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Honorable Members of the Contra Costa County Board of Supervisors:

East Bay for Everyone is a network of people fighting for the future of housing, transit, tenant rights, and long-term planning in the East Bay. The 2023 Housing Element and 2040 General Plan are excellent opportunities for Contra Costa County to implement a long-term vision and address long-standing issues in the county. We are excited about this opportunity and hope that you will choose to add more homes not through more sprawl development but in infill areas, which are primarily in wealthier parts of the County.

Challenges and opportunities

Unincorporated Contra Costa County is heavily segregated. Some areas of the County have very poor air quality, toxic soil, poor-performing schools and low levels of investment. Historically, these areas have added a lot of the County's new infill and multifamily housing. Other areas of Contra Costa County are very wealthy, very white, have good air quality, and Blue Ribbon schools. These areas have added hardly any new housing in the past few decades. This is not an equitable outcome: We should be adding more residents to the places with great schools, short commutes, and good air quality, not the places with poorer schools, longer commutes, and poor air quality.

The County can address both of these issues by trying to fulfill as much of its Housing Element obligation as possible in Contra Costa County's wealthier, infill areas. Making it legal to build "missing middle" housing in places like Walnut Creek, Saranap, Alamo, Diablo, and Blackhawk will give County staff and young families an opportunity to live in good school districts and have a much shorter commute. The County can use the additional property tax revenue from adding more housing in wealthy areas to fund investment in lower income communities, including complete streets projects, toxic soil removal, rent stabilized housing, and more.

We are very concerned that the draft land use maps further existing patterns of inequality in Contra Costa County. The draft land use maps effectively eliminate single family home zoning in North Richmond and upzone large amounts of Crockett and Montalvin Manor, all "disadvantaged communities" according to state law. North Richmond has Superfund sites and more emergency room visits for asthma than any other census tract in the state. Meanwhile, all of the single family home zones in Alamo and Diablo, which do not have any Superfund sites, have the same density as they did in the last RHNA cycle. As it stands the plan is to give the County's new residents asthma, toxic groundwater and hospital bills, and send their kids to some of the worst schools in the County.

Assembly Bill 686 requires counties to "Affirmatively Further Fair Housing." The law recognizes that many cities and counties have historically met their RHNA goals by adding new housing only in lower-income areas, and seeks to remedy that by requiring cities and counties to put more of their new housing in wealthier areas to **affirmatively** further fair housing.

Contra Costa County **must** shift more of the planned upzonings away from cities that have toxic soil and poor air quality, and toward wealthier areas that are not adjacent to Superfund sites.

Not Every Zoned Home Will be Developed By 2031

Unincorporated Contra Costa County's RHNA allocation is 7,610 homes. At a bare minimum, the County must demonstrate to HCD that it can accommodate and permit this much new housing before 2031. However, not every site that Contra Costa County zones for will turn into housing.

The City of Los Angeles recently conducted a study of its housing element and found that only 3.5% of its total zoning capacity turned into housing. As a result, they are planning to upzone for new capacity that's several multiples higher than its RHNA target.¹ Any given site in the County might not get developed, or might get developed at lower than the zoned capacity, and the County should adjust its zoned capacity accordingly.

We believe that in order to hit the target of 7,610 homes, **Contra Costa County should rezone to permit at least five times that number of additional homes, or about 38,000 new homes.**

Alternatively, the County could review permitting activity during the 5th Cycle RHNA to determine what share of the RHNA was actually permitted, then use that number to determine a better multiple for the 6th Cycle RHNA. We believe 5x is a good starting point from which to honestly engage with the planning process.

¹ See "Creating a Stronger Housing Element: The Example of Los Angeles" from the Turner Center <https://bit.ly/turner-center-strong-housing-element>, and the methodology appendix from the LA Planning department for its 2021 Housing Element: <https://bit.ly/la-planning-housing-methodology>, or for a shorter summary read this Twitter thread from Chris Elmendorf: <https://bit.ly/elmendorf-la-capacity>

Issues with Placeworks' work in Southern California

Contra Costa County has hired Placeworks to help produce the Housing Element and General Plan update. We are very concerned about the track record of this consulting firm.

- In South Pasadena, Placeworks claimed that the city hall and police department would be replaced with low income housing. It seems unlikely that this is going to happen, and HCD appears to agree.
- Also in South Pasadena, Placeworks claimed that two historic homes - illegal to be torn down due to their historic designation - would become 25 mixed income homes.
- In San Luis Obispo, Placeworks took the ADU permits from 2019, multiplied this number by 5, and claimed that this would be the number of ADU's permitted each year under the new housing element. HCD guidance is clear that the ADU numbers should *either* be based on production beginning January 2018 (when ADU rules were liberalized) *or* five times the number of ADUs permitted before that date.

We are concerned that the work product produced by Placeworks will result in a housing element that does not follow state law and will not result in 7,610 homes being produced by 2031.

Compliance with AB 1397 (Realistic Sites) and AB 646 (Furthering Fair Housing)

Many of the issues with the work done by Placeworks have to do with compliance with AB 1397. There are several provisions of AB 1397 that are important for Contra Costa County to consider:

- Sites smaller than half an acre may not be considered for low income housing unless Contra Costa County can demonstrate that similar sites were developed during the last housing element. This requires additional, extraordinary analysis of these sites.
- Sites larger than ten acres may not be considered for low income housing unless Contra Costa County can demonstrate that similar sites were developed during the last housing element, or submit other evidence. This also requires additional, extraordinary analysis of these sites.

The Alamo Plaza shopping complex is a very tempting site for new housing. However, it is one of the most profitable shopping complexes in Northern California, and the owner (Donahue Schreiber) has expressed no interest in building housing on the site. This alone is sufficient to preclude Alamo Plaza from being included in the site inventory, since the owner's plans satisfy the substantial evidence criterion that this site will not be redeveloped. If Contra Costa County wants to include this site in its site inventory, it must obtain a commitment from Donahue Schreiber that they are interested in building housing, including low income housing, within the next decade.

We would like Alamo Plaza – adjacent to the Iron Horse Trail, close to schools – to become a model for car-free living, but that seems unlikely to occur before 2031. If the County submits Alamo

Plaza as a location for low-income housing to meet the RHNA target, it must be accompanied by substantial evidence that Donahue Schreiber is interested in building that housing. We are prepared to submit Public Records Act requests and speak with their land use team if necessary.

If we believe that Contra Costa County's housing element violates AB 1397 or AB 686, we will seek HCD's intervention via its California's Housing Accountability Unit, and we are aware of several housing nonprofits in the Bay Area that pride themselves on a reputation of successful impact litigation.

Suggestions for Alamo/Castle Hill/Diablo/Blackhawk/Unincorporated Walnut Creek

The author of this letter grew up in Alamo,² and the town basically looks the same since he was born in the late 1980s. However, it has gotten a lot more difficult to move into the neighborhood, and his childhood friends now live in places where they can afford to both own a home and raise kids: Houston, Phoenix, Concord, Twentynine Palms, Dallas, Los Feliz, Minneapolis, Savannah, and Omaha. Several of Alamo's new residents are, literally, NBA players. It is unfair to expect graduates of Stone Valley Middle School, or Monte Vista High School, to make it to the NBA (or make an equivalent salary) to be able to afford to live in the town they grew up in. One shouldn't need to be an NBA player to live in a walkable neighborhood with short commutes, good air quality, and good schools. The following suggestions will help make this community's own sons and daughters more able to live here:

- **Density decontrol:** The General Plan draft says that a key land use goal is to preserve Alamo's "semi-rural character" and further notes that Blackhawk and Diablo are "built out." Here are some homes that have been permitted since 2019:
 - 310 David Drive, Alamo, 4500 sq ft, 5 bedrooms, 4 baths, \$3.6m, for one family only
 - 10 Grand Royale Ct, Alamo, 8200 sq ft, 6 bedrooms, 8 baths, \$6.4m, for one family only
 - 26 N Jackson Way, Alamo, 4200 sq ft, 6 bedrooms, 6 baths, \$3m, one family only
 - 1822 El Nido, Diablo, 7400 sq ft, 5 beds, 8 baths, \$6.4m, one family only
 - 1726 El Nido, Diablo, 6100 sq ft, 6 beds, 5 baths, \$5.1m, one family only

We do not understand why mansions of this size are compatible with "semi-rural character" if they are built for a single family, but a building that could fit four families in a smaller envelope would be illegal to build nearly everywhere in Contra Costa County.

Our position is simple: Contra Costa County should keep the exact same rules about form, massing, and setbacks that it currently has, but allow as many homes to be constructed within the walls as the builder would like. This would help affordability: Not only would four \$1m homes let three more families live in the neighborhood than a single \$4m home,

² Full disclosure: the author's mother is on the Alamo MAC. This document was prepared without her knowledge or input; the opinions are those of the authors.

but \$1 million is within the range a thrifty county employee could afford. If a 5,000 square foot mansion is compatible with "semi-rural character," then a 4,000 square foot fourplex in the same building envelope should be as well.

- **Equal upzoning in low and high income areas:** If Contra Costa County wants to upzone 100% of the single family zoned areas in North Richmond, or 50% of them in Crockett, it should upzone 100% or 50% of the single family zoned areas in Alamo, Diablo, and Unincorporated Walnut Creek. The proposed pattern in the draft maps - ending single family zoning in the County's lower income areas, and preserving it almost entirely in the wealthy ones - violates the state's fair housing law, and we will work with HCD to ensure this is remedied.

Many areas in the draft land use plan have a "Mixed Use" designation with density figures to be assigned later. The densities in Mixed Use areas of Saranap and Alamo should be at least as high as those in North Richmond and Crockett, two Superfund sites adjacent to heavy industry.

- **SB 9 compliance:** Several cities in California have made zoning changes that make it more difficult to build SB 9-compliant homes. The General Plan should strive to make it as simple as possible to add additional density throughout the County. The County should permit duplexes that have the same FAR and square footage rules that exist for single family homes and look at ways to streamline the process of adding homes, such as waiving or deferring sewer hookup fees.
- **Horse stables:** There are several working horse stables in Alamo. Any working horse stable should be eligible for redevelopment at 30 homes per acre. Contra Costa County has lots of open space outside the urban limit line; humans cannot occupy it without permanently altering the terrain, but horses can. We should trade horse stables inside the urban limit line for housing, and add more horse stables outside of it.

The Alamo MAC is also desperate for land for civic uses. Offering stable owners land outside the urban limit line at a favorable ratio could be a way to add land that could be used for affordable housing or parks.

- **Gas stations:** Gas powered automobiles contribute to traffic congestion, poorer air quality and hasten the arrival of climate change. At the margin, it would be good for gasoline to be slightly more difficult to purchase, which would encourage drivers to choose an electric car, an electric bike, the bus, or another method of travel for their next trip. All of these would help mitigate traffic and climate change and make Contra Costa County a more friendly and healthy place to live.

- **Neighborhoods with racial covenants:** Many homes in wealthier parts of Contra Costa County contain language in the CC&Rs that forbid sale to Black people. This is not speculative or anecdotal: this author's parents live in one. These homes (and neighborhoods) allowed white families to accumulate wealth that was not accessible to Black people, and by the time the Supreme Court banned enforcement of racial covenants, many of these homes were out of the financial reach of many Black residents. The land use pattern established by overtly segregationist land use planning—high numbers of white residents and law intentionally excluding nonwhite residents—persists today in many of Contra Costa County's wealthy areas. We think neighborhoods with a high number of racial covenants should be eligible for additional upzoning and/or targeted for purchase for deed-restricted affordable housing.
- **Churches:** Many religious communities in the County have lost membership because their parishioners cannot continue to afford the area. We are encouraged that some of the area's churches have higher intensity zoning but think you should zone for a minimum of 30 du/acre on all of these sites, so they can be competitive for state and federal financing.

Finally, while we would like the County to add lots more additional housing, we do not support adding housing outside of the urban limit line or directly adjacent to a freeway. Studies show that children living near a freeway score worse on tests than children who don't, as well as have more respiratory issues. We opposed moving the urban limit line in Tassajara Valley.

- We oppose rezoning the stretch of Bay Point directly adjacent to Highway 4 for high density housing.
- We oppose using open space near highways 680 and 24 for multifamily housing.

Specific Sites for Additional Housing

Here are some specific sites that we think would be appropriate for increased density:

- **Downtown Alamo between Jackson Way, St. Alphonsus Way, the Iron Horse Trail, Stone Valley Road, and the CVS:** This is the ideal location for housing for people who don't want or need a car. As the County's population gets older, many seniors will be unable to drive and will need places to live that allow them to be social without a car. More car-light density downtown would support shorter headways for the County Connection bus. We think this entire area should be rezoned to allow housing at 60 homes per acre with a maximum of 1 parking space per home.

Growing up in Alamo, this author would have wanted to live at this site - walking distance to stores, biking distance to elementary, middle, and high schools, close to soccer practice and friends, and a short trip to the library. I would have been a lot less dependent on a car (and my parents) in order to do anything. It's a shame that so much of Alamo is only

accessible by car.

Pursuant to AB 1397, we do not believe that this rezoning can count toward the County's RHNA requirement without firm commitments from the property owners that they are interested in building housing here. However, we think you should include it in the General Plan update anyway, as a vision for what Alamo could be.

- **900 block of Stone Valley Road:** There is a large empty parcel here that would be perfect for RM or RMH missing middle housing. The existing single family homes in Alamo are not affordable for the firefighters who work down the street, but smaller, denser housing on this lot likely would be.
- **Alamo Women's Club:** We're encouraged this site is upzoned but think the minimum density should be 40 units per acre, to financially support a community space requirement on the ground floor.
- **977 Danville Boulevard:** This is a more appropriate place for missing middle housing than the Montalvin Manor neighborhood adjacent to Pinole Point Steel Company that has had toxic waste dumped into it for decades. The builder has submitted plans for six single family homes that will each sell for more than \$3 million. The County should instead push the builder to build denser housing on this lot that would help affirmatively further fair housing. At the very least, this lot should be as dense as Montalvin Manor and the formerly single family home lots in Crockett that are downwind of the Philips refinery.
- **South of Seven Hills School:** This is a large empty site in a wealthy area a short bike ride from BART, parks and a grocery store. If you are going to upzone the areas adjacent to the hazardous waste facility in North Richmond to RMH, then the zoning here should be RMH or RH as well.
- **Mauzy School back lot:** In a phone conversation, CCCOE staffers expressed interest in building teacher housing on this 4 acre lot. The first step to making this goal a reality would be to make it legal to build at least 30 homes per acre there. Better yet, the County could take an affirmative role in assisting CCCOE in developing this site through zoning code waivers and/or a general plan amendment, whichever was necessary.
- **Monte Vista High parking lot:** This is an ideal location for teacher housing or multifamily housing that could help maintain enrollment in the school district, and bring revenue to SRVUSD that could be used to fund teachers or additional programming.
- **Alamo School, between the baseball field and Livorna Road:** There's a half acre that's unused that could be teacher housing or apartments. The additional revenue could help

fund higher salaries for teachers or better programming for SRVUSD.

- **Parkmead and Bay Point:** Several zones in the draft map for Saranap and Parkmead go from "SH" (5-7.2 du/ac) to "RLM" (3-7 du/ac). Because the maximum intensity of housing is lower on the draft map, we believe that this is an illegal downzoning under SB 330.

Finally, here are some policies that we think would help address density and equity in Contra Costa County:

- **Waive sewer hookup fees for second, third and fourth units.** A homeowner who wants to add two new bedrooms to an existing single family home does not need to pay an additional sewer hookup fee, but a homeowner who wants to build an ADU needs to build an entirely new line to the street and pay five figures in fees. We think these fees should be waived or deferred, and if they won't be, a more equitable imposition of fees should be pursued, with the new revenues being directed toward affordable housing.
- **Parcel tax or transfer tax to fund affordable housing:** Many homes in the wealthier parts of Contra Costa County are worth many multiples of their assessed value. This makes it difficult for the County to fund initiatives that address inequality and to provide basic services. A transfer tax correlated with the time since the last transaction could help the County fund affordable housing, complete streets projects, and soil cleanup in lower income areas.
- **Parking maximums, not parking minimums** - If you want to add people without adding traffic you want to attract people who aren't interested in driving cars. California Bike can hardly keep electric bikes in stock because there is so much interest in cycling. At \$90,000 per space, mandatory parking drives up the price of housing, takes up space at ground level that could be used for retail, and attracts people who want to drive cars to get around.

Thank you for considering our letter. We look forward to engaging with you throughout the Housing Element Update process. We would love to have a meeting in January or February to go over these concerns with you in more detail.

East Bay for Everyone

Diablo Valley for Everyone

YIMBY Law

Inclusive Lafayette