



June 9, 2022

Planning & Housing Division  
City of Concord  
1950 Parkside Dr.  
Concord, CA 94519

RE: Draft Housing Element

To Whom It May Concern,

East Bay for Everyone is a membership organization advocating for housing, transit, tenant rights, and long-term planning in the East Bay. We and the undersigned organizations write to provide comments on the City of Concord's 6th Cycle Housing Element Public Review Draft.

### **Programs and Policies**

- Concord says they will rezone high resource East Concord for multifamily *but not until 2027*:
  - This date is far too deep into the 6th Cycle to realistically realize MF housing production within the planning period. A typical MF project takes one to two years for site control and entitlement and at least two years for construction. Low-income housing financed by LIHTC regularly takes much longer. A 2027 rezoning would defer action till halfway into the planning period and leave barely enough room for housing to be entitled, permitted and constructed by the end of 2031.
  - Consider moving this date up to 2025.
- Proposes to reduce parking requirements for residential uses in the transit overlay district, *but only by 25%*
  - While parking reductions near transit are appreciated, Concord's base parking standards are especially high for MF housing. For example, two spaces are required for two bedroom units. Off-street parking requirements are typically not based on any empirical study and have no relation to parking demand, especially in places with access to rail and frequent bus service. A 25% reduction from very high base

requirements could result in projects still being overparked, which increases costs with negative environmental and affordability externalities.

- Consider eliminating parking requirements within the transit overlay district, or reducing them to 50% of the base requirements.
- Middle density program exists *but only as an ad hoc process and only allowed for ownership*:
  - Middle density housing is an important tool for creating diverse housing types and more attainable housing choices..
  - Firstly, unfortunately Concord's program seems geared towards PUDs and ad hoc development. By not allowing middle density housing allowed by-right, this program ensures only well-capitalized developers and property owners will be allowed to participate. Concord should consider allowed middle density housing allowed near downtown and North Concord in transition zones from more intensive TOD development patterns.
  - Second, middle density housing should not be restricted to ownership. A diverse set of tenures should be incentivized for middle housing to cater to Concord's diverse population.
- Lot Consolidation Incentive (Program 13)
  - We think this is a good approach to foster small lot development.
  - The incentives should be developed into a comprehensive program and not be limited to ad hoc waivers.
- Replacement Requirements (Program 19)
  - Demolition protections and replacement requirements are important anti-displacement tools.
  - We urge Concord to follow the City of Oakland's lead and codify SB330/SB8 demolition protections and replacement requirements in the municipal code. SB330/SB8 is slated to sunset in 2031.
  - The City of Oakland recently updated its development application to require an affidavit of project applicants regarding proposed demolition of protected units under SB330/SB8 and provide details as to the displaced tenants and replacement units. Concord should follow suit.
  - The development community must be made aware of SB330/SB8 demolition protections and replacement requirements. We have seen instances where project applicants have applied for entitlements to demolish empty, protected apartments and rebuild without being aware of SB330/SB8 demolition protections and

replacement units. Their applications were rejected, but the damage to displaced tenants was already done.

### **Site Inventory**

We did not have time to examine the feasibility of individual sites; the lack of comments here should not be read to support the belief that development on the sites is feasible.

### **Buffer**

Per Kapur et al (UCLA 2021), around 28 out of 369 sites, or about 12%, of Concord's site inventory in the 5th Cycle had building permits issued.<sup>1</sup> If we were to assume that 12% of Concord's 6th Cycle inventory was to become housing, Concord would need to demonstrate capacity for 5073 / 12% = about 42,000 homes in their site inventory. Instead, they include capacity for just 5700 homes in their site inventory, or an implicit assumption that about 88% of sites in the inventory will get permits. We think it is unrealistic that a site inventory with a capacity of 5700 homes will become 5070 actual homes. We think these numbers should be much higher; demonstrating capacity for 20,000 homes in the site inventory would be a good start.

### **Lack of Rezoning**

Development has gotten a lot tougher since the 5th Cycle:

- Interest rates are higher
- Material costs are higher
- Supply chains are longer
- Labor costs are higher

Rents and home prices are higher, but not by enough to offset the increases in these four areas. We are disappointed to see Concord attempt to hit its targets with the existing density on many of its sites. We do not think that sites that were not chosen for development in the 5th Cycle will become more viable now.

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<sup>1</sup> See <https://lewis.ucla.edu/RHNAmaps/>, numbers were taken using the "75 feet" geocoding buffer and choosing Concord from the dropdown. Note numbers are from building permits issued from 2015 to 2019 and multiplied by 8/5 to simulate the full planning cycle.

Further, we know the existing densities are not high enough because developers are pulling out of projects in Concord. A developer recently withdrew from building housing at North Concord<sup>2</sup> and the Naval Weapons Station developer is also attempting to renegotiate the project.

To increase the likelihood of development, Concord should increase the base density on each site by at least 25% and to reduce mandatory parking minimums on all sites by 50%.

### Naval Weapons Station

As we expressed in our letter in advance of the ENA extension meeting with Seeno, we are concerned about the Naval Weapons Station project and the developer's intention to e.g. build more single family homes than initially planned, and count ADU's toward the lower income targets. We think counting 300 homes from the NWS toward the target is a reasonable likelihood-of-development assumption to make.

### Constraints Analysis

- Setbacks for Multifamily housing
  - According to the Constraints Analysis, multifamily setback minimums “remain relatively similar between the residential zones.” (p. 21). This means that setbacks applied to single family zones are largely the same as those applied to multifamily housing. What is the rationale for this?
    - The front setback for RH and RM multifamily development are listed as 25’ and 30’, respectively.

CITY OF WALNUT CREEK  
SUMMARY OF DEVELOPMENT REGULATIONS  
RESIDENTIAL ZONING DISTRICTS

Rev. 25AN05

	Zoning District	Minimum Lot Size (Sq.ft.)	Maximum Density (Sq.ft. / Unit)	LOT LAYOUT		MINIMUM SETBACKS (ft.)				MAXIMUM		
				Minimum Lot Width & Frontage (ft.) (b)	Minimum Depth (ft.)	Front yard	Side yard			Rear yard	Coverage of Net Lot Area	Building Height/ Stories
							Interior (Min./Total)	2nd Floor	Corner			
Single Family	R - 40	40,000	-	140	150	30	15		30	20	N/A	25 / 2 (h)
	R - 20	20,000	-	120	150	20	15		15 (d)	20	25%	25 / 2 (h)
	R - 15	15,000	-	100	120	20	10 / 25		10 (d)	15	25%	25 / 2 (h)
	R - 12	12,000	-	90	100	20	10		10 (d)	15	30%	25 / 2 (h)
	R - 10	10,000	-	80	100	20	5 / 15	10 (k)	10 (d)	15	35%	25 / 2 (h)
	R - 8.5	8,500	-	75	95	20	5 / 15	10 (k)	10 (d)	15	40%	25 / 2 (h)
R - 8	8,000	-	75	95	20	5 / 15	10 (k)	10 (d)	15	40%	25 / 2(h)	
Multiple Family	D - 3	6,000	3,000 (a)	60	N/A	15(j)	5 (c)	-	10	10	50%	25 / 2 (h)
	M - 3	15,000	3,000	90	N/A	20	10 (c)	-	20	10 (e)	50%	30 (h,i)
	M - 2.5	10,000	2,500	90	N/A	15	5 (c)	-	10	10 (f)	50%	30 (h,i)
	M - 2	8,000	2,000	60	N/A	15	5 (c)	-	10	10 (f)	60%	30 (h,i)
	M - 1.5	9,000	1,500	90	N/A	15	5 (c)	-	10	5 (g)	70%	30 (h,i)
M - 1	5,000	1,000	50	N/A	15	5 (c)	-	10	5 (g)	70%	30 (h,i)	

- Concord’s front setbacks for multifamily residential development are between 1.5 and 2 times as far as its neighboring peer city Walnut Creek.

<sup>2</sup> ["Housing developer abruptly ditches 360-home project at North Concord Station"](#), Shomik Mukherjee, East Bay Times, June 19, 2022

- Concord's rear setbacks multifamily residential development are between 3 and 5 times as far as its neighboring peer city Walnut Creek.
- Concord's front and rear setbacks for multifamily residential development should be relaxed to facilitate more efficient land use. Priority should be given, however, to reducing the front setback in order to encourage walkable and human-scale urban fabric.

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We look forward to continuing to engage with the City of Concord in this process.

John Minot  
Co-Executive  
East Bay for Everyone