



Andrew Smith
Community Development Department
1666 North Main St.
Walnut Creek 94596

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. Here are our comments on:

- Fair Housing (Appendix B)
- Sites Inventory Analysis (Section 7)
 - Suggestions for Additional Sites
- Policies and Programs (Section 8.1)

Summary

- If Walnut Creek permits single family homes that are the size of fourplexes, it should permit fourplexes on all lots.
- Walnut Creek does not have enough buffer in its inventory, and many sites in the inventory are closer to a 50% development probability than a ~85% development probability. It should include more sites.
- We suggest several additional locations for new housing including Shadelands, Woodlands, housing oriented around bike trails, and the Newell Ave Park & Ride.
- Walnut Creek should commit to monitoring housing production and making additional and automatic policy changes such as rezoning, additional streamlining, and/or fee reductions if housing production is not on pace to meet Walnut Creek's need. The triggers for the automatic responses should be measured at 2, 4, and 6 years into the cycle, with the size of the response increasing if the shortfall increases.

Fair Housing (Appendix B)

The Fair Housing appendix does a good job of charting Walnut Creek's performance on different fair housing attributes.

Racially Concentrated Areas of Affluence

We are concerned that almost the entire Sites Inventory is concentrated close to downtown, and almost none of the sites inventory includes sites in the "Highest Resource" zones of the city (Figure B-1, page B-11), or in the areas marked as "Racially Concentrated Areas of Affluence" (Figure B-9, page B-25).

Walnut Creek claims its affluent areas are "mostly built out"¹ as a reason why more of the Sites Inventory cannot be accommodated there. We are disappointed to read this, as it does not seem to be factually accurate. Here are some homes that have been built and sold in Walnut Creek recently:

- 595 Las Lomas Way, 4 bedrooms, 5 baths, 4833 sq ft, for one family only.
- 1020 Scots Lane, 5 beds, 5 baths, has a waterslide!, 4372 sq ft, for one family only.
- 49 Amigo Lane, 5 beds, 4 baths, 3368 square feet, for one family only.
- 2048 Hermine Ave, 5 beds, 6 baths, 4518 square feet, for one family only.



2048 Hermine Ave, in a "Highest Resource" neighborhood.

These buildings are the same size as four 1-2 bedroom apartments, but Walnut Creek does not permit fourplexes in affluent areas. **If it is legal to build a 4500 square foot, 5 bedroom mansion throughout Walnut Creek, it should also be legal to build four 1000 square foot condos.** The latter would be affordable to a wider range of residents. These mansion homes demonstrate Walnut Creek's wealthy areas are not "built out" - they are sustaining a lot of new development, it's just completely unaffordable to average residents.

Walnut Creek should amend development standards to make duplexes, triplexes, and fourplexes easier to build in its Highest Resource zones, by easing parking requirements and permitting more than 800 square feet for second, third and fourth units in its SB 9 ordinance. It should also

¹ Page B-79.

consider allowing triplexes and fourplexes as part of a single structure, as long as that structure complies to the same setbacks and FAR rules as e.g. the home at 2048 Hermine Ave.

Walnut Creek should also rezone to accommodate more lower income households in its Highest Resource and Racially Concentrated Areas of Affluence census tracts.

Freeways

Freeways are leading sources of noise and air pollution from tire particulates, disc brakes, and combustion engines. In turn, higher levels of air pollution are linked to lower birth weight, worse school performance, general cognition declines.

A large number of Walnut Creek's sites are located in close proximity to the 680 freeway. In particular we are concerned about the 124 low-income homes planned on Sites 79, 80, and 81, which are located within 50 feet of the freeway. Walnut Creek should consider increasing ventilation standards for buildings close to the freeway, to ensure dirty air is being filtered.

Sites Inventory Analysis (Chapter 7)

We appreciate Walnut Creek's focus on meeting statutory requirements for the Housing Element, for providing justification for why each site was included, for including a discount when not all of a site can be developed (ex. over a creek) and for including information about parcels that have existing tenants onsite.

Please see our separate email for a list of problems with individual sites in the inventory.

Buffer

Walnut Creek only has a buffer of 53 homes, or 2%, for its above-market RHNA target, and an overall buffer of 12%, below even the low end of HCD's recommendation. We are skeptical that sites in the inventory will convert into housing with an 88% success rate. An 88% conversion rate may be appropriate for the ~1500 homes that are in the proposal or entitlement phases, but for the other ~4800 homes, the conversion rate is much higher than Walnut Creek's 5th Cycle site conversion rate into denser housing.

Given Walnut Creek is not including a rezoning program, the City should provide evidence about likelihood of conversion for different types of sites in the 5th Cycle and then explain why it thinks those numbers would be the same or higher in the 6th Cycle. For example

- X% of vacant sites in the 5th Cycle inventory became housing at the zoned density. This is lower than 88%, but we think more vacant sites in the 6th Cycle will become housing because Z.
- X% of single family homes or duplexes in the 5th Cycle inventory became denser multifamily housing at the zoned density. This is lower than 88%, but we think more of these sites in the 6th Cycle will become housing because Z.

- X% of proposed/entitled/under construction projects in the 5th Cycle inventory were completed at the proposed density. This is (lower/equal to) 100%, but/and we think the same number of sites in the 6th Cycle will become housing because Z.

Walnut Creek can use its post-Downtown plan adoption numbers and multiply these by 8/3.

MU-C zones

Many sites zoned Mixed Use - Commercial in the North Downtown Specific Plan are assumed in the inventory to be a) Redeveloped at all and b) Redeveloped into *housing* specifically, and not a denser commercial use. Based on a 12% buffer, Walnut Creek assumes each site has about a 80-88% chance of being redeveloped *and* redeveloped into housing instead of into office space, or a parking garage, or any other use. This assumption is too generous. Walnut Creek should provide evidence of the rate of conversion into housing vs. other uses for sites in the 5th Cycle, then use those rates to apply a discount factor to the capacity estimates. For example:

Site number	Base zoned capacity	P (redevelopment)	P(housing, given redevelopment)	Realistic capacity
108: gas station	22	0.7	0.8	$22 * 0.7 * 0.8 = 12$

We've provided notes on many of these sites, and while we think development is still be possible on some/all of them, we think it is unlikely that 88% of these sites will convert into housing at the assumed densities, the rate needed to hit the RHNA target with a 12% buffer.

Sites with existing tenants need higher densities

Walnut Creek states that it should pencil to relocate X existing tenants, as long as the new building has at least $2 * X$ new units. The examples given of successful relocation and return in the 5th Cycle have much higher multiples, for example, the Vaya site relocated 20 tenants to build 178 apartments, or a 8.9X ratio. Other examples of replacing homes were 3x or 4x the number of units, and do not indicate that relocation and return occurred. We're not sure it would be feasible to replace X units with fewer than 4X new units, especially given higher costs this cycle.

Non-optional Design Review for Reused, Nonvacant Sites

Walnut Creek indicates that reused, nonvacant sites have approval "by-right," but elsewhere in the document indicates that all proposals are subject to design review, where the Design Review Committee may make subjective requests of the applicant. These two criteria are in conflict with each other, and the design review process undermines the goal of by right development.

Walnut Creek should make clear that all reused sites are only subject to the Objective Multifamily Design Guidelines, whether those applications use streamlining or not, and that the Design Review Committee cannot make requests of applicants based on subjective criteria.

Side Setbacks in North/West Downtown Plans

Residential development requires 10 foot side setbacks. A number of parcels (for example Site 100), have narrow portions that would be difficult to develop with 10 foot side setbacks and a requirement to provide multiple egresses.

Amending the Plan code to reduce the side setbacks would increase the amount of developable area and make development more feasible on oddly shaped lots.²

Where we think housing should be added

Fourplexes and SB 9 rules: Walnut Creek should permit fourplexes on all lots to encourage the production of more affordable, modern housing throughout the City, and not just downtown. Because Walnut Creek's highest resource zones are all single family zones, this policy would also help affirmatively further fair housing.

Walnut Creek should increase the maximum square footage allowed for SB 9 homes from 800 square feet to 1600 square feet, and remove the requirement to provide a covered parking space.

Bike trail bonus: Walnut Creek has several excellent, protected bike trails. To help encourage new residents to get around without cars, Walnut Creek could offer a local density bonus to parcels that are located near trail entrances, or directly on the trail. To take advantage of the bonus, applicants could get a reduction in car parking requirements in exchange for secure ground floor bike storage for all residents, and (if applicable) a bike path opening from the parcel directly to the trail.

Japanese Christian Church: The leader of the church's congregation expressed interest in adding tiny homes. This parcel should be rezoned to make that density legal by-right.

Shadelands Business Park: This is a low performing business park that would provide opportunities for new housing outside downtown Walnut Creek. These have consistently higher vacancy rates than other commercial real estate in town. We spoke with a commercial real estate agent some time back, and he mentioned Shadelands is always the first place to lose tenants when economic conditions get tight, and the last to gain tenants in good times.

Woodlands neighborhood: Citrus Marketplace is underutilized, with multiple recent closures and vacant units (including a Nob Hill grocery store, which is a sizable amount of space), and a parking lot that is always pretty vacant because of the vacant storefronts. It's also across from The Orchards, a very new retail development, where businesses are still struggling despite an

² Walnut Creek could also consider amending the building code to permit a single egress/"point access blocks", like Seattle, Jersey City, New York, and much of Europe and Asia, but this is a bigger project.

always-full parking lot -- they would benefit tremendously from neighbors who could walk to their shops and restaurants. This area has very good schools and is a desirable area for families.

Newell Ave Park & Ride: This lot is consistently underutilized, in part due to structural trends in the workplace that have reduced the need for commuting. Walnut Creek should offer some or all of this lot for affordable housing. This photo of the lot was taken on February 2021 (a June 2022 photo is emptier, but may be from a weekend).



Highest resource areas: Walnut Creek should try harder to identify feasible sites for low income housing in its highest resource areas, which are outside of downtown.

Policies and Programs (Chapter 8)

Circuit breaker

In HCD's determination letter to San Francisco (August 8, 2022), HCD suggested a "circuit breaker," that would automatically trigger friendlier building conditions if projects in the pipeline failed to meet SF's projections.³

We think this would be an excellent idea for Walnut Creek. If after two years, development in the West and North Specific Plans is not proceeding based on Walnut Creek's schedule, a circuit breaker would trigger increased base densities, lower parking minimums, reductions in impact

³ HCD specifically suggested this for pipeline projects, instead of for all zoned projects in the inventory, because San Francisco claimed to be able to meet about half of its housing need via the pipeline, which several observers plugged as an overestimate based on historical trends. Walnut Creek does not have a massive "pipeline" of approved but stale projects.

fees, property tax breaks, friendlier setback requirements, or other tools that could make development more likely on each parcel.

Freeway impact mitigation

Walnut Creek should consider a program to increase noise reduction and ventilation standards for buildings close to the freeway, to ensure dirty air is being filtered.

Parking requirements

Walnut Creek is studying reductions in parking, but it should make concrete commitments to either lower its minimum parking requirements, or to convert them to maximums, in order to lower the cost of housing, make projects more feasible, and encourage walking, cycling, and public transit.