



City Council

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**THE CITY OF LAFAYETTE’S HOUSING ELEMENT  
FREQUENTLY ASKED QUESTIONS**

**What is the Housing Element?**

The Housing Element is a chapter of Lafayette’s General Plan. Every City in California must have a Housing Element, and this is the only part of the General Plan that must be regularly reviewed and approved by the State. Housing Elements are usually updated every five to eight years. Lafayette’s current Housing Element covers the period from 2007 to 2014, and the updated Element will cover the period from 2014 to 2022.

**What does it contain?**

The Housing Element contains information on the housing needs of the community, including the needs of lower-income households and people with special needs, such as homeless persons, seniors, and people with disabilities. Some of these needs are determined by the state-mandated Regional Housing Needs Allocation (see below). In addition, the Element provides a detailed explanation of how the jurisdiction addresses the needs of the community based on existing and future housing needs. Lastly, it contains an inventory of sites within the community that could accommodate the RHNA allocation of affordable housing if they were developed.

**What is the Regional Housing Needs Allocation (RHNA)?**

The RHNA (pronounced REE-NAH) is an allocation of the State’s projected housing needs to accommodate various income categories over the 8-year cycle of the Housing Element. The Association of Bay Area Governments (ABAG) receives a bulk allocation for the region from the State, and ABAG then assigns a portion of this regional allocation to each jurisdiction in the nine-county Bay Area, based on a complex model of job and population growth. The essential requirement of RHNA is that all jurisdictions need to demonstrate that its planning documents have enough land zoned at appropriate densities to allow the development of the housing needed to meet their allocation.

**What is the City of Lafayette’s RHNA allocation?**

Lafayette’s total RHNA allocation for the current period (2007-2014) is 361 units, and for the next period (2014-2022) is 400 units. The 2014-2022 allocation was reduced as a result of a successful protest by Lafayette of their initial figures. The following illustrates the 2014-2022 allocation, broken down along various income categories. ABAG adopted a policy that allocated a greater share of affordable housing to those communities, including Lafayette, that have a less than average share of affordable housing currently, and a smaller share of affordable housing to those communities that currently accommodate much affordable housing.

Total Projected Need	Very Low	Low	Mod	Above Mod	Average Yearly Need
400	138	78	85	99	57
	34.5%	19.5%	21.3%	24.8%	

**Is the City required to make sure these units are built?**

No, the RHNA allocation is not a prescription to build any units. And, the City itself does not build units; private developers do. The City is only required to show that there is enough land zoned at appropriate densities to accommodate this need, should a developer want to build these units. In addition, the City must demonstrate that its codes and requirements do not unduly constrain the building of housing (for example, it needs to show that housing can be built “as-of-right” in some zones, without requiring a land use permit).

**Does the inventory of sites mean these sites can only be used for housing?**

No. The City is only required to show sites that could be used for housing, but the actual use of the sites is always a decision made by the owners. However, if a site in the inventory is developed with a completely non-housing use during the eight-year cycle of the Housing Element, the City is required to replace that site with another to ensure that the inventory’s capacity is maintained.

**Does the City have enough land in the inventory to meet its RHNA allocation?**

Yes, the City has prepared a draft inventory of sites which shows there is enough land to meet its RHNA allocation. While the inventory may change as a result of the public process, the City is required to ensure that it will meet its RHNA allocation during the eight-year cycle of the Housing Element.

### **Is there a minimum zoning density that the City must allow? What determines the minimum?**

The State sets standards to ensure that densities are high enough to allow affordable housing to be built. As a suburban community, the State has set this default density at 20 units per acre. Although Lafayette can, and does, have lower densities, the State requires zoning for multifamily housing to be at least 20 units per acre. When a city's population reaches 25,000 people then the minimum default density increases to 30 units per acre. Lafayette's 2010 census population was just under 24,000. Lafayette's General Plan establishes the housing density at 35 units per acre in the downtown and in multifamily zoning districts. The City may consider lowering the housing densities, which will be a topic of discussion during the community meetings.

### **What is a Density Bonus?**

A density bonus is a provision of State law and allows a developer to ask for and receive additional housing density (beyond what is allowed by the City's current zoning) in prescribed amounts, in return for providing affordable housing or senior housing within their developments. Even if the City does not adopt its own Density Bonus ordinance, it is still required to comply with the provisions of the State's Density Bonus law, which includes:

- Granting a sliding scale of market-rate density bonus percentages (20%-35%) based on the amount percentage of proposed affordable units;
- Providing up to three development concessions or incentives, depending on the percentage of affordable units provided;
- Granting a density bonus if a developer donates land for very low income housing; and
- Requiring jurisdictions to implement Density Bonus law through local codes.

### **Why is the City considering a Density Bonus ordinance?**

Several years ago, the City decided not to adopt a Density Bonus ordinance but rather issued guidelines for compliance with the State's Density Bonus law. However, the State is now offering to do a streamlined review of the city's Housing Element, if a Density Bonus ordinance is adopted before the City submits its draft Housing Element to the State. It is expected that the streamlined review will result in a significantly shorter review period by the State, since it will only review those parts of the Element that have changed since the last Element was certified.

### **What happens if the City elects to resign its membership from ABAG?**

In terms of the Housing Element, nothing would change. The City would still receive a RHNA allocation and be required by State law to complete the Housing Element, and have it certified by the State, regardless of its participation in ABAG. Further, continuing to participate in ABAG means that the City can have meaningful input on the RHNA allocation process and other programs conducted by ABAG.

### **Does having a Priority Development Area (PDA) affect the RHNA allocation?**

A City's PDA status alone does not have a direct relationship to the allocation of Regional Housing Needs by ABAG. A determining factor on where growth will occur is based on where there are transit nodes; in the case of Lafayette, the RHNA allocation is partially tied to the existence of the BART station. In addition, one of the criteria for becoming a PDA is proximity to transit nodes, so the BART station was a significant reason the PDA was approved for Lafayette.

### **What happens if the City does not complete the Housing Element, or fails to receive certification from the State?**

Successful certification of the Housing Element is directly tied to whether or not a jurisdiction is eligible to receive certain kinds of funding, including some transportation funds. Additionally, not having a certified Element puts a jurisdiction at risk of lawsuits from developers. Courts have required cities without approved Housing Elements to allow housing "as-of-right", without any discretionary review by the City until the Housing Element is certified, including in single-family zones.

### **What is the City doing to garner public comment and input on the Housing Element?**

The City is holding three community meetings at which residents can ask questions and provide input as the Housing Element is being developed. In addition, there will be opportunities for community input before the Planning Commission and the City Council, both during the draft review of the Housing Element (prior to initial comments from the State), as well as during the final review before the Housing Element is adopted. The following is a tentative schedule for these meetings:

1. Wednesday, April 30<sup>th</sup> – Introduction to the Housing Element
2. Tuesday, May 13<sup>th</sup> – Housing Sites Inventory, Density Bonus Ordinance, and Density Adjustments
3. Wednesday, May 28<sup>th</sup> – Policies and Programs

### **When does the Housing Element have to be submitted to the State?**

The Housing Element must be adopted by the City prior to submission of the final document in January 2015. As noted above, the City expects to adopt the Element in December 2014.

### **How can I find out more about this?**

The City has more information on its website at [www.lovelafayette.org/HE](http://www.lovelafayette.org/HE) or you can contact planning staff:

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