>	<u>35 du/acre</u>	<u>1988</u>	<u>RB</u>
<u>3594 Mt. Diablo Blvd.</u>	<u>75</u>	<u>1.47</u>	<u>51 du/acre</u>	<u>35 du/acre</u>	<u>2000</u>	<u>P1</u>
<u>3586 Mt. Diablo Blvd. (mixed use)</u>	<u>3</u>	<u>0.28</u>	<u>10.7 du/acre</u>	<u>35 du/acre</u>	<u>2002</u>	<u>SRB</u>
<u>3652 Chestnut Street</u>	<u>9</u>	<u>0.51</u>	<u>17.6 du/acre</u>	<u>35 du/acre</u>	<u>2003</u>	<u>MRA</u>
<u>3330 Mt. Diablo Blvd. (mixed use)</u>	<u>11</u>	<u>0.59</u>	<u>18.6 du/acre</u>	<u>35 du/acre</u>	<u>2004</u>	<u>C-1</u>
<u>3607 Bickerstaff Street</u>	<u>2</u>	<u>0.14</u>	<u>14.3 du/acre</u>	<u>35 du/acre</u>	<u>2006</u>	<u>MRA</u>
<u>3758 Mt. Diablo Blvd.*</u>	<u>65</u>	<u>2.46</u>	<u>26.4 du/acre</u>	<u>35 du/acre</u>	<u>2007</u>	<u>P1</u>
<u>3426 Mt. Diablo Blvd.*</u>	<u>46</u>	<u>0.8</u>	<u>57.5 du/acre</u>	<u>35 du/acre</u>	<u>2008</u>	<u>C-1</u>
TOTAL	377	14.99				

* [Projects approved but not yet built](#)

[The average density of the multifamily projects that are in zones that allow a maximum density of 35 du/acre is 33.5 du/acre, demonstrating that the City’s regulations are not a constraint on development.](#)

Inclusionary Housing Program

Inclusionary zoning programs – of which the City’s local Below Market Rate or BMR program is one variant – are sometimes perceived as adding to the cost of housing by requiring the market-rate units to subsidize the affordable units. This is an area of much dispute, both in the Bay Area and nationally. There are as many positive aspects of inclusionary programs than there are negative aspects. For example, a study conducted by the National Housing Conference’s (NHC) Center for Housing Policy (2000) highlighted several important contributions to inclusionary zoning to communities, not the least of which is the creation of income-integrated communities without sprawl.⁴

Within the last three years, several studies have been published that specifically address the issue of who pays for inclusionary zoning. Some of these studies assert that the costs associated with inclusionary programs are passed on to the market priced homes, while other studies assert that in fact the cost is not borne by the end users at all. For example, the

⁴Inclusionary Zoning: A Viable Solution to the Affordable Housing Crisis? (Washington, DC: The Center for Housing Policy, National Housing Conference, October 2000).

“Reason Foundation” study entitled “Housing Supply and Affordability: Do Affordable Housing Mandates Work?” (April 2004) argues that housing consumers and some landowners pay for inclusionary requirements, not developers. The authors assert that market-rate buyers (and to some extent, renters) will be forced to pay higher amounts than they otherwise would for their units because of inclusionary zoning’s implicit tax on other units.

In an article published in the Hastings School of Law Review in 2002 which provided one of the first comprehensive reviews of inclusionary zoning and its cost implications for jurisdictions in California, Barbara Kautz, former Director of Community Development for the City of San Mateo and now a lawyer with Goldfarb and Lipman, noted that:

Most cities that have conducted economic analyses have concluded that, in the long run, most of the costs are borne by landowners [rather than market rate renters or buyers.] Initially, before land prices have had time to adjust, either the market-rate buyers or the developer pays, depending on whether the market allows the developer to increase his prices. If the developer cannot raise the market price for the non-inclusionary units or lower his total costs, or some combination, his profits will decline.... To put this another way, builders will pay less for land because inclusionary zoning lowers their profits.⁵

Kautz asserts that developers will sell at the highest level they are able to sell at, meaning they will set prices according to what the market will bear. If a unit’s market value is \$500,000, it will be sold for \$500,000. Developers would not “add” more to the price to pay for the affordable units that are required; if they could sell it at \$550,000, for example, they would have sold it for that price in the first place. Furthermore, if the market value of a unit is \$500,000, a buyer would not pay \$550,000. And, if all a buyer can afford is \$500,000, then the buyer will not spend \$550,000. Ultimately, the price for a unit is dependent on what the market will bear; it is not directly affected by the affordability requirement.

The requirement to add inclusionary units results in substantial costs to a project compared to being allowed to build all market rate units. These costs cannot be passed on to other purchasers because buyers will not pay more because the development costs more; buyers pay what the market will bear relative to the desirability of the unit, the location and the community. Nor will the developer build for a lesser profit (unless the developer is unlucky enough to have purchased land and planned a project under one set of conditions and must sell units under a different set of conditions as a result of an unanticipated City policy.) The land price is the variable that adjusts, over time, to absorb the increased costs of development within the community.

If the cost of inclusionary zoning is not borne by the buyers or renters, but rather the developers (in terms of less profit) or the original landowners (also in terms of less profit), the question then becomes whether or not inclusionary zoning unfairly reduces the profit one can

⁵Barbara Ehrlich Kautz, “In Defense of Inclusionary Zoning: Successfully Creating Affordable Housing,” *University of San Francisco Law Review* – Vol. 36, No 4 (Summer 2002).

realize through the development of property. As the courts have repeatedly shown, zoning laws do not constitute a “taking” unless an owner is deprived of most, if not all, of the economic benefit of a property. Land is a limited community resource, and as such courts have given jurisdictions broad discretion in implementing a variety of land use mechanisms that tend to restrict both the value and the particular use of property in order to achieve objectives that meet the greatest public good.

In most instances – certainly within the State of California – local jurisdictions with inclusionary programs have analyzed them as potential constraints to development. This has been the directive of State HCD: while it pronounces “Housing Element law neutral relative to enactment of mandatory local inclusionary provisions,” the State also notes that there may be tradeoffs that must be discussed in the Housing Element’s constraints section. However, jurisdictions almost always have implemented a number of incentives and cost benefits to mitigate these impacts, so that whatever constraint has been identified there is an offset offered to mitigate it.

As part of its multi-year effort to bring an inclusionary zoning program to the City Council for consideration, a number of extensive reports and studies were presented that provide detailed information on the impacts of an inclusionary program. Concerns had been raised that market-rate buyers were the ones most burdened by an inclusionary requirement. The requirement to add inclusionary units does result in substantial costs to a project compared to being allowed to build all market rate units. These costs cannot be passed on to other purchasers because buyers will not pay more because the development costs more; buyers pay what the market will bear relative to the desirability of the unit, the location and the community. Nor will the developer build for a lesser profit (unless the developer is unlucky enough to have purchased land and planned a project under one set of conditions and must sell units under a different set of conditions as a result of an unanticipated City policy.) The land price is the variable that adjusts, over time, to absorb the increased costs of development within the community.

[Given recent changes in the housing market, the City looked at the potential constraints on the cost and supply of housing in this down economy. The price for land is still quite high, and in this community, housing costs fell less than in other parts of the Bay Area during the worst of the recession -- and in fact have risen in the last year. For example, the Contra Costa Association of Realtors reports that in May 2010, the year to date average price for a single family detached residence in Lafayette had increased by 5.8% over the period last year. Further, the average number of days on the market dropped by -27.2%, representing a market that is again heating up. Based on these indicators, the impact on development of an inclusionary program is probably minor, since developers can ask for whatever the market will bear – and the market is indeed improving.](#)

Lafayette has been implementing inclusionary requirements in the redevelopment area for over a decade, and the intention to expand the program citywide has been clear for many years now. In summary, the City has considered the pros and cons of providing affordable housing through the City’s proposed inclusionary program and has determined that the

benefits far outweigh the costs, especially since developers are afforded incentives to mitigate the costs.

[Update: 2010 – Two published Court of Appeal decisions in 2009 \(*Building Industry Ass’n of Cent. California v. City of Patterson* and *Palmer/Sixth Street Properties L.P. v. City of Los Angeles*\) have together impacted the way communities can implement inclusionary housing ordinances. While most communities in the state have adopted inclusionary ordinances as land use controls, *Patterson* found an inclusionary in-lieu fee to be a type of impact fee, and *Palmer* found that restricting rents in new developments violates State rent control laws. The end result is that local jurisdictions can no longer require affordable rental housing in any newly created housing developments unless the builder receives either money or an incentive provided in density bonus law and agrees by contract to restrict rents. Additionally, should the jurisdiction propose to apply an in-lieu fee, a detailed nexus study is needed.](#)

[Such a nexus study is potentially expensive. Given the fact that the region continues to be economically fragile, the City of Lafayette considered whether such a study – and the implementation of an overall program – is wise at this time. Based on information known at this time, the City will suspend its efforts to enact an inclusionary program at this time, and review the situation towards the end of the planning period. Accordingly, Program H-3.1.5: Establish an Inclusionary Housing Ordinance has been modified to reflect this decision.](#)

Secondary Living Units

Title 6, Chapter 6-5, Article 3 of the Municipal Code sets forth regulations for secondary living units in single-family residential zoning districts. These regulations allow one second-unit per parcel on single-family residential lots provided that certain conditions are met. These include that the second unit:

- does not have more than two bedrooms
- is between 250 sq. ft. and 1,250 sq. ft. if attached to the primary residence and a maximum of 750 sq. ft. if detached
- complies with all applicable building codes
- conforms to existing zoning, fire and other health and safety codes
- is owner occupied or that the primary unit is owner occupied

The second unit ordinance was updated in 2003 to conform to California legislation (Chapter 1150, Statutes of 1990) amended Government Code §65852.1 and 65852.2 relating to second units.

Design Review

Lafayette adopted its Residential Design Review Guidelines on July 30, 1990. The stated goals of the design review process are to 1) minimize the visibility of structures and other improvements and to protect views to the hills, 2) retain natural features of the land, and 3)

protect vulnerable habitat and native vegetation. The guidelines set forth criteria for site and building design and landscaping, with emphasis on hillside and ridgeline areas. The guidelines do not represent a significant constraint to housing production in Lafayette. (See Appendix C)

In 2000 and 2002, the Lafayette City Council approved amendments to the zoning ordinance requiring design review of structures exceeding 6,000 in gross floor area and structures exceeding 17 feet in height. The stated intent of these regulations is to minimize loss of light and privacy to neighbors, to minimize the out-of-scale appearance of large structures, to maintain the existing character of established residential neighborhoods, and to permit reasonable expansion of existing structures.

To streamline the development review process, the City also amended the zoning ordinance to grant the zoning administrator authority to act on a majority of design review applications or refer them to the Design Review Commission.

Condominium Conversions

The conversion of apartment units to condominium units was a major regional problem identified by the Association of Bay Area Governments in the late 1970's. In response, the Lafayette City Council adopted a Condominium Conversion Ordinance in 1979 requiring an evaluation of each potential conversion in the City. The Ordinance provided that the City should deny a conversion if the evaluation revealed that the conversion would be incompatible with the goals and policies of the General Plan.

In 1985, the City Council adopted amendments to the Ordinance (Chapter 32 of Title 6 of the Municipal Code) to allow a maximum of 12 such conversions annually. The provisions also provide for a review of this limitation in order to prevent adverse effects on the City's existing rental stock. The ordinance sets forth a general policy that units appropriate for conversion should be higher-quality units, the loss of which would have the least effect on low- and moderate-income tenants. Thus, while these restrictions place limitations on conversion of rental units to condominiums, they have the beneficial effect of preserving the diversity of the City's housing stock.

Development Fees

Table 38 lists Lafayette's permit, development, and impact fees and provides a comparison of fees for other cities in Contra Costa County. Based on a survey of other cities, Lafayette's fee levels for developers are midway in the range of fees charged by neighboring cities. Total estimated fees for construction of a 2,500 square foot single-family home are \$63,739. It should be noted that over half of this total is from development fees imposed by agencies outside the City's control.

The City requires payment of different fees as a condition of development approval. Fees are tied to the City's actual costs of providing necessary services such as project review and plan

checking fees or are set to recover the cost of needed infrastructure. These fees are reviewed and adjusted periodically; Lafayette's fees were last adjusted in July 2008. Planning fees are a small percentage of the total fees charged so even if the fees are increased, they would not constitute a deterrent to development.

**TABLE 38
DEVELOPMENT FEES FOR LAFAYETTE AND SELECTED CITIES**

City	Construction Estimate	Planning Fees	BP Fees	School Fees	Impact Fees	Utility Fees	Total Fees
Lafayette	\$625,000	\$3,800	\$5,700	0	\$18,546	\$35,693	\$63,739
Pleasant Hill	\$625,000	\$945	\$6,000	\$7,425	\$5,420*	\$35,693	\$55,483
Orinda	\$625,000	\$3,520	\$6,040	\$5,560	\$20,593	\$37,193	\$72,906
Moraga	\$625,000	\$2,050	\$5,715	\$4,785	\$31,657	\$35,693	\$79,900
Walnut Creek	\$625,000	\$2,000	\$13,775	\$3,000	\$2,400	\$35,693	\$56,868

"Other Impact Fees" include assessment fees for parks, drainage and transportation.
Construction estimate based on cost of construction of \$250 per SF. for a 2,500 SF. new house

Since fees, particularly development impact fees, are set to recover the cost of needed infrastructure so that new development can proceed while maintaining desired public service levels, it can be concluded that the City's existing fee levels are appropriate and do not constitute an undue governmental constraint on housing production. At the same time, the City recognizes that development impact fees represent a substantial cost, particularly for affordable housing development; therefore, the City has utilized funds to defray development impact fee costs for affordable housing projects, such as in the Town Center mixed-use project, on a case-by-case basis. The Town Center project contains 75 residential units, 15 of which are subject to affordability covenants. The City and Redevelopment Agency offered the following assistance to the developers of the Town Center project:

**TABLE 39
CITY/RDA ASSISTANCE PROVIDED TO THE TOWN CENTER PROJECT**

Item	Amount (\$)
Site development options by City-hired architects	28,000
Sale of City-owned property at fair reuse value (fair market value: \$512,000, sales price to developer: \$415,000)	97,000
Demolition and clearing, including hazardous materials clearance, of City-owned property and access road.	50,000
50% of the cost of roadway improvements, including curb, gutter, sidewalk and decorative streetlights installation on the access road. (S. Thompson Road)	55,817
Accelerated development incentive relating to item 4 (above)	50,000 (paid in 2007)
50% of the cost of undergrounding the utilities on the access road.	30,700
50% of the cost of installing a signal, decorative pedestrian crosswalks at the project's main entrance at Lafayette Circle and Mount Diablo Blvd. As an incentive, the City offered to pay 100% of this cost if the developer completed the construction of the retail component on or before September 30, 1999.	65,000 (City paid 100%)
Construction of two pairs of ornamental crosswalks across Mount Diablo Blvd., at Lafayette Circle and Dewing Avenue	City paid for Dewing Ave crosswalks

Item	Amount (\$)
50% of the cost of creating a landscaped entryway to the BART station.	12,500
Installation of parking meters on north side of Mount Diablo Blvd.	City paid for acquisition and installation of parking meter heads
Return to the developer the tax increment revenues from the housing project that the RDA would normally have received in exchange for a guarantee that a certain number of units would be set aside for very low and low income households.	estimated 400,000 over 30 year life
Contribution to ensure that all residential units are designed to comply with applicable state and federal laws relating to access by the disabled.	10,000
50% credit towards payment of parkland dedication fees	57,000

Analysis of Costs: Multifamily Residential Versus Single-Family Residential

The following section analyzes the difference in costs to develop both single family and multifamily housing.

Multifamily Assumptions:

New 50 unit MFR development, assuming it is an infill development and therefore does not require CEQA/fees and that it is creating or replacing 20,000 sq. ft. of impervious surface requiring storm water quality control and impervious surface fees. There is no tree removal. Grading will be extensive because project includes underground parking.

**TABLE 40
PLANNING AND DEVELOPMENT FEES PER UNIT OF MULTIFAMILY HOUSING: 50-UNIT SCENARIO**

Item	Cost
Design Review	\$3,800
Storm water Quality Control Implementation	\$175
Storm water control plan	\$625
Waste management review	\$80
Parkland – \$3,785 per unit X 50units	\$189,250
Park facilities -\$3,857 per unit x 50 units	192,850
Park admin = 1% of \$382,100	\$3,821
Walkway fee = \$650.59 per unit x 50 units	\$32,530
Walkway admin fee –\$32.53 per unit x 50 units	\$1,627
Transportation fee – \$3,516 per unit x 50 units	\$175,800
Drainage impact fee – \$0.52 per sq. ft. X 26,600 sq. ft.	\$13,832
Drainage Admin – \$0.03 per sq. ft. X 26,600 sq. ft.	\$798
Total	\$615,188
Total divided by 50 units (per-unit cost)	\$12,304

**TABLE 41
CONSTRUCTION COSTS PER UNIT OF MULTIFAMILY HOUSING: 50-UNIT SCENARIO**

Item	Cost
Clearing and Rough Grading	\$23,546
Joint Trench and Site Utilities:	\$1,309
Site Concrete (with podium):	\$47,589
Paving:	\$540
Striping and Signage:	\$87
Erosion Control	\$120
Landscaping:	\$1,800
\$200 per sq. ft. x 1600 sq. ft	\$320,000
Total Per Unit	\$394,991
TOTAL CONSTRUCTION, PLANNING AND DEVELOPMENT FEES PER UNIT	\$407,295

Single-Family Assumptions:

A new single-family, 50-lot subdivision. Each lot has a 3,500 sq. ft. residence and 5,000 sq. ft. of impervious surface (total including the house). This is not hillside. No tree removal. Not over 17' in height, but requiring design review. Exempt from CEQA.

**TABLE 42
PLANNING AND DEVELOPMENT FEES PER UNIT OF SINGLE-FAMILY HOUSING: 50-LOT SCENARIO**

Item	Cost
Major subdivision – \$8,750 + \$200 per lot	\$18,750
Design Review – \$5,700 per unit	\$285,000
Storm water Quality Control Implementation	\$175
Storm water control plan	\$625
Waste management review - \$80 per unit	\$4,000
Parkland \$6,262 per unit	\$313,100
Park facilities – \$6,380 per unit	\$319,000
Park admin – 1% of \$12,642 = \$126.42 per unit	\$6,321
Walkway fee \$1,076.22 per unit	\$53,811
Walkway admin fee – \$53.81 per unit	\$2,691
Transportation fee \$5,637 per unit	\$326,850
Drainage impact \$.52 per sq. ft. x 5,000 = \$2,600 per unit	\$130,000
Drainage admin \$.03 per sq. ft. x 5,000 = \$150 per unit	\$7,500
Total	\$1,467,823
Total divided by 50 lots (per-lot cost)	\$29,356

**TABLE 43
CONSTRUCTION COSTS PER UNIT OF MULTIFAMILY HOUSING: 50-UNIT SCENARIO**

Item	Cost
Construction 3,500 sq. ft. @ \$250 per sq. ft.	\$875,000
Clearing & Rough Grading	\$9,500
Concrete	\$11,400
Erosion Control	\$750
Joint Trench/Street Lights	\$6,600
Landscaping/Street trees	\$650
Paving	\$10,200
Sanitary Sewer	\$5,700
Signage/ Striping/Monuments	\$1,100
Storm Sewer (includes C-3 requirements)	\$7,950
Water	\$10,428
Total site improvement cost per lot	\$939,278
TOTAL CONSTRUCTION, PLANNING AND DEVELOPMENT FEES PER LOT	\$968,634

Based on the information shown above, the per-unit cost of planning and development fees for single-family housing is more than twice the cost for multifamily housing. Expressed as a percentage of the total development cost per unit, the estimated fees are approximately the same percentage for single-family and multifamily:

**TABLE 44
COMPARISON OF FEES AS A PERCENTAGE OF OVERALL DEVELOPMENT COSTS**

Development Cost for Typical Unit	New Single Family	New Multifamily
Total estimated fees per unit	\$29,356	\$12,304
Total estimated cost of development per unit	\$968,634	\$407,295
Estimated proportion of fee cost to overall development cost per unit	3.03%	3.02%

Building and Municipal Codes

Building codes and enforcement do not constrain housing development in Lafayette. As the City of Lafayette does not maintain its own Building Department, the Contra Costa County Building Inspection Department provides building inspection and building code enforcement services to the City. New construction is required to meet the requirements of the California Building Code (CBC).

The County Building Department inspects housing units when an owner seeks a building permit for additional construction or when a specific complaint relating to the health and safety of the building occupants is received. In conformance with the CBC, the County requires new construction to meet all building codes in effect today, but does not typically require previous work that was completed with the necessary permits to comply CBC with current standards.

In 2004, the City created a code enforcement position to monitor compliance with the zoning ordinance and other sections of the Municipal Code. The City’s code enforcement officer meets on a weekly basis with the County’s code enforcement division to coordinate tasks. A summary of code enforcement activities in 2008 is listed in Table 45. The City attempts to strike a balance between preventing blighted conditions and not setting the standard unnecessarily high. The code enforcement officer also serves as an information officer, providing the homeowners with copies of the City’s regulations and advising them of ways to bring their properties into compliance.

**TABLE 45
YEAR 2008 CODE VIOLATION COMPLAINTS**

Month	Building Code & Zoning	RVs, Boats Trailers and Vehicles	Noise	Signs	Home Business	Encroachment in Public Right of Way	Trees	Livestock	Illegal Dumping	Residential Nuisance
January							2			3
February	2	3					2			5
March	1	1	3			2	1			4
April	3	2					1			3
May	2	1								5
June	3	1					1		1	1
July	1	3		1			2		1	4
August		1	1	1			1			3
September	1	3	1	2		2	1	1	1	2
October	1	2		10						1
November	1	2		5		1	1			2
December		2		1			2			1
Year End Totals	15	21	5	20	0	5	14	1	3	34

Processing Time

Lafayette’s zoning code stipulates residential types permitted by right or with a land use permit in each of its residential zoning districts. There are ten single-family zoning districts in which single family residences are allowed by right (R6, R10, R12, R15, R20, R40, R65, R100, LR5, LR10). Discretionary review by the City is required for new homes over 17 feet in height or over 6,000 square feet in area and for homes within the hillside overlay district. To accelerate review and approval, the zoning code grants the City’s staff zoning administrator authority to act on all applications except those within the environmentally-sensitive restricted ridgeline area. The zoning administrator may forward an application to the Design Review Commission or Planning Commission if she/he feels that it is warranted.

Duplexes and townhouses are permitted by right in two low-density multi family zoning districts (D1, MRT). Higher density multi family is permitted by right in four districts (MRA, MRB, MRO, MRP). Design review approval is required – either by the City’s Zoning Administrator, Design Review Commission or Planning Commission.

High density multi family is allowed with a land use permit in the four downtown districts and one commercial district located outside the downtown (C, C1, SRB, RB, APO). Design review approval is required – either by the City’s Zoning Administrator, Design Review Commission or Planning Commission.

The time taken to process development applications affects housing costs, since interest on loans must continue to be paid. The longer it takes for the development to be approved, the higher the costs will be. The time to process residential developments does not constitute a constraint in Lafayette. The following are estimated processing times for residential development.

**TABLE 46
ESTIMATED PROCESSING TIMES**

Type of Approval or Permit	Processing Time	Approval Body
Building permit	Planning Division - 1/2 to 1 hour Building Department - 2 hours to 2 weeks	City staff Building Inspection
Variance	1-2 months	ZA, DRC or PC
Land use permit	3-5 months	PC
Design review – minor	1-2 months	ZA or DRC
Design review – major	3 months	PC
Minor subdivision	2-4 months	PC
Tract	4-12 months	PC
Rezoning	4-12 months	CC
General Plan amendment	4-12 months	CC
Negative declaration	2 months	PC
Environmental impact report	4-6 months	PC or CC

Note: DRC: Design Review Commission, PC: Planning Commission, CC: City Council

These processing times are comparable to the time taken for processing similar projects in surrounding cities.

[The following table shows the length of time taken to approve recent housing and commercial development applications in the Downtown.](#)

**TABLE 47
PROCESSING TIMES FOR SELECTED PROJECTS**

<u>Name of Project</u>	<u>Entitlement sought</u>	<u>Date deemed complete</u>	<u>Date approved</u>	<u>Time taken</u>
<u>Eden Housing</u>	<u>Land use permit</u>	<u>September 24, 2008</u>	<u>November 20, 2008</u>	<u>2 months</u>
<u>The Woodbury</u>	<u>General Plan Amendment, rezoning</u>	<u>January 12, 2007</u>	<u>September 24, 2007</u>	<u>8.5 months</u>
<u>Lafayette Park Terrace</u>	<u>General Plan Amendment, rezoning</u>	<u>June 15, 2006</u>	<u>October 14, 2008</u>	<u>2 years, 4 months</u>
<u>Lafayette Mercantile mixed use commercial</u>	<u>General Plan Amendment, rezoning</u>	<u>March 5, 2004</u>	<u>July 12, 2004</u>	<u>4 months</u>
<u>Branagh office building</u>	<u>Design review</u>	<u>February 10, 2009</u>	<u>April 2, 2009</u>	<u><2 months</u>

[This table illustrates that the cumulative impact of various City-imposed reviews generally do not negatively impact the time it takes to move projects through the approval process. In the case of the Eden Housing – a 46-unit all affordable senior project – the processing time was significantly shorter than other housing projects, illustrating the City’s commitment to priority processing for affordable housing developments.](#)

To further reduce the time taken to process and review discretionary applications, the City has implemented the following measures:

1. Providing all application forms online
2. Conducting pre-application meetings between City staff and the property owner/developer at no cost to the applicant to discuss and resolve any problems associated with a proposed development
3. Scheduling informal study sessions with the Design Review Commission for a reduced fee prior to the filing of an application
4. Scheduling pre-application joint meetings of the City Council, Planning Commission and Design Review Commission for major projects at no cost to the applicant
5. Bottom-loading the approval process by allowing the zoning administrator to handle almost all discretionary applications

The City currently requires approval of a land use permit to allow residential uses in the Downtown. A land use permit application typically takes three to five months to complete. This Housing Chapter proposes eliminating the requirement for a land use permit and allows residential units by right in the downtown. It is anticipated that implementation of this policy and others contained in this Housing Chapter will reduce the time required for reviewing projects incorporating affordable housing units.

In 1990, the City adopted residential design guidelines for single family homes. The application of these guidelines is recommended particularly for homes in the hillside areas. There is no separate permit required for complying with these guidelines. The City does not have design guidelines for multi family developments.

Infrastructure Constraints

Despite the buildout figures mentioned earlier, there exist potentially significant constraints to increased housing development related to the adequacy of the City’s infrastructure. These include:

- The potable water system is in need of immediate and significant repair and upgrading. Leaks have been identified on several main water distribution lines and several others show signs of deterioration. This problem is being actively assessed by the East Bay Municipal Utility District.
- Several areas have inadequate storm drains and others are in need of repair. It is estimated that there are currently \$15 million in storm drain repairs and upgrades based on City's Drainage Master Plan.
- Traffic congestion on arterials is a significant and worsening problem. Through-traffic during peak hours and during school pick-up and drop-off times are the predominant sources of traffic congestion. Based on the City's Pavement Management System update in 2008, 114 streets within Lafayette are in need of repair and it will cost the City approximately \$18 million to repair them.
- The majority of future residential development will occur downtown, since the City is nearly built out and the majority of remaining vacant and underdeveloped parcels permitting higher-density residential uses are located there. The Downtown is ill equipped to handle a large increase in population since it has few amenities such as parks, trails, and other recreation facilities.
- Financial limitations are acute, since Lafayette is one of the few "no or low property tax" cities in California.
- The impacts of increasing enrollment in an already strained educational system needs to be analyzed.
- The existing hilly topography and layout of the City creates the need to study several safety issues such as seismic constraints and emergency evacuation plans.
- The City has the lowest per capita police staffing in Contra Costa County and steeply increasing costs for police.
- The City has a \$250,000 annual shortfall in revenue for downtown maintenance.

In an effort to address these issues, the City has put forth a number of ballot measures seeking to increase revenue, all of which needed two-third supermajority to pass (numbers in parenthesis indicate the percent that supported the measure):

- 1998: Police Parcel Tax (45%)
- 2004: Road Repair Ad Valorem Tax (58%)
- 2006: Police Parcel Tax (61%)
- 2007: Road Repair Parcel Tax (63%)

None of these measures was successful. In addition, the City placed an assessment district increase before downtown property owners in 2007 to fund downtown maintenance, but the proposal was rejected.

In spite of these setbacks, the City's infrastructure problems have received attention in recent years. Lafayette adopted a Redevelopment Plan in 1995 with a specific projects list designed to remedy many of the City's infrastructure problems that include:

- Redevelopment funds are projected at about \$111M in housing funds and \$35M in non-housing funds over the life of the plan. The redevelopment area covers the downtown where the majority of the City's future housing development would occur.
- Replace and reconstruct storm drains in coordination with street reconstruction projects (ongoing).
- Undertake pavement management efforts including reconstruction of Mt. Diablo Boulevard and other streets located in the project area (The reconfiguration of the Mt. Diablo Blvd. and Moraga Road intersection has been completed)
- Underground utilities and replace streetlights with vintage lamp fixtures in the core downtown area (ongoing).
- Improve traffic, parking and pedestrian circulation in the core business district (ongoing).
- Improve meeting places and provide gathering points and activity areas for Lafayette's senior citizens (the City has commissioned a senior needs assessment study).
- Rebuild and/or upgrade Lafayette's public library facility (a new library is under construction)
- Implement the City's new Downtown Street Improvement Master Plan, which includes planting new and replacing deficient street trees, improving and irrigating street islands, and improving pedestrian walkways (ongoing)
- Procure land and provide convenient off-street parking lots in the downtown area according to the City's master parking improvement plan (This is being studied in the Downtown Strategy and Specific Plan)

Transitional Housing and Supportive Housing

The City's Zoning Code does not define transitional housing or supportive housing as housing types that are any different from traditional residential dwellings. Consistent with the State and federal law, the City treats transitional and supportive housing as a residential use subject

only to those restrictions that apply to other residential uses of the same type in the same zone. Language has been included in Program H-5.1.5 to specifically define transitional and supportive housing in the Zoning Code, noting that these are treated as regular residential uses subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Constraints Housing for People with Disabilities

Both the Federal Fair Housing Act (FHA) and the California Fair Employment and Housing Act (FEHA) impose an affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations “may be necessary to afford” disabled persons “an equal opportunity to use and enjoy a dwelling.” This directive was further enhanced by adoption of Senate Bill 520 in 2002 which amended Housing Element law to require local governments to analyze constraints upon the development and maintenance of housing for persons with disabilities and to remove those constraints or provide reasonable accommodations for housing designed for persons with disabilities.

“Reasonable accommodation” is defined as the act of making existing facilities used by residents readily accessible to and usable by individuals with disabilities, through the removal of constraints within the zoning, permit and processing procedures. Reasonable accommodation was originally meant to provide accommodation for housing for people who needed accommodation on a personal basis. However, the State has taken an expanded view and now considers reasonable accommodation to include land use, development improvements, and accessibility, as well as processing and administration. An accommodation is deemed “reasonable” as long as it does not impose “undue financial and administrative burdens” on the jurisdiction or require a “fundamental alteration in the nature” of its zoning scheme. In other words, the City must create a process to allow disabled persons or developers and operators of housing for people with disabilities to make a claim for relief from whatever constraints they assert exist.

In response to Senate Bill 520 and amended Housing Element law, a program was added to the Housing Chapter of the 2002 General Plan. Program H-3.3.2 states,

Program H-3.3.2: Housing for Persons with Disabilities: Analyze and determine whether there are constraints on the development, maintenance and improvement of housing intended for persons with disabilities, consistent with Senate Bill 520 enacted on January 1, 2002. The analysis will include an evaluation of existing land use controls, permit and processing procedures and building codes. If any constraints are found in these areas, the City will initiate actions to address these constraints, including removing the constraints or providing reasonable accommodation for housing intended for persons with disabilities.

One of the tasks in the Planning Services Division 2005 Work Plan was to implement housing program H-3.3.2. Reasonable accommodation and modification is a process for making residential facilities readily accessible to and usable by individuals with disabilities through the

removal of constraints within land use, zoning, permit and processing procedures. There appear to be no overt constraints in the City's codes or permit and processing procedures. The City adopted the latest California Building Standards Uniform Building Code which includes provisions for accessibility and the zoning ordinance allows the establishment of group homes for up to six persons by right in single-family zoning districts. However, the City's codes, as well as permit and processing procedures, do not facilitate housing for persons with disabilities. The zoning ordinance contains occupancy standards that apply specifically to unrelated adults and not to families. Residential uses on the ground floor in Lafayette's mixed use districts are not allowed and parking requirements do not take into consideration a reduction in parking for special needs housing. Although a variance or land use permit may be granted to overcome these limitations, procedures to process these permits require public hearings and payment of fees between \$1,250 and \$3,750.

Upon review of the City's codes and permit and processing procedures and review of guidance from the Attorney General and the California Department of Housing and Community Development, the City determined that a reasonable accommodation ordinance is an appropriate way to implement Housing Element program H-3.3.2 and the provisions of the FHA and FEHA.

Several cities, including Fremont, Long Beach, Berkeley, San Jose, Santa Rosa, and Woodland, have adopted reasonable accommodation ordinances. Staff reviewed these ordinances and drafted an ordinance that would provide reasonable accommodation procedures for requests for housing designed for occupancy by persons with disabilities seeking relief from land use and zoning regulations and reasonable modification in a policy, practice, or procedure while balancing the City's interest in sustaining and enhancing residential neighborhoods.

As illustrated in the ordinance adopted by the City Council in March 2006, reasonable accommodation requests are to be reviewed by the Zoning Administrator. If the request is de minimus in nature, the Zoning Administrator may issue a reasonable accommodation permit. Requests for reasonable accommodation may include yard encroachments for ramps and other accessibility improvements, hardscape additions that result in noncompliance with required landscaping or open space provisions, and reduced parking where the disability clearly limits the number of persons operating vehicles. Prior to approving a reasonable accommodation request, the Zoning Administrator must make findings related to special need, potential impact on surrounding uses, and whether the requested modification would require a fundamental alteration in the nature or effect of the city's land use and zoning ordinances, programs or policies.

Although a reasonable accommodation request could not include exemption from the requirement for a land use permit if one was required, an applicant could request accommodation in completing application forms or request an alternate time for a public hearing. For example, a disabled person wanting to establish a group home for more than six disabled persons must obtain use permit approval by the Planning Commission. If the applicant cannot drive and their caregiver cannot drive after dark, the applicant can not

request exemption from the land use permit process, but the applicant can request transportation to the evening meeting or request that the meeting occur before it gets dark so the caregiver can drive them.

Reasonable accommodation was originally meant to provide accommodation for housing for people who needed accommodation on a personal basis. However, the State has taken an expanded view and now considers reasonable accommodation to include land use, development improvements, and accessibility, as well as processing and administration. For that reason, section 6-3401, Purpose, is revised as follows, “by providing reasonable accommodation in the application of its land use and zoning regulations and reasonable modification in a policy, practice, or procedure for housing designed for occupancy by qualified persons with disabilities seeking fair access to housing.”

Conclusions

The City has identified that the current requirement that multifamily housing obtain a use permit in the Downtown area, the upper floor setback requirements in the C, C-1 and MRO districts and the current parking code may be constraints to housing development, especially housing that is affordable. Accordingly, the Element contains the following programs to address these constraints:

Program H-2.4.2: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas where such development now requires a discretionary land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.

Program H-5.1.5: Review and Revise the Zoning Ordinance. Review the Zoning Ordinance and consider revisions to the following governmental constraints or potential constraints on the development of housing:

a) Consider the strict regulation of the conversion of existing multiple family residential units in the C, C-1, SRB, and RB Zoning Districts.

b) Include definitions for the following. Ensure that zoning districts where these uses are allowed clearly identify such uses.

- *group homes*
- *emergency shelters*
- *residential care facilities*
- *senior housing*
- *foster care home*
- *family care home*
- *transitional housing*
- *supportive housing*

- Single-Room Occupancy units

c) Ensure that the definition of “family” is consistent with State and federal law.

d) Add language to the Code that specifically indicates that transitional housing and supportive housing are residential uses subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Program H-5.1.6: Downtown Specific Plan Implementation. Following the Downtown Specific Plan adoption, revise the zoning ordinance to address the following constraints on the development of housing:

Parking

Develop and establish measures such as allowing tandem spaces, car lifts and other creative ways to accommodate required parking for developments.

Upper story setback requirements in the C, C-1 and MRO districts

Develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown.

In addition, the City has identified that current residential development requirements – including parking and density – are an impediment to the development of senior housing, especially that which is affordable, since senior housing typically has smaller units and less parking needs. Accordingly, the City Council approved the inclusion of the following program:

Program H-3.2.1: Senior Housing Overlay: Consider creating a Senior Housing Overlay Zoning District. Include criteria that protect neighborhood character and assure good design, as well as flexible parking, setback and other requirements, where applicable.

The City Council approved the Senior Housing Overlay Ordinance in 2010.

Because the development of individual, small infill lots is difficult, given topographical challenges as well as development standards imposed by the City to ensure compatibility with surrounding neighborhoods, the Housing Element includes the following program:

Program H-2.8.6: Lot Consolidation and Redevelopment of Non-Vacant Sites: Where appropriate and available, provide assistance to developers of residential projects to redevelop non-vacant sites. The program may include incentives for lot consolidation for affordable housing purposes such as:

1. Streamlined permitting process, including scheduling joint meetings with City Boards
2. Priority processing of applications
3. Financial assistance from the Redevelopment Agency to pay the processing fees for lot consolidations and/or purchase and consolidate small and odd-shaped lots
4. Technical assistance to property owners and developers including providing assessor parcel data, posting the inventory on the City's web site, offering tours of the Downtown to prospective developers and scheduling pre-application meetings free of charge to explain the City's development standards and review process
5. Fee deferrals to the Certificate of Occupancy phase of the project

The development incentives contained within this section shall encourage the effective utilization and consolidation of parcels to encourage more viable development opportunities. The City will monitor the effectiveness of these incentives on an annual basis and revise as needed.

To provide housing developers with a clear understanding of how the Redevelopment Agency will disburse its 20% housing set aside funds, the Element includes the following program which requires the Agency to develop criteria for prioritizing funds:

Program H-2.8.3: Redevelopment Funding Criteria: Develop criteria to prioritize the funding of affordable housing projects through the Agency's 20% housing set aside funds. Establish a target of contacting at least two affordable housing developers in a fiscal year and offering them financial assistance if their projects meet the City's housing goals. Priority may be given to those projects that:

1. Contain extremely low-income units or units for larger families
2. Utilize a site in the housing inventory
3. Meet more than one goal of the Housing Element
4. Use the funds to leverage additional funding from the County, State or Federal Government
5. Consolidate small lots
6. Require financial assistance to meet the City's parking requirements on site

Finally, to ensure that there is always a supply of sites in the inventory to meet the City's regional housing needs inventory, the following program has been added:

Program H-2.4.3: RHNA Monitoring Program: Maintain the residential sites inventory that can accommodate the City's regional housing needs allocation of 361 units. Update the inventory annually to monitor the consumption of residential and mixed use properties. If sites in the inventory are developed for non-housing purposes, new sites will be added to the inventory to ensure the City's ongoing compliance with the "no net loss" provisions of Housing Element Law. Post the Housing Element sites inventory on the City's website as a tool for developers, and provide as a handout at the public counter.

NON-GOVERNMENTAL CONSTRAINTS TO HOUSING DEVELOPMENT

Nongovernmental constraints include a variety of factors that negatively impact "the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction" {65583(a)(5)}. Clearly, the potential list of all constraints on the development could be quite long, and might include information on national economic conditions and regional geology. However, the analysis in this Housing Element will focus on nongovernmental constraints that significantly impact the provision of housing in the community.

Summary Market Indicators

The following chart from Reed Construction Data shows key indicators in residential construction as of December 2008. While some indicators bode well for residential construction, other changes suggest a deepening economic crisis from which the housing market may take some time to recover.

TABLE 48
KEY INDICATORS OF THE U.S. MARKET ENVIRONMENT — DEC 2008
RESIDENTIAL CONSTRUCTION (NEW AND REMODELING)

	Year Ago	Previous Month or Qtr.	Latest	Level	Recent Trend	Impact on Const.	
New Residential							
Affordability – 30-Year mortgage index (NAR)	119.2	135.2	Oct	141.8	High	Rising	↑
Affordability – 1-Year ARM mortgage index (NAR)	121.0	141	Oct	142.9	High	Rising	↑
Consumer income growth, % change y/y (U.S. Commerce Dept.)	5.6	0.2	Oct	-0.4	High	Falling	↓
Consumer real income growth, % change y/y (U.S. Commerce Dept.)	3.2	-9.2	Oct	-10.4	High	Falling	↓
Employment change, 000s (U.S. Labor Dept.)	60	-320	Nov	-533	Low	Falling	↓
Household net worth, % change y/y (FRB)	8.8	-0.7	Q2	-3.5	Average	Falling	↓
30-Year fixed mortgage rate, % level (Freddie Mac)	6.10	6.14	W/E Dec 18th	5.17	Low	Falling	↓
1-Year ARM mortgage rate, % level (Freddie Mac)	5.5	5.33	W/E Dec 18th	5.09	Low	Falling	↓
Consumer confidence index (The Conference Board)	87.8	38.8	Nov	44.9	Low	Rising	↑
Housing market index (NAHB)	19	9	Dec	9	Low	Steady	↔
Homes under construction, 000s (U.S. Census Bureau)	1,077	881	Nov	857	Low	Falling	↓

	Year Ago	Previous Month or Qtr.	Latest		Level	Recent Trend	Impact on Const.
New home inventory, number-of-months supply (U.S. Census Bureau)	8.6	10.9	Oct	11.1	High	Rising	↑
Existing home inventory, number-of-months supply (NAR)	10.5	10	Oct	10.2	High	Rising	↑
Residential Remodeling							
Existing home sales, 000s (NAR)	5,060	5,140	Oct	4,980	Low	Steady	↔
Building supply store sales, seasonally adj. \$ millions (U.S. Census Bureau)	28,005	26,905	Nov	26,587	Low	Falling	↓
Wood product shipments, seasonally adj. \$ millions (U.S. Census Bureau)	8,402	7,963	Oct	8,050	Low	Falling	↓
Remodeling contractor hours worked, % change y/y (U.S. Labor Dept.)	-10.1	-5.8	Oct	-5.2	Low	Falling	↓
Mortgage refinancing applications, index (Mortgage Banking Association)	2,127	1,281	W/E Dec 12th	4,156	High	Rising	↑

Abbreviations: y/y = year over year; WE = week ending; ARM = adjustable-rate mortgage;

NAR = National Association of Realtors; FRB = Federal Reserve Board;

NAHB = National Association of Home Builders.

Table: Reed Construction Data and Reed Construction Data - CanaData

Financing Availability

The availability of financing can sometimes constrain the development or conservation of housing. Until the end of 2008, home mortgage credit was readily available at attractive rates throughout the U.S. The beneficial effects of lower mortgage interest rates on homeownership affordability are profound. For example, with mortgage interest rates at 10%, and assuming a 15% down payment, a family with an annual income of \$60,000 can qualify to purchase a \$166,000 home. With interest rates at 8%, the same household with the same \$60,000 income qualifies to purchase a \$198,000 home. Were interest rates to fall to 6%, the same household could qualify for a \$242,000 home.

Mortgage interest rates clearly have an influence on homebuyers, especially at the lower incomes. Despite recent substantial cuts in the prime lending rate by the Federal Reserve Board, mortgage rates have generally not seen a concomitant drop. Nonetheless, mortgage rates have general declined since the early 1990s, during which time the rates were as high as 10% to 12%.

A related issue is the financing available for the construction of new housing development. According to the Statewide Housing Plan, land developers purchase raw land, entitle and subdivide it, and, sometimes, depending on the developer and market, install on-site services (e.g., streets, sewers, drainage) and pay for off-site improvements. These activities are

generally carried out two to five years ahead of unit construction. The long lead times and high costs associated with these activities create a considerable risk for the developer.

The State notes that the high levels of risk associated with land development make it difficult for land developers to find investors and financing. As a result, potential land investors typically require large premiums over and above other types of real estate investments. Lenders who make land development loans impose lower loan-to-value-ratios, charge higher rates, and/or require the loan to be a recourse loan. If other, lower-risk lending opportunities are available, lenders may eschew land development loans altogether.

Twenty years ago, private lenders would provide construction financing based on the loan-to-value ratio of 80%. As federal rules changed regarding the regulation of lenders in the 1980s, lenders became more conservative in the underwriting practices they employed in terms of their loan-to-value ratios. Although this reduced the risk to lenders, it negatively impacted the ability of developers to find sufficient funding for new development. In some cases, in the 1990s banks were reported to provide loans of only 50 to 65% of the project's value.

Today, the economic condition in the country is quite dire, and financing for any development is extremely difficult. The foreclosure crisis has also hit the Bay Area, some areas more than others. At the beginning of 2009, there were about 58 units in pre-foreclosure, foreclosure, or in auctions in the City of Lafayette according to RealtyTrac out of a total 9,213 units, or 0.6%. In contrast, in the City of Antioch (also in Contra Costa County), with a total of 33,936 units, almost 870 were somewhere in the foreclosure process (2.5%). Although home affordability has been improving as a result of the increasing numbers of foreclosures on the market, building permits, starts and sales continue to decline because prospective homebuyers either lack access to credit or the confidence to buy. According to industry experts, the recent drop in 30-year fixed mortgage rates to near 5% will cushion the decline in housing but is not enough to stop it. That will take an end to declining home prices and much improved confidence about income security. Neither is likely in the next few months.

In addition, the unexpectedly large drop in housing permits and starts in November 2008 probably reflects in part the loss of credit by homebuilders and developers which forced them to cease building. In the affordable housing market, developers are having difficulty raising enough funds in already-tapped sources to meet their housing cost gaps.

Development Cost

Construction Cost

Escalating land prices and construction costs due to a high demand for housing are major contributors to the increasing cost of housing in the Bay Area. A major impediment to the production of more housing is the cost of construction, which involves two factors: the cost of materials, and the cost of labor. However, the cost of construction varies with the type of new housing and the way it is built. According to the Association of Bay Area Governments, wood

frame construction at 20-30 units per acre is generally the most cost efficient method of residential development. However, local circumstances of land costs and market demand will impact the economic feasibility of construction types.

New York is the costliest city in which to build in the United States, with San Francisco in second place. An affordable project approved in Lafayette, which will begin construction in early 2009, illustrates the real-world implications of high construction costs. This 46-unit development is projected to cost about \$22 million, which translates to about \$264,000 per unit for construction costs alone. Soft costs are an additional \$130,000 per unit, and land costs are about \$82,000 per unit. All told, the per-unit development costs total about \$475,000 per unit.

Cost of Land

The cost of land varies considerably between and within jurisdictions. Market factors, especially the desirability of the location, play an important role in setting property values. Recent projects in Lafayette translate into \$100 to \$150 per square foot.

Overall Construction Cost

All of these factors above serve to impact the overall cost to produce housing, including affordable housing. Developer overhead and indirect costs, such as project management, design, marketing and taxes, typically adds about 10% to 15% of total costs. Financing of the construction project typically represents another 15% of the total costs. As noted in the Eden example above, the total cost per unit can run more than \$475,000, which equals more than \$530 per square foot of building space.

ENERGY CONSERVATION, CLIMATE CHANGE, AND SUSTAINABILITY

The City encourages energy conservation in residential projects. The building orientation, street layout, lot design, landscaping, and street tree configuration of all residential projects are reviewed in order to maximize solar access and energy conservation. Residential structures must meet the requirements of Title 24 relating to energy conservation features of the Uniform Building Code.

The City adopted its Environmental Strategy in November 2006. Since then, staff, the Environmental Strategy Task Force, and other citizen volunteers have been implementing this sustainability policy for the community. Included in this effort has been the discussion of green building guidelines. Most Bay Area cities have implemented or are in the process of developing green building programs, and the City intends to develop guidelines over the next two years. Having a consistent standard throughout the region will make green programs easier to accept by the development and construction community.

The City adopted the following mission statement and guiding principles related to its environmental efforts:

“The City of Lafayette is committed to developing and implementing environmental policies and programs that will enable the City and its residents to meet their present needs without sacrificing the ability of future generations to meet their needs.”

1. The City recognizes that to achieve its commitment it requires the effort of individual community members and that it has an important role in educating its citizens and acting as a model. In fulfilling its commitment, the City of Lafayette should be guided by the following principles:
2. The importance of environmental sustainability should be considered in City policy and decisions.
3. The protection, preservation and restoration of the natural environment are high priorities of the City.
4. Broad community cooperation among the City government, businesses, residents, community organizations, and schools and other service providers is essential to effective community governance.
5. Community awareness, responsibility, participation and education are key elements of an environmentally sustainable community.
6. Environmental quality, economic health and social equity are related.

7. The City recognizes that it is part of a wider community and that local environmental issues cannot be separated from their broader context.

Some cities have started out with mandatory requirements. Others are only doing voluntary programs. Many cities have a hybrid approach – starting out with a voluntary guideline program and then introducing mandatory requirements in phases. This approach has two benefits. It provides a period of time for public education and for staff to get familiar with green building techniques. It also allows time to create a pool of qualified reviewers, either our staff with training or outside certified consultants. Having this pool is one of the barriers cities have been facing to moving forward with mandatory programs; there are not enough people trained to check plans for compliance with Build It Green or LEED standards.

ICLEI, Local Governments for Sustainability (of which Lafayette is a member), is an international association of local governments as well as national and regional local government organizations that have made a commitment to sustainable development. Over 1004 cities, towns, counties, and their associations worldwide comprise ICLEI's growing membership. ICLEI works with these and hundreds of other local governments through international performance-based, results-oriented campaigns and programs.

ICLEI is attempting to standardize the work being done by cities and counties to establish greenhouse gas emission baselines and develop action plans for reducing these emissions. Alameda County and its cities were the first to go through a process together to do this work with assistance from ICLEI. Contra Costa County and its cities are now going through the process.

This work has taken on more importance since the passage of AB32 with its goal to reduce the state's greenhouse gas emissions to 2000 levels by 2010 (11% reduction), 1990 levels by 2020 (25% reduction), and 80% below 1990 levels by 2050. These reductions will be accomplished through an enforceable statewide cap on statewide emissions that will be phased in starting in 2012. To implement the cap, AB32 directs the California Air Resources Board to develop appropriate regulations and establish a mandatory reporting system to track and monitor emission levels. Additionally, AB 32 requires that the Board use the following principles to implement the cap:

- Distribute benefits and costs equitably
- Ensure that there are no direct, indirect, or cumulative increases in air pollution in local communities
- Protect entities that have reduced their emissions through actions prior to this regulatory mandate
- Allow for coordination with other states and countries

The second and third bullets are relevant to cities. There is a sense that at some point – 5 years, 10 years from now – the State will impose some level of mandatory requirements on cities to reduce emissions at the local level. This could be through a mandatory sustainability element of general plans, adopted emission reduction actions plans, and/or green building

ordinances. The third bullet is important because the cities that have their general plan elements, action plans, green building ordinances, or other emission reduction programs in place before regulations take effect are in better positions.

The City of Lafayette's General Plan, adopted in 2002, encourages growth and a new direction for the Downtown and Redevelopment Area, while preserving and enhancing the center of Lafayette as a place where residents, employees, and visitors can congregate, take part in civic activities, and enjoy the ambiance of small town life. To ensure a vibrant Downtown that is the community's commercial, civic, and cultural center, the City encourages a mix of uses, creating a pedestrian-oriented environment, improving the appearance and function of the commercial areas, promoting multi-family residential uses and mixed use development, and preserving historic sites and structures.

Plans for the Downtown area promote creation of distinct, convenient, attractive, and safe commercial areas that serve and complement the existing residential neighborhoods throughout the rest of the city. Lafayette strives to establish the Downtown Core as the center of commercial and cultural life, with a mix of retail, office, commercial, and residential uses to meet all needs of the community and visitors. The City envisions a revitalized West End Commercial Area with a mix of office and office-related service activities, including an emphasis on restaurants, business services, office support activities, and housing. Plans to improve the appearance and function of the East End Commercial Area involve consolidation and redevelopment of under-performing properties, and creation of new employment that will help restore the City's jobs and housing balance.

As Downtown Lafayette continues to evolve, new retail, residential and commercial projects are being introduced. Lafayette Mercantile, a 55,000 square foot mixed-use retail and office building at the corner of Mount Diablo Boulevard and Lafayette Circle, was completed in early 2008. The Veteran's Memorial Building, an award-winning 10,000 square foot flexible-use facility, opened its doors in 2005. In addition, Lafayette will continue to encourage the construction of higher density housing in its downtown consistent with the goals of the General Plan. Eden Housing, a premier nonprofit housing developer, has acquired a site in the Downtown with financial assistance from the Lafayette Redevelopment Agency. Eden plans to construct 46 affordable senior apartments. Other recently-approved applications include The Woodbury, a 65-unit condominium project, and Lafayette Park Terrace, an 18-unit condominium project.

Through the application of transit-oriented, mixed-use policies, Downtown Lafayette will address regional growth issues, creating a more sustainable jobs/housing balance, encouraging transit use, and improving livability. Downtown Lafayette will be vibrant, complete community that will attract residents and visitors by its walkability, access to employment and educational opportunities, as well as the natural beauty and recreational opportunities within a half mile of the BART Station.

In order to fully realize its vision for Downtown, the City is undertaking the Downtown Strategy, a comprehensive vision and specific plan for housing and commerce that will guide the direction of development in the Priority Development Area for the next 20 years. The City was awarded a \$150,000 Station Area Planning grant from the Metropolitan Transportation Commission and Association of Bay Area Governments to complete the environmental review of the draft Strategy document once it is completed.

In addition, in December 2007, the City was awarded a \$75,000 climate protection planning grant from the Bay Area Air Quality District. The purpose of the grant is to incorporate climate protection modeling as part of the land use and circulation alternative analyses. The results of this modeling will be available later in the Strategy planning process.

As a companion effort to the Downtown Strategy, the Downtown also was recently designated a Priority Development Area by the Association of Bay Area Governments. Priority Development Areas (PDAs) are locally-identified, infill development opportunity areas within existing communities. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing.

A central aspect of this Priority Development Area is to utilize and enhance existing transit infrastructure by improving local connections to the BART Station and County Connection bus routes. The Walkways Master Plan will provide Lafayette with a system of walkways for safe and efficient pedestrian movement throughout the city, and connect residential areas with the downtown, public transportation, schools, community amenities, parks, City and regional trail systems. The Bikeways Master Plan includes a citywide system of bike lanes, bike routes, bike paths, bicycle parking and other facilities to allow for safe, efficient, and convenient bicycle travel within Lafayette and connections to regional destinations.

Residents, employees, and visitors to the Downtown area can also take advantage of nearby open spaces. These include Briones Regional Park, which is an easy walk or bicycle ride from BART, and the Lafayette Reservoir, which offers paddleboats, playgrounds, miles of walking paths, and 550 acres of unspoiled natural oak woodland. The Trails Master Plan will enhance Lafayette's existing network of over sixteen miles of community trails and will develop and maintain new trail opportunities. Trails link Lafayette's neighborhoods and serve as feeders to regional trail networks and parks, such as the Lafayette-Moraga Trail, the Lafayette Reservoir, Briones Regional Park and Las Trampas Regional Park.

Providing educational opportunities for all residents remains a priority of the City, both to create and sustain long term demand for housing, and to serve as a point of pride in the community. The Lafayette Library and Learning Center, at the corner of Mount Diablo Boulevard and First Street, broke ground in March 2007. It is within easy walking distance of

downtown residents, and provides a multitude of educational and cultural activities to the region.

INVENTORY OF HOUSING SITES METHODOLOGY

In order to accurately assess the capacity for housing development – especially multifamily housing – in the City of Lafayette, staff conducted an extensive site-by-site review of parcels located in the Downtown area, to ascertain current development trends and potential for future development. A number of steps were taken to ensure that each identified site could realistically be developed or redeveloped within the planning period:

1. **Review of adjacent land uses to assess compatibility with existing uses.** Sites that are listed in the inventory are generally adjacent to existing residential uses, or in areas where residential uses should be encouraged.
2. **Analysis of adjacency of services.** Distances to services (grocery and drug stores, BART, bus service) were calculated. Also analyzed was the availability of infrastructure. The City’s policy is to ensure that housing, especially multifamily affordable, has proximity to services in order to be competitive for affordable housing funding.
3. **Calculation of reasonable building footprint based on unusual or difficult topography.** Each site was assessed for topographical constraints and opportunities wherein changes in topography could be used to add an additional storey without increasing the mass of development. Realistic capacities were reduced if sites possessed challenging terrain.
4. **Assessment of the parcel’s past history and current status.** Staff researched the sites to determine whether active businesses had expiring leases, whether the site contained abandoned or dilapidated buildings, etc. Further, sites were reviewed to determine whether current uses were appropriate for redevelopment and/or relocation.
5. **Discussion of owner interest in selling or developing the parcels.** The City has had extensive discussions about potential development with a wide variety of property owners of several sites. The inventory notes these discussions where applicable.
6. **Analysis of the feasibility of lot consolidation.** While the Element generally requires lot consolidation in order to achieve large enough sites to support development, the City has an established track record of lot consolidation for a wide variety of projects. Lafayette’s downtown -- in which all services such as grocery and drug stores, civic and cultural facilities and the BART station are located -- is almost entirely built out. Recent examples of successful lot consolidation efforts include (1) the Lafayette Mercantile project in which five parcels under different ownership (including two former gas stations) were purchased by the developer for a mixed use project, (2) The Woodbury project in which an operating motel and a newly opened restaurant under separate ownership were purchased for a 65 unit condominium project and (3) the 2007 purchase by a housing developer of six parcels under two separate owners. These parcels when purchased contained successful businesses including a restaurant and a garden supply store.

7. Application of proposed Downtown Specific Plan requirements (which directs retail on the ground floor along Mt. Diablo frontage with housing above or behind). The inventory classifies development on sites that front Mt. Diablo Blvd. as mixed use (housing over commercial) and development on sites away from Mt. Diablo Blvd. as all-housing. The yield per site was calculated based on these designations, and therefore are less than were these sites devoted to all-housing.
8. Age of structures. The majority of the structures on the identified sites were built between the 1930s and 1970. Many of them are in need of upgrades to meet current building codes. While some of the buildings on the identified sites house operating businesses, parcels with operating businesses have recently been acquired and consolidated for larger developments such as The Woodbury and Lafayette Mercantile. Buildings built prior to 1950 (>60 years old) are identified in Appendix C.
9. Development trends. Of the eight major development applications or study sessions that the City considered in the Downtown between 2006 and 2010, six (75%) were for multifamily residential projects (listed in Item 10, below) and only two for commercial projects – Lafayette Mercantile and the Branagh office building. This demonstrates that even though sites may allow commercial or residential, the majority have been developed as residential in recent years. Also during this period, land in the Downtown was purchased by residential developers SRM/Merrill Gardens, Eden Housing and The Woodbury. The City has therefore seen an increased demand for housing sites in the Downtown. We expect this trend to continue for the rest of the planning period for the following reasons:
 - (a) Downtown revitalization. Efforts of the City and Redevelopment Agency in the last decade have made Downtown Lafayette a desirable place in which to live. Today, in addition to the BART station, Downtown Lafayette has a state-of-the-art library and learning center which offers great amenities for children and seniors, several new family restaurants, three major grocery stores and one more opening this year, and an improved pedestrian and bikeway system.
 - (b) Lafayette's excellent schools. One elementary school is located in the Downtown and the middle school is within walking distance.
 - (c) City commitment to encourage housing in the Downtown. This is evidenced by the policies in this Chapter, the increased densities that will be allowed through the proposed senior housing overlay district, the City's adopted density bonus guidelines and the requirement of the Redevelopment Agency that each housing project set aside at least 15% of the units for households of very low, lower and moderate incomes.

(d) Downtown Specific Plan. The draft Plan contains goals to promote the development of housing in the Downtown including:

- i. Allow housing by right in the Downtown
- ii. Review and update existing development standards to ensure that the distinct character of the Downtown residential neighborhoods is preserved, existing multi family development is protected, and new multifamily development is encouraged.
- iii. Review and update current parking codes
- iv. Encourage sustainable development and the location of housing close to transit and services

(e) The availability of Redevelopment Agency funds to assist affordable housing projects. It is estimated that by the end of the planning period (2014), the Redevelopment Agency housing set aside fund will total approximately \$7.3 million.

10. Entitled projects/study sessions. There are sites that have already been entitled for housing projects and others for which study sessions have been held to review proposed multi family projects. As noted in #9 above, these are sites that could have been developed either with commercial or with housing, yet were developed for housing. They include:

TABLE 49
RECENT PROJECTS ON SITES CONVERTING FROM COMMERCIAL TO RESIDENTIAL

<u>APN/ Site #</u>	<u>Number of units</u>	<u>Status</u>
<u>241-010-024, 033, 034, 040/ #2</u>	<u>65</u>	<u>Approved</u>
<u>241-020-013, 014, 015 / part of #4)</u>	<u>50</u>	<u>Study session held</u>
<u>243-040-035/#6</u>	<u>82</u>	<u>Three study sessions held</u>
<u>233-040-038/#18</u>	<u>46</u>	<u>Approved</u>
<u>233-132-049/#22</u>	<u>25</u>	<u>Study session held</u>
<u>TOTAL</u>	<u>268</u>	

11. Single owner parcels. Not all sites in the inventory have multiple owners. A number of sites are under single ownership. They are:

TABLE 50
INVENTORY SITES IN SINGLE OWNERSHIP

<u>APN/ Site #</u>	<u>Number of units</u>
<u>241-010-024,033,034,040/#2</u>	<u>65</u>
<u>241-020-013, 014, 015 /part of #4)</u>	<u>50</u>
<u>243-040-035/#6</u>	<u>82</u>
<u>233-040-038/#18</u>	<u>46</u>
<u>233-131-020,022/#21</u>	<u>18</u>
<u>234-041-001/#9</u>	<u>60</u>
<u>233-040-013,014,015,016,028,029/#15</u>	<u>35</u>
<u>233-040-024,039/#17</u>	<u>25</u>
<u>243-150-017/#7</u>	<u>10</u>
<u>TOTAL</u>	<u>391</u>

By including each of these factors, the inventory’s resulting capacity is conservative; for example, a site may have a calculated capacity of 30 dwelling units but because of the site’s topography or location on Mt. Diablo Blvd., its realistic capacity is only 15 units. Although nothing in the inventory specifically prevents a site from being developed closer to its calculated capacity, the City has intentionally adopted a conservative stance to ensure that there is adequate capacity for the inventory without having to move outside the Downtown to achieve its housing goals. It has been, and continues to be, the City’s policy to focus housing, especially multifamily of all kinds, in the Downtown to preserve hillsides and the outlying areas’ semi-rural character. Focusing housing on the Downtown area further improves developers’ ability to be competitive for dwindling housing resources at the State and federal level, since proximity to services continues to be a significant criterion for funding applications of all types.

Additionally, only those sites with a realistic capacity of 40 or more units were identified as potentially affordable sites, since affordable housing developers have indicated that they need at minimum 40 units in a project to make it “pencil.” Those sites with fewer than 40 units of realistic capacity were identified as primarily above-moderate income, except when the parcel(s) fall in the Redevelopment Project Area, where the 15% inclusionary requirement is applied.

Given all of these factors, the overall realistic inventory of sites is calculated at 749 units, of which more than half (388 units) can be counted as lower income. This includes reducing the inventory total by 14 dwelling units that would need to be relocated or incorporated into new developments. The following table summarizes the inventory calculations:

**TABLE 51
INVENTORY SUMMARY**

<u>Total Area (Acres)</u>	<u>Total Mathematical Capacity</u>	<u>Total Realistic Capacity</u>					<u>Realistic Capacity as a Percent of Total</u>
		<u>ELI/VLI</u>	<u>LI</u>	<u>MOD</u>	<u>AMOD</u>	<u>TOTAL</u>	
<u>28.99</u>	<u>976 units</u>	<u>162</u>	<u>97</u>	<u>129</u>	<u>375</u>	<u>760</u>	<u>78%</u>
	<u>Relocated/Incorporated Units</u>				<u>14</u>		
	<u>Net Capacity</u>	<u>162</u>	<u>97</u>	<u>129</u>	<u>361</u>	<u>749</u>	
	<u>RHNA</u>	<u>113</u>	<u>77</u>	<u>80</u>	<u>91</u>	<u>361</u>	
		<u>143%</u>	<u>126%</u>	<u>161%</u>	<u>397%</u>	<u>208%</u>	
	<u>Total Lower-Income</u>	<u>388</u>					
	<u>RHNA</u>	<u>270</u>					
	<u>% of RHNA</u>	<u>144%</u>					

PRESERVATION OF UNITS AT RISK OF CONVERSION TO MARKET RATE

There is one development in Lafayette that is potentially at risk of conversion to market rate within the next ten years: Chateau Lafayette, with 66 Section 8 units (one manager unit). This independent living development is owned and managed by the Lafayette Senior Housing Association, a 501(c)(3) nonprofit. In addition to Section 8, funding assistance was provided by the State of California. Currently, the expiration date for HUD assistance is listed as 8/28/18.

Cost Analysis of Preservation

Given the housing market in the Bay Area, recent significant increases in rental rates, and owners foreclosed throughout the Bay Area looking for rental housing, conversion to market rates is likely to be an attractive option for owners of at-risk properties. However, this project is considered at low-risk as the owner is a nonprofit with an interest in preserving its units' affordability for its residents. This type of housing is in high demand in Lafayette, and in fact this development's waiting list – now closed – has more than 50 people on it.

The cost of producing an affordable unit to replace a lost unit is extremely high. The City is currently assisting in the development of the 46-unit independent senior project, which is being undertaken by Eden Housing. This project currently estimates the cost to develop each unit at approximately \$425,000. Translated to Chateau Lafayette, the cost to replace the existing Section 8 property would be more than \$28 million. In contrast, the cost to preserve the development could be more on the order of \$80,000 per unit in subsidy, or \$5.4 million overall.

Preservation of at risk units can be accomplished in several ways, including acquisition of the property by qualified nonprofit housing corporations, local housing authorities, or other organizations that are committed to long-term affordable housing. As part of the financing of this type of acquisition, long-term regulatory restrictions are recorded against the property, removing the risk of conversion.

Resources for Preservation

The City will actively work with HUD, the owner, and other interested parties to extend affordability restrictions to preserve the affordability, utilizing state or federal programs for any units that are at risk of conversion to market rate in the future. If the project requires financial assistance from the City, resources include Redevelopment Agency Housing Set-aside funds. Priority of City resources will be given to preserve at risk units if need be. The following is a partial list of qualified entities that can assist the City in preserving these units; they represent those organizations located in, or operating in, Northern California.

TABLE 52
SELECTED LIST OF QUALIFIED PRESERVATION ENTITIES)

<u>Organization</u>	<u>City</u>
Bank of America, N.A.	San Francisco
A. F. Evans Development, Inc.	Oakland
Affordable Community Housing Trust	Sacramento
American Baptist Homes of the West	Pleasanton
Bridge Partners	Walnut Creek
Cabouchon Properties, LLC	San Francisco
California Coalition for Rural Housing	Sacramento
California Housing Finance Agency	Sacramento
California Housing Partnership Corporation	San Francisco
California Human Development Corporation	Santa Rosa
Citizens Housing Corp	San Francisco
Domus Development, LLC	San Francisco
EAH, Inc.	San Rafael
Hendricks & Partners	Rancho Cordova
Mercy Housing California	San Francisco
National Housing Trust	Walnut Creek
Paramount Financial Group, Inc.	Walnut Creek
Petaluma Ecumenical Properties Inc.	Petaluma
Resources for Community Development	Berkeley
SLSM, LLC	San Francisco
The John Stewart Company	San Francisco
The Trinity Housing Foundation	Walnut Creek
Union Partners Realty Group, Inc.	San Rafael
USA Properties Fund	Roseville
Affordable Housing Associates	Berkeley
Alameda County Allied Housing Program	Hayward
BRIDGE Housing Corporation	San Francisco
C. Sandidge and Associates	Hercules
Christian Church Homes of Northern California, Inc.	Oakland
Community Housing Developers, Inc.	San Jose
Community Housing Development Corp.	Richmond
Community Housing Opportunities Corporation	Davis
Contra Costa Community Development Department	Martinez
East Bay Asian Local Development Corporation	Oakland
Eden Housing, Inc.	Hayward
Eskaton Properties Inc.	Carmichael
Foundation for Affordable Housing, Inc.	San Jose
Kendra Care Incorporated	Sacramento
Matinah Salaam	Concord
Northern California Land Trust, Inc.	Berkeley
O.P.E.N. Inc	Oakland
Oakland Community Housing, Inc.	Oakland
Pacific Community Services, Inc.	Pittsburg
Phoenix Programs Inc.	Concord
Resources for Community Development	Berkeley
Richmond Neighborhood Housing Service Inc.	Richmond
Rubicon Programs, Inc.	Richmond
Rural California Housing Corp	West Sacramento
Satellite Housing Inc.	Berkeley
Senior Housing Foundation	Clayton
Vallejo Neighborhood Housing Services, Inc	Vallejo
Walnut Creek	Walnut Creek

SECTION II: HOUSING GOALS, POLICIES AND PROGRAMS

Goal H-1 **Conserve and improve the existing housing supply to provide adequate, safe, and decent housing for all residents, with emphasis on maintaining the semi-rural character of the City.**

Policy H-1.1 Housing Rehabilitation: Pursue available funding for the preservation, rehabilitation and weatherization of viable older housing to preserve neighborhood character and retain a supply of housing units for all income categories.

Program H-1.1.1: Rehabilitation/Preservation Program: Support the Contra Costa County Housing Authority (CCCHA), which provides low interest loans for the rehabilitation of homes owned or occupied by low- to moderate-income households. The City will continue to assist in citizen awareness of this rehabilitation loan program by a) making pamphlets on this program available at City Hall and at the public library; b) contacting neighborhood groups in older residential areas with this information; c) continuing building code enforcement through the County's Building Division; and d) continuing to provide updated information through the City's website, Vistas (the City newsletter) and other relevant media.

Responsibility: Planning Division
Financing: City and County funds
Scheduling: Ongoing

Program H-1.1.2: Code Enforcement Program: Continue the code enforcement program to encourage the rehabilitation and/or elimination of physically obsolete and substandard housing.

Responsibility: Planning Division
Financing: City
Scheduling: Annually as an ongoing program

Policy H-1.2 Conversion of Residential Units: Discourage the conversion of older residential units to other uses.

Program H-1.2.1: Maintenance of Existing Residential Zoning: Retain existing residential zoning and revise the Zoning Ordinance to disallow commercial uses, other than residential businesses, in these zones. Continue to require architectural review of non-residential structures (e.g. schools, churches, fire houses, police stations, utility structures) in residential zones to ensure conformity with existing neighborhood character.

Responsibility: Planning Division
Financing: City Funds
Schedule: Ongoing

Program H-1.2.2: Conversion of Housing Units Downtown: Develop an inventory of residential units that have been converted to non-residential uses without the required permits and in violation of the Zoning Ordinance in the C, C-1, SRB, and RB zoning districts. Work with property owners to convert and reclaim these units back to their original residential use.

Responsibility: Planning Division, Code Enforcement
Financing: City
Scheduling: [2011 and 2012](#) for the inventory, and annually as an ongoing program

Policy H-1.3 House Sharing: Support house-sharing programs for seniors.

Policy H-1.4 Condominium Conversions: Continue to limit conversion of existing rental housing units to market rate condominiums. Conversion to limited equity cooperatives and other innovative housing proposals that are affordable to low and moderate-income households are permitted.

Program H-1.4.1: Condominium Conversions: Consider amendments to the existing condominium conversion regulations (Chapter 32 of Title 6 of the Municipal Code). Amendments that would be considered include exemption of limited equity residential cooperatives that provide long-term affordability for the units; requirement of relocation assistance by the proponent when units are converted; and requirement of first right of refusal by occupants. Where there are existing affordable units, require conversion projects to retain the same number of affordable units when they convert to ownership. Periodically review the provisions of the Condominium Conversion Ordinance to ensure that it adequately protects the existing rental housing stock. Conversions will require that 15% of the units be set aside for affordable housing.

Responsibility: Planning Division
Financing: City
Scheduling: Review in 2010; amendments as required

Policy H-1.5 Energy Conservation, Sustainability and Climate Change: Promote available energy conservation programs, and develop new programs to address sustainability and climate change issues.

Program H-1.5.1: Energy Conservation Program: Provide information for public distribution on programs which provide assistance for energy conservation improvements, and information on sustainability and climate change. . Make this information available on the City’s web page, at the City offices, the Contra Costa County Building Inspection Department, the Lafayette Library and at the annual Earth Day event. [Coordinate community activities and programs with Sustainable Lafayette.](#)

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Program H-1.5.2: Green Building Program: Develop a green building program for residential, industrial and commercial uses. Consider offering incentives to property owners whose buildings exceed the City’s minimum requirements such as granting Green Awards, posting details of the building on the City’s web site, and providing plaques certifying that the building exceeds the City’s minimum green building standards. [The draft program was developed by the City’s Environmental Task Force, and it is based on the Build It Green checklist. It will require different types of projects to achieve a minimum number of checklist points.](#)

Responsibility: Planning Division
Financing: City
Scheduling: 2012~~4~~

Program H-1.5.3: Annual Earth Day Event: [Continue to co-sponsor the Earth Day event with Sustainable Lafayette and Lafayette Chamber of Commerce](#) which is held annually in Downtown Lafayette. At this event, booths are provided to the local schools and other organizations interested in environmental sustainability to help them publicize their efforts to promote sustainability.

Responsibility: City Council
Financing: City, [Sustainable Lafayette](#) and Chamber of Commerce
Scheduling: Annual

Program H-1.5.4: Home Energy Retrofit Program: Work with Contra Costa County to offer subsidized home energy assessments and rebates on the cost of energy efficiency improvements to residents proposing home improvement projects that achieve at least a 20% reduction in home energy consumption.

Responsibility: Planning Division
Financing: State Energy Program grant
Scheduling: 2010 and 2011

Program H-1.5.5: Implementation of AB 811 for Residential Energy Financing: Join the CaliforniaFIRST energy and efficiency financing program to implement AB 811.

Responsibility: City Council
Financing: City
Scheduling: Completed

Policy H-1.6 Expansion of Homes in Existing Neighborhoods: Review the Zoning Ordinance to ensure that it adequately requires the remodel or expansion of homes to be in keeping with the character of the surrounding neighborhood.

Program H-1.6.1: Review Existing Zoning Regulations that Protect Existing Smaller Units: Consider a "House Size Ordinance" to ensure that adequate protection exists to prevent the replacement of small units with larger and more expensive units that are not in keeping with the character of the neighborhood.

Responsibility: Planning Division
Financing: City
Scheduling: 2009 - 2011

Policy H-1.7 Capital Improvements. Ensure that existing neighborhoods' capital improvement needs are addressed.

Program H-1.7.1: Capital Improvement Program: Provide for annual review by the Planning Commission and City Council of the City's Capital Improvement Program (CIP) to determine what special priorities are needed for capital improvement projects required to maintain the community's older residential neighborhoods. Review of the CIP shall also include verification that areas needing improvement are scheduled for funding to address these needs at a specific time in the future.

Responsibility: Community Development Department
Financing: City
Scheduling: Annually as an ongoing program

Policy H-1.8: Retention of Existing Lower-Income Units. Seek to retain existing subsidized very low-, low- and moderate-income housing units, especially those that will be available for conversion to market rate housing. Retention of such units should have high priority for available funds.

Program H-1.8.1: Ongoing Monitoring of Conversion Risks: Monitor affordable projects at risk of conversion to market rate. Maintain regular communication with the owners of any subsidized projects in Lafayette to keep up-to-date on plans to maintain affordability. Assist in outreach and education to tenants as needed. No market rate conversions are anticipated during 2009-2014.

Responsibility: Community Development Department
Financing: City
Scheduling: Annually as an ongoing program

Program H-1.8.2: Ongoing Monitoring of Federal Preservation Activities: Monitor Federal actions and appropriations regarding extension of Section 8 contracts, and actively support additional appropriations.

Responsibility: Community Development Department
Financing: City
Scheduling: Annually as an ongoing program

Program H-1.8.3: Respond to Notices of Intent to Prepay: Support efforts to retain existing FHA and HUD subsidized low-income units through use of local, regional and national resources, CDBG funds, Redevelopment Housing Set-Aside funds, and other solutions.

Responsibility: Community Development Department
Financing: City
Scheduling: Annually as an ongoing program

Program H-1.8.4: Support Ongoing Rental Subsidies in Lafayette: Continue to support the County Housing Authority housing rental subsidies to lease units in Lafayette for very-low and low-income households. The Section 8 program is the most useful program the City has to subsidize families in rental apartments, and its continuation is important to maintain some subsidized rentals for families

Responsibility: Community Development Department
Financing: City
Scheduling: Annually as an ongoing program

Goal H-2 Facilitate and encourage the development of diverse housing types and additional affordable housing units to accommodate a diversity of Lafayette citizens in terms of age and socio-economic background and to meet regional housing needs as quantified in this Chapter.

Policy H-2.1 Mixed Use: Encourage the rehabilitation and development of residential uses in commercial areas where the viability of the commercial activities would not be adversely affected.

Program H-2.1.1: Housing Rehabilitation in Non-Residential Areas: Encourage housing rehabilitation in commercial zoning districts.

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Program H-2.1.2: New Mixed-Use Developments: Support projects that include a mix of both residential and commercial development in the Downtown, as appropriate. For projects fronting downtown streets, consider requiring that housing be located on upper floors, allowing for commercial uses on the ground floor.

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Policy H-2.2 Limited Equity Cooperatives and Sweat Equity Projects: Support limited equity residential cooperatives and other nonprofit enterprises such as sweat-equity projects designed to provide affordable housing, consistent with the City's zoning regulations.

Policy H-2.3 Large Scale Commercial and Office Projects: Consider impacts on housing demand in the environmental review process of large-scale commercial and office projects.

Policy H-2.4 Regional Housing Needs: Provide for additional housing by encouraging the construction of multifamily housing in areas where there is appropriate zoning for this use.

[Program H-2.4.1: Downtown Strategy and Specific Plan: Complete the Downtown Strategy and Specific Plan. Ensure that the policies and programs in the Specific Plan are consistent with this Chapter and do not add constraints to the development of housing in the Downtown.](#)

Responsibility: Planning Division
Financing: City and Redevelopment Agency
Scheduling: 2011

Program H-2.4.2: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas where such development now requires a discretionary land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.

Responsibility: Planning Division
Financing: City
Scheduling: 2011

Program H-2.4.3: RHNA Monitoring Program: Maintain the residential sites inventory that can accommodate the City's regional housing needs allocation of 361 units. Update the inventory annually to monitor the consumption of residential and mixed use properties. If sites in the inventory are developed for non-housing purposes, new sites will be added to the inventory to ensure the City's ongoing compliance with the "no net loss" provisions of Housing Element Law. Post the Housing Element sites inventory on the City's website as a tool for developers, and provide as a handout at the public counter.

Responsibility: Planning Division
Financing: City
Scheduling: Annually, as part of the Housing Element Annual Report

Policy H-2.5 Second Dwelling Units: Continue to support the construction of second dwelling units, pursuant to the City's Second Unit Ordinance.

Program H-2.5.1: Second Dwelling Unit Construction: Periodically review the existing Second Unit Ordinance and the number of such units that have been built in the past three years to determine what modifications of this section of the Zoning Ordinance may be required to increase the number of these units constructed. Continue to fast track processing for units meeting established standards.

Responsibility: Planning Division
Financing: City and Housing Developers
Scheduling: Ongoing

Policy H-2.6 Manufactured Housing: Allow placement of manufactured housing units on permanent foundations in existing developments.

Program H-2.6.1: Manufactured Housing: Review standards for placement of manufactured housing units on permanent foundations in existing developments, and amend the Zoning Ordinance accordingly. Require that these structures conform to the City's design review guidelines. Provide information and assistance to developers and private citizens interested in the use of manufactured housing components for residential expansion, conversion, or rehabilitation.

Responsibility: Planning Division
Financing: City
Scheduling: 2012

Policy H-2.7 Infill Housing: Encourage private housing development on existing infill sites in order to efficiently utilize existing infrastructure.

Program H-2.7.1: Infill Sites: Develop and maintain an inventory of vacant and/or underdeveloped residential land, distinguishing between land within the City limits and land within the City's Sphere of Influence.

Responsibility: Planning Division
Financing: City
Scheduling: [2010-Completed](#)

Policy H-2.8 Redevelopment Agency: Continue Redevelopment Agency implementation of housing programs, particularly those related to very-low to moderate-income housing.

Program H-2.8.1: Housing Rehabilitation: Utilize redevelopment funds to assist in the rehabilitation and conservation of existing multiple family units as well as the construction of new units. Work with owners to ensure some units remain at below market rents.

Responsibility: Planning Division
Financing: City
Scheduling: Annually as an ongoing program

Program H-2.8.2: Redevelopment Funding Compliance: Continue to comply with State Redevelopment Law by requiring the set-aside of 20% of Redevelopment Tax Increment into a Low and Moderate Income Housing Fund, as well as requiring housing projects within the Redevelopment Project Area to provide at least 15% of the units as affordable. Use funds collected in the Low and Moderate Income Housing Fund for the development, preservation and rehabilitation of affordable housing.

Responsibility: Redevelopment Agency/Planning Division
Financing: Redevelopment Agency/City
Scheduling: Ongoing

Program H-2.8.3: Redevelopment Funding Criteria: Develop criteria to prioritize the funding of affordable housing projects through the Agency's 20% housing set aside funds. Establish a target of contacting at least two affordable housing developers in a fiscal year and offering them financial assistance if their projects meet the City's housing goals. Priority may be given to those projects that:

1. Contain extremely low-income units or units for larger families
2. Utilize a site in the housing inventory
3. Meet more than one goal of the Housing Element
4. Use the funds to leverage additional funding from the County, State or federal governments
- 4-5. Consolidate small lots
6. Require financial assistance to meet the City's parking requirements on site

Responsibility: Redevelopment Agency/Planning Division
Financing: Redevelopment Agency/City
Scheduling: 2011

Program H-2.8.4: Redevelopment Housing Implementation Plan: Adopt a housing implementation plan every five years. The plan shall contain programs that facilitate the development, preservation and rehabilitation of affordable housing and shall include funding allocations for each program.

Responsibility: Redevelopment Agency/Planning Division
Financing: Redevelopment Agency/City
Scheduling: Completed. See section on Redevelopment for a list of proposed programs.

Program H-2.8.5: Notice of Funding Availability: It is estimated that by the end of the planning period the Redevelopment Agency housing set aside fund will total approximately \$7.3 million. Publish a Notice of Funding Availability in the local newspapers when monies in the Agency's housing fund exceed \$500,000.

Responsibility: Redevelopment Agency/Planning Division
Financing: Redevelopment Agency/City
Scheduling: Annually

Program H-2.8.6: Lot Consolidation and Redevelopment of Non-Vacant Sites: Where appropriate and available, provide assistance to developers of residential

projects to redevelop non-vacant sites. The program may include incentives for lot consolidation for affordable housing purposes such as:

1. Streamlined permitting process, including scheduling joint meetings with City Boards
2. Priority processing of applications
3. Financial assistance from the Redevelopment Agency to pay the processing fees for lot consolidations and/or purchase and consolidate small and odd-shaped lots
4. Technical assistance to property owners and developers including assessor parcel data as described in H-2.8.5, posting the inventory on the City's web site, offering tours of the Downtown to prospective developers and scheduling pre-application meetings free of charge to explain the City's development standards and review process
5. Fee deferrals to the Certificate of Occupancy phase of the project

The development incentives contained within this section shall encourage the effective utilization and consolidation of parcels to encourage more viable development opportunities. The City will monitor the effectiveness of these incentives on an annual basis and revise as needed.

Responsibility: Redevelopment Agency/Planning Division

Financing: Redevelopment Agency/City

Scheduling: 2011 and ongoing

Goal H-3 Expand affordable housing opportunities for persons with special housing needs such as the elderly, developmentally disabled, households with very low to moderate incomes, and first time home buyers.

Policy H-3.1 Available Funding Sources: Utilize County, State and federal programs and funding sources that provide housing opportunities for lower-income households.

Program H-3.1.2: Housing Fund: Create a Housing Fund with contributions of funds collected from private and public sources to implement and/or supplement the City's housing programs. Consider funding programs specifically designed to make housing available to extremely low, very low, low and moderate-income populations.. Use of the Housing Fund will be governed by guidelines as set out in the Municipal Code. There are several possible sources and uses of this fund. Loans, grants, developer fees and other funding sources could be used to reduce the cost of land acquisition and construction for affordable housing, and to prevent and reduce homelessness. Give priority to projects that contain extremely low-income units.

Responsibility: Planning and Finance, City Manager
Financing: City and other sources listed above
Scheduling: 2012~~1~~

Program H-3.1.3: Tax-Exempt Financing: Require developers utilizing tax-exempt financing to include language in agreements with the City permitting persons and households eligible for HUD Section 8 rental assistance or Housing Voucher Folders to apply for below-market-rate units provided in the development.

Responsibility: Planning Division
Financing: City and housing developers utilizing tax-exempt revenue bonds.
Scheduling: Ongoing

Program H-3.1.4: Available Funding: Support efforts to obtain available State and federal assistance to develop affordable housing for seniors, large households, households with children and those with special needs by providing City Council/Redevelopment Agency Board resolutions of support to developers of affordable housing projects. Also consider, on a case-by-case basis, providing the developers of affordable housing projects with Redevelopment Agency housing set aside funds to improve the chances of securing State and federal assistance. Give funding priority to projects that contain extremely low-income units. Actively pursue such grant opportunities as the Transportation for Livable Communities and Station Area Grant.

Responsibility: Planning Division
Financing: Local, State and federal sources
Scheduling: Ongoing; includes Tax Credits (usually July and March); HOME/CDBG funds (November); AHP funds (March), and other HUD programs (usually once a year or more). The City will support applications for all funding opportunities according to applicable NOFA schedules.

Program H-3.1.5: Establish an Inclusionary Housing Ordinance: Complete an Inclusionary Housing Ordinance to require developers of residential developments outside the Redevelopment Area to provide up to 10% of their units at rents or purchase prices affordable to very-low to moderate income households. Continue to enforce the 15% inclusionary requirement that is already in place within the Redevelopment Area. The ordinance will include the implementation of an in-lieu fee for certain housing developments. The funds collected will be used to facilitate the development of additional affordable housing units.

As part of this program, the City will consider development of a list of incentives for providing mandated units. Preliminary discussions have included reduced finishes in BMR units, the payment of in-lieu fees rather than the building of units, customized analyses to determine in-lieu fees, etc. In addition, the City will review the potential constraints on the cost and supply of housing again, as the ordinance is finalized, to ensure that no undue impacts occur given the conditions of the housing market at that time.

Responsibility: Planning Division
Financing: Residential developers
Scheduling: 2013

Policy H-3.2 Senior Housing: Provide opportunities for senior housing.

Program H-3.2.1: Senior Housing Overlay: Consider creating a Senior Housing Overlay Zoning District. Include criteria that protect neighborhood character and assure good design, as well as flexible parking, setback and other requirements, where applicable.

Responsibility: Planning Division
Financing: City
Scheduling: Completed

Policy H-3.3 Housing for the Disabled: Continue to facilitate housing for disabled persons.

Policy H-3.4 Density Bonus: Provide a density bonus to projects that provide a required percentage of total units affordable to very-low and low-income households and for units meeting the special housing needs identified in this Element.

Program H-3.4.1: Density Bonus Regulations: Consistent with State Density Bonus Law, support developments that provide affordable housing and/or senior housing utilizing density bonuses, when affordability is provided above and beyond what is already required in the redevelopment area. Provide concessions and waivers as required by law.

Responsibility: Planning Division
Financing: City and developers
Scheduling: Ongoing

Policy H-3.5 Large Families: Recognize the need for providing multifamily housing for large families. Encourage developers of housing to include larger units (2+ bedrooms) in their proposed projects for families.

Program H-3.5.1: Consider requiring that developers include three-bedroom units in proposed multifamily developments. As part of this analysis determine what percentage of the total units should be three bedroom units, and what size of development should trigger this requirement. Provide fast tracking to projects that provide larger units suitable for families.

Responsibility: Planning Division
Financing: City
Scheduling: [20112012](#)

Policy H-3.6 Emergency Shelters: Allow emergency shelters within the City as a permitted use in the C-1 (General Commercial) Zoning District.

Program H-3.6.1: Emergency Shelter: In conformance with the requirements of SB 2, revise the Zoning Ordinance to allow an emergency shelter as a permitted use in the General Commercial Zoning District 1 (Zoning Map symbol C-1), Require that the Uniform Housing Code (UHC) Space and Occupancy Standards be applied to shelters pursuant to Health and Safety Code §50807. Design Review approval shall also be required prior to issuance of a building permit. Any shelter shall be limited in size to 30 or fewer beds, consistent with the unmet needs shown in the bi-annual homeless count conducted by the County. In addition, any shelter developer must submit a management plan for the facility's operation. The City commits to ensuring that shelters will be subjected to the same development standards that apply to other allowed uses within these zones.

Responsibility: Planning Division
Financing: City
Scheduling: [20102011](#)

This use would be allowed by right and without a use permit in the C-1 Zoning District. Design review would apply to issues such as lighting, fencing, and building design where new construction is involved. Flexible parking requirements would apply to such facilities, which would allow reduced parking requirements to be applied on the basis that many of the residents of such a facility would not have a vehicle.

Program H-3.6.2: Emergency Shelter Capacity Monitoring Program: Ensure that there are sufficient sites in appropriate zones to accommodate an emergency shelter of up to 30 beds. If C-1 sites identified in the inventory are developed for non-shelter purposes, new sites and/or zones will be identified after a detailed analysis of available land has been conducted to ensure that the new sites are of appropriate size and have suitable and adequate capacity to accommodate the City's emergency shelter needs.

Responsibility: Planning Division

Financing: City

Scheduling: Annually as part of the Annual Report on the Housing Element

Policy H-3.7 Inter-Agency Cooperation: Work with private, County, and State agencies to provide emergency housing for the homeless.

Program H-3.7.1: Ongoing Estimates of the Demand for Emergency Housing: Consult with the Contra Costa County Task Force on Homelessness to maintain ongoing estimates of the demand for emergency housing in Lafayette.

Responsibility: Planning Division

Financing: City

Scheduling: Ongoing every other year

Goal H-4 Promote housing opportunities for all persons regardless of race, age, gender, sexual orientation, marital status or national origin.

Policy H-4.1 Equal Housing Opportunity: Continue to facilitate non-discrimination in housing in Lafayette.

Program H-4.1.1: Equal Housing Opportunity: Promote equal housing opportunity by supporting the investigation and disposition of housing discrimination complaints. Work with service providers to ensure that information is disseminated to the community as needed.

Responsibility: Planning Division

Financing: City

Scheduling: Ongoing

Program H-4.1.2: Nondiscrimination Clauses: Provide nondiscrimination clauses in rental agreements and deed restrictions for housing constructed with City assistance.

Responsibility: Planning Division

Financing: City

Scheduling: Ongoing

Policy H-4.2 Landlord-Tenant Disputes: Continue to refer landlord-tenant disputes to housing counseling organizations such as the Housing Alliance.

Goal H-5 Adopt and implement a Housing Chapter that is in compliance with State Law.

Policy H-5.1 City Leadership: Provide active leadership in implementing the policies and programs contained in the Housing Chapter.

Program H-5.1.1: Fast-Track Processing: Provide fast track processing for projects with affordable housing. Fast track processing means giving projects with affordable housing units a priority over other non-public health and safety related projects in the processing and review by City staff. It does not mean eliminating any of the City's regular public notice and hearings or other project review procedures. Publicize this incentive by adding it to the City's development application forms and posting it on the City's web site.

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Program H-5.1.2: Application Fees: Consider a reduction in development application fees for housing projects containing 25% or more units that are affordable to extremely low, very low, low and moderate income households.

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Program H-5.1.3: Development Impact Fees: Consider deferring the collection of City impact fees to the certificate of occupancy stage for projects containing 25% or more units that are affordable to very low, low and moderate income households.

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Program H-5.1.4: CEQA Process: Follow CEQA procedures to expedite permit processing for all development, including a) encouraging preliminary project review by staff and b) considering the use of mitigated negative declarations, focused EIR's and other procedures where appropriate.

Responsibility: Planning Division
Financing: City
Scheduling: Ongoing

Program H-5.1.5: Review and Revise the Zoning Ordinance. Review the Zoning Ordinance and consider revisions to the following governmental constraints on the development of housing:

- a) Consider the strict regulation of the conversion of existing multiple family residential units in the C, C-1, SRB, and RB Zoning Districts.
- b) Include definitions for the following. Ensure that zoning districts where these uses are allowed clearly identify such uses.
 - group homes
 - emergency shelters
 - residential care facilities
 - senior housing
 - foster care home
 - family care home
 - transitional housing
 - supportive housing
 - Single-Room Occupancy units
- c) Ensure that the definition of “family” is consistent with State and federal law.
- d) Add language to the Code that specifically indicates that transitional housing and supportive housing are residential uses subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Responsibility: Planning Division
Financing: City
Scheduling: 20112012

Program H-5.1.6: Downtown Specific Plan Implementation. Following the Downtown Specific Plan adoption, revise the zoning ordinance to address the following constraints on the development of housing:

Parking
Develop and establish measures such as allowing tandem spaces, car lifts and other creative ways to accommodate required parking for developments.

Upper story setback requirements in the C, C-1 and MRO districts
Develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view

and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown.

Responsibility: Planning Division

Financing: City

Scheduling: 2011 and 2012

Policy H-5.2 Public Participation: Encourage and support public participation in the formulation and review of the City's housing and development policies.

Policy H-5.3 Annual Review of Housing Chapter Implementation: Provide for annual review by the Planning Commission and City Council of progress in implementing the Housing Chapter.

Program H-5.3.1: Annual Report: Prepare an annual report to the City Council and Planning Commission that describes the amount and type of housing activity correlated with an updated summary of the City's housing needs.

Responsibility: Planning Division

Financing: City

Scheduling: Annually (include with the annual review of the CIP by the Planning Commission)

Program H-5.3.2: Demographic Information: Update demographic information as the complete results of the 2010 Census, and other data, become available.

Responsibility: Planning Division

Financing: City

Scheduling: Ongoing

- Appendix A – Review of the Prior Element -- matrix
- Appendix B – Inventory
- Appendix C – Individual site listings: tables and maps
- | Appendix D – [Residential Design Review Guidelines](#)



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ADDENDUM TO FINAL EIR, LAFAYETTE GENERAL PLAN REVISION, FOR 2007 – 2014 HOUSING ELEMENT

Introduction

The *Housing Element* is one of seven required general plan elements and is an integral part of the Lafayette General Plan. Since the majority of Lafayette's land use is in housing, the Housing Chapter is a key component of the City's future plans. The policies and programs contained in this chapter are based on a seven-year time frame.

State law provides direction on how cities can maintain the General Plan as a policy guide by requiring the Planning Division to report annually to the City Council on "the status of the plan and progress in its implementation" (Government Code Section 65400 (a)(2)(A). State law (Section 65588 [b]) further provides that "the housing element shall be revised as appropriate, but not less than every five years, to reflect the results of this periodic review". As required by the State, the current planning period extends from July 1, 2007 through June 30, 2014.

General Plan EIR

The City's General Plan EIR (2002) (SCH No. 2002042035) ("EIR") analyzed implementation of the City's General Plan, including the Housing Element. In particular, the General Plan addresses the potential impacts and mitigations for housing development in several areas of the EIR, including p. 2001 et seq. Because the City certified the General Plan EIR, and it was not later challenged, that EIR and its analyses are presumed to be valid. (Pub. Resources Code, § 21167.2; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1130 ("[a]fter certification, the interests of finality are favored"); *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal. App. 4th 689, 705-706.)

Addendum to the General Plan EIR for the Housing Element

Because the Housing Element implements the General Plan's directive that the City provide opportunities for the creation of housing at all economic levels, and because the Element incorporates applicable policies and Programs from the General Plan, the Element is most appropriately reviewed with an Addendum to the General Plan EIR.

The State CEQA Guidelines provide that a lead agency "shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." (State CEQA Guidelines, § 15164, subd. (a).) Section 15162 provides:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(State CEQA Guidelines, § 15162, subd. (a).) The City prepared an Initial Study (see below) to determine whether any of the Housing Element's components would require preparation of a subsequent EIR, in other words, whether buildout of the housing inventory as articulated in the Housing Element, as compared to what was contemplated by the General Plan, would result in any of the changes or circumstances identified above. As documented in the Initial Study, the Element would not result in any such changes or circumstances. Therefore, preparation of a subsequent EIR is not necessary, and review of the Element under this Addendum is appropriate.

This Addendum need not be circulated for public review prior to adoption. (State CEQA Guidelines, § 15164, subd. (c).) Rather, the City will consider this Addendum with the General Plan EIR prior to making a decision on the Element. (*Id.* at subd. (d).)

Housing Element Level Review

As an Addendum to the General Plan EIR, this Addendum is itself a planning-level environmental review. Because the Element establishes policies, goals and guidelines, and describes potential housing development that may or may not be built on any particular site, environmental review of the Element will necessarily be general. The State CEQA Guidelines instruct that environmental review of a planning-level document need not contain the level of detail required for review of a construction project, for example. (State CEQA Guidelines, § 15145, subd. (a) (“[t]he degree of specificity required ... will correspond to the

degree of specificity involved in the underlying activity”).) As explained in greater detail below, while the Housing Element describes potential housing development sites, the Housing Element is not a prescription to build any housing. The Housing Element’s discussion of an inventory of sites is a State-mandated requirement to ensure that the City’s share of the Regional Housing Needs Allocation (RHNA) could be accommodated. In other words, the housing inventory demonstrates that there is enough land zoned at appropriate densities to accommodate the RHNA allocation, but this inventory does not include all potential residential development sites within the City limits. (*Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 369-373; *Lake County Energy Council v. County of Lake* (1977) 70 Cal.App.3d 851, 854-855 (“where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences”).) Appropriate site-specific environmental review will, therefore, be required once actual housing is proposed for development.

Later environmental review may tier from this Addendum to address potential site-specific environmental effects of the development of housing. In any case, this Addendum may be incorporated by reference into the later second-tier environmental review that would be required for specific housing facilities.

Project Description

The City of Lafayette has prepared a draft update to the Housing Element of the General Plan for a seven-year period from 2007 to 2014. The previous Housing Element was adopted by the City Council on September 28, 2002, and the current Housing Element was initially adopted on December 14, 2009. This updated Housing Element identifies and analyzes existing and projected housing needs for population groups within the City; provides a statement of goals, policies, quantified objectives; documents programs for the preservation, improvement, and development of housing; and demonstrates there is sufficient land zoned at appropriate densities needed to meet the Regional Housing Need Allocation. The Housing Element is mandated under CA Govt. Code Section 65580 and it is subject to the review and certification by the California Department of Housing and Community Development. Pursuant to AB 2158, (Statutes of 2004, Chapter 696) the deadline for jurisdictions in the San Francisco Bay area to submit an update of their Housing Element covering a five-year period, from 2009 to 2014, is set for June 30, 2009.

Key changes to the Housing Element that are being proposed include the following new programs:

Program H-1.5.3: Downtown Strategy: Complete the Downtown Strategy, which includes sustainability as a major element that should be considered in land use and public improvement planning. This includes providing housing and transportation options.

Program H-2.1.2: New Mixed-Use Developments: Support projects that include a mix of both residential and commercial development in the Downtown, as appropriate. For projects fronting downtown streets, consider requiring that housing be located on upper floors, allowing for commercial uses on the ground floor.

Program H-2.4.1: Downtown Strategy and Specific Plan: Complete the Downtown Strategy and Specific Plan. Ensure that the policies and programs in the Specific Plan are consistent with the Housing Chapter and do not add constraints to the development of housing in the Downtown.

Program H-2.4.2: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in the commercial zoning districts where such development now requires a land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.

Program H-2.4.3: RHNA Monitoring Program: Maintain the residential sites inventory that can accommodate the City's regional housing needs allocation of 361 units. Update the inventory annually to monitor the consumption of residential and mixed use properties. If sites in the inventory are developed for non-housing purposes, new sites will be added to the inventory to ensure the City's ongoing compliance with the "no net loss" provisions of Housing Element Law. Post the Housing Element sites inventory on the City's website as a tool for developers, and provide as a handout at the public counter.

Program H-2.8.3: Redevelopment Funding Criteria: Develop criteria to prioritize the funding of affordable housing projects through the Agency's 20% housing set aside funds. Establish a target of contacting at least two affordable housing developers in a fiscal year and offering them financial assistance if their projects meet the City's housing goals. Priority may be given to those projects that:

1. Contain extremely low-income units or units for larger families
2. Utilize a site in the housing inventory
3. Meet more than one goal of the Housing Element
4. Use the funds to leverage additional funding from the County, State or federal governments
5. Consolidate small lots
6. Require financial assistance to meet the City's parking requirements on site

Program H-2.8.6: Lot Consolidation and Redevelopment of Non-Vacant Sites: Where appropriate and available, provide assistance to developers of residential projects to redevelop non-vacant sites. The program may include incentives for lot consolidation for affordable housing purposes such as:

1. Streamlined permitting process, including scheduling joint meetings with City Boards
2. Priority processing of applications
3. Financial assistance from the Redevelopment Agency to pay the processing fees for lot consolidations and/or purchase and consolidate small and odd-shaped lots
4. Technical assistance to property owners and developers including assessor parcel data as described in H-2.8.5, posting the inventory on the City's web site, offering tours of the Downtown to prospective developers and scheduling pre-application meetings free of charge to explain the City's development standards and review process
5. Fee deferrals to the Certificate of Occupancy phase of the project

The development incentives contained within this section shall encourage the effective utilization and consolidation of parcels to encourage more viable development opportunities. The City will monitor the effectiveness of these incentives on an annual basis and revise as needed.

Program H-3.2.1: Senior Housing Overlay: Consider creating a Senior Housing Overlay Zoning District. Include criteria that protect neighborhood character and assure good design, as well as flexible parking, setback and other requirements, where applicable.

Program H-3.5.1: Consider requiring that developers include three-bedroom units in proposed multifamily developments. As part of this analysis determine what percentage of the total units should be three bedroom units, and what size of development should trigger this requirement. Provide fast tracking to projects that provide larger units suitable for families. Ensure that population increases are consistent with the General Plan.

Program H-3.6.2: Emergency Shelter Capacity Monitoring Program: Ensure that there are sufficient sites in appropriate zones to accommodate an emergency shelter of up to 30 beds. If C-1 sites identified in the inventory are developed for non-shelter purposes, new sites and/or zones will be identified after a detailed analysis of available land has been conducted to ensure that the new sites are of appropriate size and have suitable and adequate capacity to accommodate the City's emergency shelter needs.

Program H-5.1.6: Downtown Specific Plan Implementation. Following the Downtown Specific Plan adoption, revise the zoning ordinance to address the following constraints on the development of housing:

Parking

Develop and establish measures such as allowing tandem spaces, car lifts and other creative ways to accommodate required parking for developments.

Upper story setback requirements in the C, C-1 and MRO districts

Develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown.

Implementation of these programs as incentives for housing growth will be considered in the future by the City. The execution of these programs will be required to be consistent with the General Plan limits on population and growth.

In addition, the Housing Element's inventory of sites projects a total realistic residential development capacity of 760 units, all located in the Downtown, which is consistent with the City's ongoing efforts to focus the vast majority of residential development away from the more rural areas of Lafayette. It should be noted that this inventory does not necessarily include all housing sites within the City of Lafayette that could be developed. Rather, the inventory demonstrates that the City can adequately accommodate the City's share of the Regional Housing Needs Allocation of 361 units, broken down by income category as follows:

	ELI/ VLI	LI	MOD	AMOD	Total
Projected Residential Capacity	162	97	129	375	760
RHNA Allocation	113	77	80	91	361
Percent of RHNA Achieved	143%	126%	161%	397%	208%

Note: ELI = Extremely Low Income, 0-30% of Median Family Income
VLI = Very Low Income, 31-50% of Median Family Income
LI = Low Income, 51-80% of Median Family Income
MOD = Moderate Income, 81-120% of Median Family Income
AMOD = Above Moderate Income, 121%+ of Median Family Income

Environmental Checklist

The following environmental checklist explains why implementation of the Housing Element would not result in any new or substantially greater significant environmental impacts as compared to those identified in the General Plan EIR.

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X

Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community. The addition of Program H-5.1.6 would not affect aesthetic resources because it contains criteria designed to protect the City's visual character. In addition, other General Plan provisions, such as Policy LU-7.1 would require any development to contribute to the City's community identity and small town character. No impacts would result.

Thus, no new or substantially greater significant impacts to aesthetics would result as compared to those identified in the General Plan EIR.

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

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Further, there is no farmland within the Downtown limits upon which grazing or other similar agricultural uses take place. Lafayette is an urban, built up land area, with no agriculturally-zoned land.

Thus, no significant impacts to agriculture would result, and the criteria for preparing a subsequent EIR (i.e., the presence of new or substantially greater significant impacts) are not fulfilled.

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
<p><i>Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community. No impacts would result.</i></p> <p><i>Thus, no new or substantially greater significant impacts to air quality would result as compared to those identified in the General Plan EIR.</i></p>				
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved, local, regional or state habitat conservation plan?				X
<p><i>Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations; thus, no changes are proposed. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community. No impacts would result.</i></p> <p><i>Thus, no new or substantially greater significant impacts to biological resources would result as compared to those identified in the General Plan EIR.</i></p>				

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

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Thus, no new or substantially greater significant impacts to cultural resources would result as compared to those identified in the General Plan EIR.

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?				X
ii) Strong seismic ground shaking?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
<p><i>Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community. No impacts would result.</i></p> <p><i>Thus, no new or substantially greater significant impacts to geology and soils would result as compared to those identified in the General Plan EIR.</i></p>				
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project areas?				X
f) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Thus, no new or substantially greater significant impacts to hazards and hazardous materials would result as compared to those identified in the General Plan EIR.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
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f) Otherwise substantially degrade water quality?				X
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g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
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h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
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j) Inundation by seiche, tsunami, or mudflow?				X
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Thus, no new or substantially greater significant impacts to hydrology and water quality would result as compared to those identified in the General Plan EIR.

IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
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c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X
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Thus, no new or substantially greater significant impacts to land use and planning would result as compared to those identified in the General Plan EIR.

X. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Thus, no new or substantially greater significant impacts to mineral resources would result as compared to those identified in the General Plan EIR.

XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of an airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Thus, no new or substantially greater significant impacts to noise would result as compared to those identified in the General Plan EIR.

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
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No specific new growth is being proposed; the Housing Element update only looks at existing capacity based on current zoning and current General Plan designations. No specific projects are proposed as part of this effort, and any new projects that are proposed subsequent to the completion of this Housing Element update must include appropriate environmental review.

Further, the RHNA requirements are based upon demographic projections forecasted by the State Department of Finance and allocated through the Department of Housing and Community Development as units, which are then allocated the local Council of Government (in Lafayette's case, the Association of Bay Area Governments [ABAG]. ABAG then further allocates the regional total to individual jurisdictions within the nine-county Bay Area. See also general comment at the end of this section. No impacts would result.

Thus, no new or substantially greater significant impacts to population growth would result as compared to those identified in the General Plan EIR, either directly or indirectly.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
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Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community.

*The Final General Plan EIR, as summarized in City Council Resolution 2002-055, noted that the buildout calculated at that time would increase the number of dwelling units in Lafayette by a maximum of 1,026 units, from about 9,842 units to 10,868 units. The General Plan noted that this projected buildout was **less** than the maximum potential allowed by base zoning standards (height and yard requirements), since it reflected overall development constraints, such as undersized parcels, underutilized parcels, parking and open space standards and topographic limitations.*

The draft Housing Element notes that there is maximum projected capacity of 760 units, all in the downtown area, to satisfy the Regional Housing Needs Allocation (RHNA). These 760 units do not represent the projected growth to 2014, nor the maximum potential development in all of Lafayette. Rather, this figure is simply a demonstration that the City has enough land zoned at appropriate densities to accommodate the RHNA. According to the draft, there has been a net increase of 83 units to the City's supply of housing since 2002, resulting in a current total of approximately 9,925 units. The projected capacity – if it were built – of 760 units would bring the total to 10,685 units, still well below the projected build-out of 10,868 units in the 2002 General Plan EIR. Further, the EIR found that future development in the residential areas will be minimal because the City is nearly built out. Therefore the Downtown is where most of the change will take place (p. 203) As noted above the capacity developed to demonstrate that the City has adequate sites is entirely made up of sites within the Downtown. The General Plan EIR found that the projected build out to 10,868 units would have a less than significant impact and that no mitigation was therefore required.

At the time that the General Plan EIR was developed, the calculations for build out and potential population group were based partially on information obtained in ABAG's Projections 2002, which predicted that the City's population would grow to 26,000 by 2015 (just beyond the end of the proposed Housing Element), from a population of 23,908 in 2000. However, ABAG's population predictions have not come true, and in fact ABAG now projects Lafayette's population to grow to just 24,900 in 2015. As such, ABAG's recent growth projections are well below the assumptions made in the General Plan EIR of 2002, and therefore no new impacts will occur.

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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In addition, the key changes to the proposed programs do not represent changes that would substantially impact the findings from the original General Plan EIR. These programs are discussed below:

Program H-2.1.2: New Mixed-Use Developments: Support projects that include a mix of both residential and commercial development in the Downtown, as appropriate. For projects fronting downtown streets, consider requiring that housing be located on upper floors, allowing for commercial uses on the ground floor.

The concept of mixed use development does not in any way result in increased densities or their resulting impacts. It merely assigns a particular location for residential development. In fact, mixed use development means fewer residential impacts because fewer units can be built in a mixed-use development than were the project housing alone. The City’s inventory of sites illustrates that mixed-use development in fact decreases the potential number of units on any given site. Further, a variation of this item was included in the previous Housing Element and was not found to have a significant impact.

Program H-2.4.1: Downtown Strategy and Specific Plan: Complete the Downtown Strategy and Specific Plan. Ensure that the policies and programs in the Specific Plan are consistent with the Housing Chapter and do not add constraints to the development of housing in the Downtown.

Program H-2.4.1 does not require that any particular policies or programs be included in the Downtown Strategy and Specific Plan; rather, the Specific Plan must be consistent with the Housing Chapter and not add constraints to housing development in the Downtown. Thus, this Program in and of itself does not have any foreseeable impact on overall development potential. Further, the Downtown Strategy and Specific Plan is currently undergoing its own environmental review. To the extent that the Downtown Specific Plan would result in any impacts that were not analyzed in the General Plan EIR, those impacts will be addressed in the EIR for the Downtown Specific Plan.

Program H-2.4.2: Multifamily Housing Development: Amend the Zoning Ordinance to allow the development of multifamily housing as of right in areas where such development now requires a land use permit. Continue to require design review to ensure that developments are compatible with surrounding uses.

Changing the Zoning Code to allow multifamily as of right where such developments now require a land use permit has no impact – negative or positive – on the overall development potential. It neither increases nor decreases the densities of an area, and would not result in growth that exceeds what was analyzed in the General Plan EIR. It simply removes an obstacle to achieving multifamily housing, which is consistent with the City’s efforts and is mandated by State law. Further, the previous Housing Element also included removing the land use permit requirement in certain areas of the City, and the General Plan EIR found no impact to that action. The current Housing Element’s Program H-2.4.1 further expands upon this effort.

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Program H-2.4.3: RHNA Monitoring Program: Maintain the residential sites inventory that can accommodate the City’s regional housing needs allocation of 361 units. Update the inventory annually to monitor the consumption of residential and mixed use properties. If sites in the inventory are developed for non-housing purposes, new sites will be added to the inventory to ensure the City’s ongoing compliance with the “no net loss” provisions of Housing Element Law. Post the Housing Element sites inventory on the City’s website as a tool for developers, and provide as a handout at the public counter.

The purpose of Program H-2.4.3 is to ensure that there is no net loss of capacity of the Housing Element’s RHNA allocation. As sites may be taken up for non-housing development that are identified at least in part as potential housing sites, the City will ensure that other sites are found to accommodate the lost potential housing sites. This program does not authorize any development beyond what is contemplated in the General Plan, and so would not result in any impacts beyond those analyzed in the General Plan EIR.

Program H-2.8.3: Redevelopment Funding Criteria: Develop criteria to prioritize the funding of affordable housing projects through the Agency’s 20% housing set aside funds. Establish a target of contacting at least two affordable housing developers in a fiscal year and offering them financial assistance if their projects meet the City’s housing goals. Priority may be given to those projects that:

1. Contain extremely low-income units or units for larger families
2. Utilize a site in the housing inventory
3. Meet more than one goal of the Housing Element
4. Use the funds to leverage additional funding from the County, State or federal governments
5. Consolidate small lots
6. Require financial assistance to meet the City’s parking requirements on site

The purpose of Program H-2.8.3 is to ensure that adequate assistance is available to developers who wish to provide affordable units. It does not increase the capacity itself and so would not result in any impacts beyond those already analyzed in the General Plan EIR.

Program H-2.8.6: Lot Consolidation and Redevelopment of Non-Vacant Sites: Where appropriate and available, provide assistance to developers of residential projects to redevelop non-vacant sites. The program may include incentives for lot consolidation for affordable housing purposes such as:

1. Streamlined permitting process, including scheduling joint meetings with City Boards
2. Priority processing of applications
3. Financial assistance from the Redevelopment Agency to pay the processing fees for lot consolidations and/or purchase and consolidate small and odd-shaped lots
4. Technical assistance to property owners and developers including assessor parcel data as described in H-2.8.5, posting the inventory on the City’s web site, offering tours of the Downtown to prospective developers and scheduling pre-application meetings free of charge to explain the City’s development standards and review process
5. Fee deferrals to the Certificate of Occupancy phase of the project

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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The purpose of Program H-2.8.6 is to ensure that adequate assistance is available to developers who need to consolidate lots or redevelop non-vacant sites for housing development. It does not increase the capacity itself and so would not result in any impacts beyond those already analyzed in the General Plan EIR.

Program H-3.2.1: Senior Housing Overlay: Consider creating a Senior Housing Overlay Zoning District. Include criteria that protect neighborhood character and assure good design, as well as flexible parking, setback and other requirements, where applicable.

The Senior Housing Overlay Zoning District concept replaces the Planned Development concept from the previous Housing Element. The Overlay would not replace existing underlying zoning but rather allow for senior housing, if proposed, to follow the guidelines of the Overlay. As approved, the Senior Housing Overlay is established only in the Downtown areas where housing is currently allowed. It allows for increases in residential densities with reductions in parking. The proposed density-- 45 units to the acre – is not expected to result in a greater population than what the underlying zoning would allow in a multifamily development. This is because units in typical senior developments are substantially smaller than their multifamily counterparts (600 SF versus 1000 SF, for example), and because the person-per-household ratios for seniors are similarly less than for multifamily.

Finally, the draft Senior Housing Overlay Zone proposal received its own environmental review to ensure that the impacts of higher density housing for seniors does not have a greater impact than regular multifamily housing that complies with the underlying zoning.

Program H-3.5.1: Consider requiring that developers include three-bedroom units in proposed multifamily developments. As part of this analysis determine what percentage of the total units should be three bedroom units, and what size of development should trigger this requirement. Provide fast tracking to projects that provide larger units suitable for families.

The State requires local jurisdictions to identify large households – those with five or more persons – as a special need group. The 2000 Census reported 703 households in Lafayette with five persons or more, or about 8% of the total households in the City. Potentially requiring developers to include some percentage of three-bedroom units in their developments would not result in significant changes to the population growth. Such a requirement would merely change the distribution of unit sizes. Further, the population growth in the General Plan and EIR were calculated using typical projections of average household size, irrespective of bedroom count. For the last Housing Element, a general household size average was used, based on projections from the Association of Bay Area Governments. Some households, by definition will be greater than this the average and some smaller. The purpose of this action will be to ensure there are adequate housing types available for all types and sizes of existing households. As such, it will not create new demand for housing but rather ensure alleviation of some of the problems of existing poorly-housed families.

Based on the above analysis, no significant impacts to population and housing would result.

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Program H-3.6.2: Emergency Shelter Capacity Monitoring Program: Ensure that there are sufficient sites in appropriate zones to accommodate an emergency shelter of up to 30 beds. If C-1 sites identified in the inventory are developed for non-shelter purposes, new sites and/or zones will be identified after a detailed analysis of available land has been conducted to ensure that the new sites are of appropriate size and have suitable and adequate capacity to accommodate the City's emergency shelter needs.

The purpose of Program H-3.6.2 is to ensure that there is no net loss of capacity of the Housing Element's sites for emergency shelters. As sites may be taken up for non-shelter development that are identified at least in part as potential shelter sites, the City will ensure that other sites are found to accommodate the lost shelter sites.

Program H-5.1.6: Downtown Specific Plan Implementation. Following the Downtown Specific Plan adoption, revise the zoning ordinance to address the following constraints on the development of housing:

Parking

Develop and establish measures such as allowing tandem spaces, car lifts and other creative ways to accommodate required parking for developments.

Upper story setback requirements in the C, C-1 and MRO districts

Develop design guidelines that would allow the City to reduce or eliminate the third story setback requirements in the C, C-1 and MRO districts if appropriate findings such as compatibility with adjacent development, view and solar protection can be met. As an alternative, develop a set of criteria for waiving the setback requirements for irregular lots in the Downtown.

The purpose of the parking component of Program H-5.1.6 is to facilitate creative ways to meet the parking requirements; it does not impact the overall development capacity or process. The purpose of the setback component is to allow for additional options to facilitate development that meets other criteria but for the setback requirements. It also does not impact the overall development capacity or process and so would not result in any impacts beyond those already analyzed in the General Plan EIR.

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?				X
b) Police protection?				X
c) Schools?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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d) Parks?				X
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e) Other public facilities?				X
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Thus, no new or substantially greater significant impacts to public services would result as compared to those identified in the General Plan EIR.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
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Thus, no new or substantially greater significant impacts to recreation would result as compared to those identified in the General Plan EIR.

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION / TRAFFIC - Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
<i>See general comment at the end of this section. No specific new growth is being proposed; the Housing Element update only looks at existing capacity based on current zoning and current General Plan designations. No specific projects are proposed as part of this effort, and any new projects that are proposed subsequent to the completion of this Housing Element update must include appropriate environmental review.</i>				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risk?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e. g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community.

Furthermore, the previous Housing Element and the General Plan EIR analyzed the impacts of focusing most residential development in the downtown. Any mitigation measures needed were identified previously, and this project would not result in new impacts. In addition, the Housing Element identifies potential sites that could accommodate housing to meet the Regional Housing Needs Allocation. These sites are not held exclusively for housing, and State law does not require cities to landbank sites for housing alone. The Housing Element simply demonstrates that there is capacity to accommodate 760 units. The impacts of specific projects will continue to be reviewed once actual development proposals are submitted. No impacts would result.

The parking component of Program H-5.1.6 would facilitate creative ways to meet the City's parking requirements; it does not impact the overall development capacity or process.

Thus, no new or substantially greater significant impacts to transportation and traffic would result as compared to those identified in the General Plan EIR.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

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Thus, no new or substantially greater significant impacts to utilities would result as compared to those identified in the General Plan EIR.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a threatened, rare or endangered species or eliminate important examples of the major periods of California history or prehistory?				X
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Evaluation of Environmental Impacts Issues and Supporting Information Sources	Potentially Significant Impacts	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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See previous discussion on biological resources and cultural resources The proposed Housing Element does not have the potential to degrade the quality of the environment, or otherwise threaten the environment, based on these previous analyses.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
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No significant net development has taken place since 2002 and the proposed changes do not increase the overall development potential and its resulting population, either individually or cumulatively. The Housing Element, as proposed, includes detailed discussion on the number of units that could be built theoretically but notes that actual development will be significantly slow, given the current economy, the cost of construction, and the lack of financing, among other factors. Based on this, the revisions to the Housing Element cannot be said to represent a cumulatively considerable contribution to a cumulative impact beyond that analyzed in the General Plan.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X
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None of the actions proposed in the revised Housing Element will cause adverse effects on human beings, because the Housing Element merely provides polices and programs to assist the City in meeting its RHNA allocation. Further, the actions in the revised Housing Element may in fact provide beneficial effects on the quality of life within the City, especially for people special needs, such as large families and the elderly.

General Comment: The Housing Element has been updated to report on the City's progress in meeting existing goals and objectives for housing in Lafayette, to incorporate new data for the five- year period covering 2009 to 2014, and to define policies, programs, and other actions to meet goals and objectives for the period covering 2009 to 2014. No specific zoning actions are directly implemented through the Housing Element revision. Further, no zoning actions are proposed that would change the existing zoning classifications whose result would be to increase or decrease residential densities. The calculations used to determine whether enough land exists to accommodate the Regional Housing Need Allocation (RHNA) figures are based solely on the existing zoning and existing General Plan designations. Finally, this programmatic update to the Housing Element does not propose any actions that would directly result in development of a specific site or fundamentally change the community.

ENVIRONMENTAL CHECKLIST SUPPORTING SOURCES

1. Acalanes School District
2. Aerial Photographs
3. Association of Bay Area Governments (ABAG), Projections 2007
4. Bay Area Air Quality Management District
5. California Air Resources Board
6. California Department of Transportation, District 4

7. California Environmental Protection Agency, Hazardous Waste and Substance Sites List
8. Caltrans Highway Design Manual
9. Caltrans Traffic Manual
10. Central Contra Costa County Sanitary District, correspondence dated
11. City of Lafayette Emergency Operations Plan
12. City of Lafayette Engineering Division
13. City of Lafayette General Plan
14. City of Lafayette Grading Ordinance
15. City of Lafayette Municipal Code
16. City of Lafayette Noise Ordinance
17. City of Lafayette Parks and Recreation Department
18. City of Lafayette Planning and Building Services Division
19. City of Lafayette Police Department
20. City of Lafayette Standard Specifications
21. City of Lafayette Transportation Division
22. City of Lafayette Tree Protection Ordinance
23. City of Lafayette Zoning Map
24. City of Lafayette Zoning Ordinance
25. Contra Costa County
26. Contra Costa County Clean Water Program/Stormwater Management Plan
27. Contra Costa County Congestion Management Plan
28. Contra Costa County Fire Protection District, correspondence dated
29. Contra Costa County Flood Control District
30. Contra Costa County Solid Waste Authority
31. Contra Costa Important Farmland 2000
32. Contra Costa Water District
33. Database for Lafayette General Plan, dated May 1992
34. Department of Fish and Game, Natural Diversity Database Maps and Reports
35. Earlier Analysis
36. East Bay Municipal Utility District, correspondence dated
37. Experience with Other Projects of this Size and Nature
38. Federal Emergency Management Agency, Flood Insurance Program
39. Field Inspection / Investigation
40. Final EIR for Lafayette General Plan Revision, dated July 2002, and Addendum, adopted March 2005
41. Lafayette School District
42. Lamorinda Building Inspection Office
43. Planner's Knowledge of Area
44. Project Description / Application Information
45. Project Plans
46. State Archaeological Clearinghouse, Sonoma State University
47. State of California, Special Studies Zones (Revised Official Map)
48. Uniform Building Codes and Appendices (as adopted by the City)
49. USDA-SCS, "Soils of Contra Costa County"
50. Utility and Service Providers
51. InsideOut Design (City of Lafayette landscape consultant), correspondence dated
52. Charles DeLeuw (City of Lafayette traffic consultant), correspondence dated
53. Arborist Report
54. Biological Resources Report
55. Archaeological Reconnaissance

- 56. Geologic Report
- 57. Traffic Analysis

NOTE: Not all sources identified in this list may be applicable to the subject project; refer to environmental checklist for reference. Supporting sources are available under separate cover and/or available for review in the Planning Services Division.