

# EAST BAY FOR EVERYONE

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Director Morris,  
 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.

Thank you for the opportunity to provide input on the third draft of the City of Brentwood's Housing Element. Unfortunately, many material shortcomings remain, and major elements of HCD feedback go completely unaddressed.

<b>Requirement for Compliance/past HCD feedback</b>	<b>Brentwood's Draft</b>
Sites with seasonal use or underutilized sites must be considered nonvacant	Sites with seasonal agricultural use are still listed as vacant.
If nonvacant sites make up >50% of the L/VL RHNA allocation, additional analysis is required to prove that current use is likely to discontinue	Brentwood does not provide additional analysis.. Language on current uses is vague, noncommittal, and contains no timelines. Letters provided are vague and do not prove that these sites could become housing by 2031
Sites at all income levels should be distributed throughout the City	<i>All</i> new Low/Very Low income parcels - indeed, all sites in the inventory - are concentrated in two small areas on the outskirts of Brentwood, and there are no provisions for upzoning to add affordability elsewhere
Sites listed should be available for development within the sixth cycle	PA-1 development is not expected to complete until 2039, the end year of the <i>seventh</i> cycle
Detailed analysis is required to illustrate current levels of access to opportunity	This requirement still has not been substantively addressed after being mentioned in January and May HCD findings.
Sites identified in the L/VL RHNA portion should be zoned for at least 30 units/acre	Many sites identified are zoned for only 25 units/acre, considering the midpoint density

	restriction
The element must consider other relevant factors that have contributed to certain fair housing conditions	The Element’s analysis of contributing factors has not been updated in response to HCD input from May.
The element must include “An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels”	HCD’s finding of deficiency in this area still has not been addressed.
Clear and appropriate evidence for affordability assumptions should be provided	The City assumes 50% affordability for new sites with no evidence whatsoever. Any assumption above the 13% requirement is completely specious, considering the total of only two affordable units in pipeline projects.
“The capacity calculation must be adjusted to reflect the realistic potential for residential development capacity on the sites in the inventory [...] In addition, the housing element should include monitoring programs with next-step actions to ensure sites are achieving the anticipated development patterns”	The City assumes a 75% capacity adjustment for sites that allow 100% nonresidential use, but does not provide analysis to justify this, does not provide the more detailed capacity analysis that HCD mandates <sup>1</sup> , and does not explain why the ‘midpoint policy’ is still being applied to these calculations despite being slated for elimination. Program H.1.Q is too vague to meet the requirement for monitoring programs.

**Staff opposition to multifamily housing**

We are *extremely* concerned by comments from Hanson Bridgett, representing the "Bridle Gate" developers, that suggests that the Bridle Gate developers wanted to build multifamily housing but were encouraged by staff to instead replace the multifamily component of the development with detached single family housing and commercial. This project has been stuck in the approval phase (and now litigation) for over 20 years.

Brentwood's Housing Element should analyze staff's opposition to multifamily housing as a constraint on housing development, and propose a program to mitigate staff opposition to multifamily development.

Further, while we think there are better sites in Brentwood for development, we are confused why this site was not included in the Housing Element given the developer's

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<sup>1</sup> Page 21-22 of the sites inventory guidebook, [https://abag.ca.gov/sites/default/files/documents/2021-08/sites\\_inventory\\_memo\\_final06102020.pdf](https://abag.ca.gov/sites/default/files/documents/2021-08/sites_inventory_memo_final06102020.pdf)

interest, and if it is to be developed we would encourage a density that would support shuttle/bus/bike lane/sidewalks/other community benefits.

### **Policies and Programs**

Brentwood committed to studying its 'midpoint policy' (the provision prohibiting development above the median of a parcel's zoned density range) in the 5th cycle Housing Element but apparently, that analysis did not conclude that this policy is a constraint to housing production. While this policy may follow the letter of the law, it clearly presents a constraint on housing development in Brentwood. Program H.1.T does not commit Brentwood to any specific policy changes and should completely eliminate this provision instead; as-is, it only commits to eliminating discretionary application of the policy, and it appears that the City plans to keep the policy in place considering its inclusion as part of (flawed and incomplete) realistic capacity calculations.

### **Sites Inventory**

The realistic capacity for sites 12-14 (adjacent to John Muir Parkway) should reflect the fact that the zoning for these sites permits retail and commercial uses. Absent evidence that the owner wants to pursue 100% residential development, Brentwood should adjust realistic capacity on these sites to reflect the potential for other uses.

Sites 12-14 have been owned by John Muir Health who have paid almost \$1 million in property taxes since 2001 to hold these parcels. They have recently expanded their facilities in Brentwood and no evidence is provided that they plan to dispose of these parcels. We also share the concern expressed by Hanson Bridgett (they refer to these sites as "Planned Development 49" or "PD-49") that these sites may need additional capacity adjustments to reflect drainage or catchment boundaries that are not accounted for.

Brentwood did not address HCD's concerns about Site 15, which has not applied for a building permit since a plan was approved in 2018.

### **Fair Housing**

We are concerned about the concentration of RHNA sites in less-affluent areas on the outskirts of the city. In particular, Sites 4-10 are cut off from the rest of Brentwood by State Route 4, and no new routes over or under the freeway are planned. Not only will this create a pattern of economic segregation, it will expose residents to serious health and quality of life consequences, including mortality from air pollution and developmental issues. On the other side of town, the Hanson Lane development has met with substantial community opposition over the lack of park space and other equity impacts. These concerns were echoed by Brentwood City Councilmember Jovita Mendoza at a recent City Council meeting to discuss the Hanson Lane project.<sup>2</sup>

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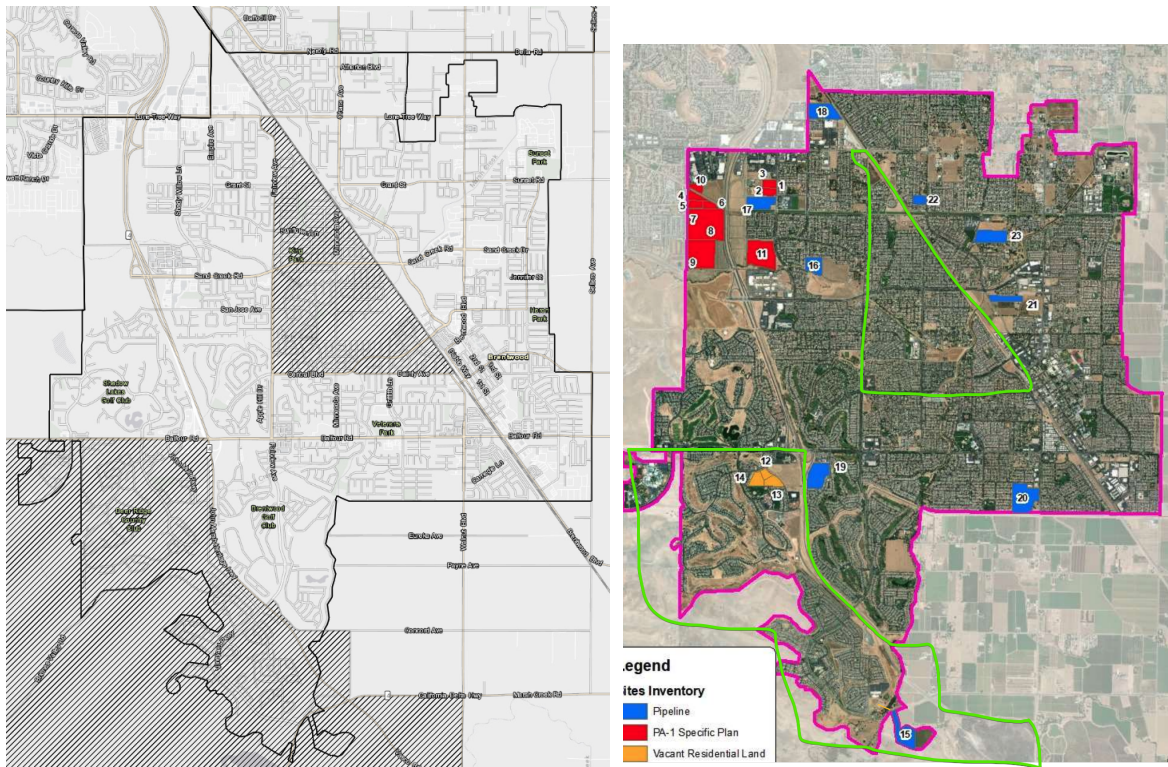
2

<https://www.msn.com/en-us/money/realestate/elitist-or-racist-city-official-residents-fume-over-approval-of-brentwood-housing-project/ar-AA1j72LO>

*"Why do people of color continually have to live with less than other people?" she asked, adding that she lives on the "nice side" of town. "I'm very blessed and I know it, and I look at the other side of town and ask, 'Why do we keep screwing them on parks?'"*

We agree with Councilmember Mendoza that Brentwood should add more opportunities for people of color to live on the "nice side" of town.

With the exception of Sites 12-14, the Sites Inventory almost entirely excludes the City's Racially Concentrated Areas of Affluence, the shaded areas in the below map.



Brentwood could address these issues by proposing a rezoning a portion of its single family neighborhoods to support "missing middle" development, for example, a target of 80 new duplex, triplex or fourplex units on single family zoned parcels, or rezoning the large vacant parcel between Minnesota Ave and Marsh Creek (APN [017-110-012](#)) to permit multifamily residential development.

We regret that Brentwood is unwilling to substantively engage with HCD guidance and take real steps towards a compliant housing element, and we urge HCD to reject this draft.