



November 17th 2023

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Honorable Board of Supervisors, and esteemed Planning Commissioners,

We appreciate the hard work made in the Housing Element Update, and appreciate the consideration you've made for our comments, in particular the myriad of great policies and the removal of the McAvoy site in Bay Point. Previously, the main concerns in our letter were around fair housing - adding a disproportionate amount of new housing in lower income communities, and less in wealthy communities. We have a shared goal of a compliant Housing Element for Contra Costa County and are concerned that without the site identification of low income sites before 2026, this next draft will also not be compliant. This draft has the bones of a good document, but needs strengthening in order to meet state and county goals. We believe that by adjusting zoning and development standards strategically, Contra Costa can exercise maximum control over its future while also reducing greenhouse gas (GHG) emissions and addressing our climate, housing, and equity crises. By considering the feasibility of proposed housing sites, Contra Costa can ensure the Department of Housing and Community Development (HCD) deems the new housing element legally compliant and accepts Contra Costa's housing element.

Recommendations

1. **Program HE-A7.4 delays core Housing Element requirements** - We appreciate the intent of this program. However, the County is essentially trying to hand in an IOU for sites to be determined at a later date. Identifying low income sites that comply with AFFH rules is something the County is supposed to include as part of the sites inventory, *now*. Further, this program stands a better chance if it is included as part of the General Plan update process. Not including these sites now may yield poor results getting affordable housing through a gauntlet of neighborhood opposition.
 - a. **Identifying sites is a core requirement of the Housing Element.** Sites in the Sites Inventory get legal protections that make it more difficult to deny or downzone applications for housing on those sites. By contrast, sites identified in HE-A7.4 will not have the protections of state law, and the County will not have any obligation to rezone them. State law protections are especially important in RCAA's that have historically banned apartments and fought hard to oppose them.
 - b. **Contra Costa County's recent experience identifying low income sites in RCAA's gives us reason to doubt they will be able to identify adequate sites.** A previous draft promised to rezone Mauzy School in Alamo for 30 homes/acre, at our suggestion, a

density that would have made teacher housing feasible, and the site competitive for low income grant funding. After receiving negative comments from Alamo homeowners, the county backtracked and included Mauzy School at 3 units/acre, a density that is not feasible for development. If the sites inventory does not commit to particular sites, this could easily happen again.

Further, HCD's determination letter explicitly asked the County to address why Mauzy School was included at 30 units/acre and then reverted to 3 units/acre. The County did not address the Mauzy School finding in its updated draft document.

- c. **Clarify affordability requirements for duplexes and fourplexes** - In parts of the county where the median home sells for more than \$2m, attached housing provides much more affordable options. However, explicitly requiring an inclusionary component may make them financially infeasible, which would leave us with the status quo of single family homes. A better policy than an inclusionary component would be to use additional impact fees and tax revenue from market-rate duplexes and fourplexes to provision affordable housing.
- d. **Clarify "up to 17/30 units/acre"** - What does it mean that the County may zone "up to" this density? Technically 6 units an acre is "up to" 17. 30 homes/acre is a baseline density for qualifying for low income housing grants.

San Ramon's program is much clearer and could provide a guide for the County - "we are changing these zones to this density."

Program 18: Missing Middle

The City of San Ramon shall further intensify and increase housing choices and affordability in relatively higher opportunity, high income, and lower density areas. The City shall increase baseline density with an upper density range of at least 15 du/acre in the RS and RM zones. Staff shall present a specific proposal to the City Council for consideration and adoption, including:

- Amendments to zoning
- Appropriate development standards to facilitate maximum densities including but not limited to: reducing or eliminating minimum lot size requirements, reducing setbacks, increasing FAR and eliminating minimum unit size requirements.
- A waiver system to ensure development standards do not preclude the maximum allowable density.

The City shall evaluate the effectiveness of meeting missing middle housing targets of these strategies in 2027 year, including but not limited to further increasing development intensity in single family zones within the following year to achieve more inclusive neighborhoods throughout City.

Responsible Agency: City of San Ramon, Community Development Department, Planning Division

Financing: Planning Grants, General Fund, State and Federal Funds

Objectives/Timeframe:

- Study feasible densities, identify sites, corridors, and neighborhoods for intensification. Develop a strategy to increase baseline density with an upper density range of at least 15 du/acre, housing choices and affordability in RS and RM areas with a target of 50 units in the planning period and adopt an ordinance, as needed.
- Within 12 months of Housing Element Adoption

AFFH Themes: New Opportunities in High Resource Areas

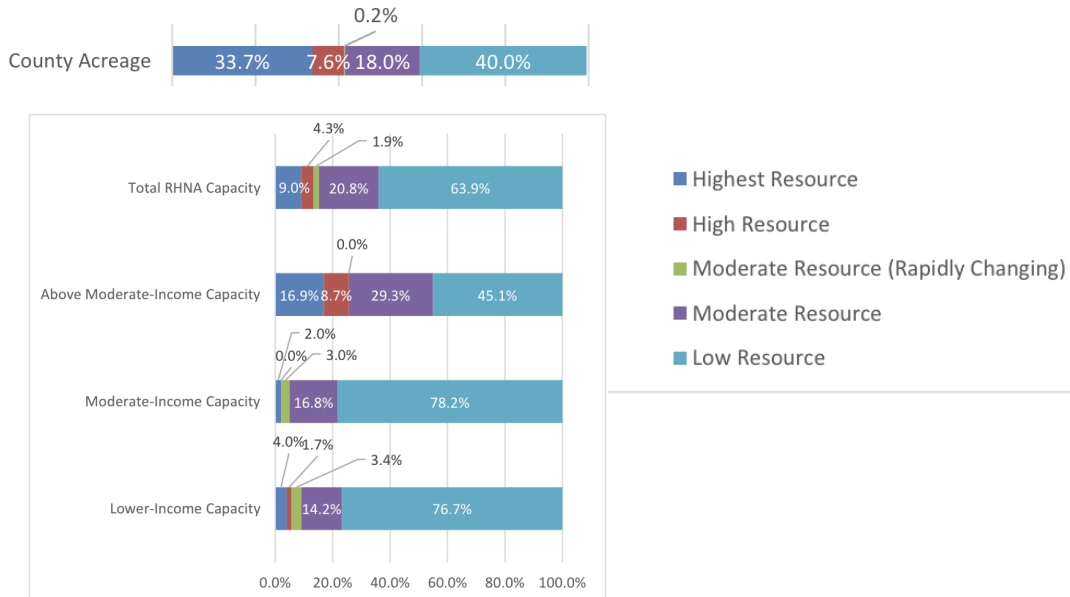
Housing Mobility

Targeted Neighborhoods: Not applicable

- 2. **County partially addresses HCD feedback on fair housing** - The compounding crises of climate change and housing affordability disproportionately impact low-income and communities of color. In order to address our housing, climate, and equity crises, we need to change the stigma around multifamily home structures.

Current housing policies have resulted in people being unable to afford to live where they work, creating long unsustainable commutes—both for the environment and for our social fabric. Cities need to actively plan for diverse housing options that are accessible to people of all backgrounds and income levels using the principles of Fair Housing. The County's own charts beginning on page 6-131 (page 139 of the clean PDF) indicate that their draft furthers existing trends instead of reversing them.

34% of the County's land is "Highest Resource" on TCAC maps, but only 9% of the Sites Inventory (and even less of the Lower-Income capacity) is in Highest Resource areas. A disproportionate amount of the inventory is in "Low Resource" areas.¹



The other maps show similar outcomes - 50% of the sites inventory is in areas with bottom 25% schools. A disproportionate amount of the inventory is placed in areas with the worst CalEnviroScreen scores, etc. **This is a particular problem for the County because the high and low resource areas do not share any amenities** - unlike, say, Berkeley where every student attends the same high school, **North Richmond and Blackhawk are 30 miles apart and have completely separate school districts, parks, hospitals, community facilities.**

HCD's letter asks for "more housing choices and affordability across greater geographies through the County... examples include rezoning, increasing allowable densities and expanding permitted uses, intensifying the number of units within existing units."

- For **HE-A2.8**, use SB 10 to rezone parcels for additional density outside of high wildfire severity zones, this could be a really great program if it had numerical targets attached. How many parcels are you going to rezone? How many of those parcels are in RCAA's? How many homes do you think you will get by 2031?
- The County's suggestion to rezone parcels "near transit" would exclude a significant area of the County. The low density that these CDP's have historically argued for has

¹ The reason this is presented as two separate photos is that the County omitted the "County Acreage" benchmark from its two most recent drafts. We are open to different benchmarks than acreage, for example, share of the population.

made it difficult to provide public transit, and now the lack of public transit is being used as an argument to oppose density. These areas have bike trails, better access to jobs, and the low density means that even high car mode share locations would lead to less traffic than, say, Highway 4 in Bay Point or Highway 580 in North Richmond.

- While the County proposes significant rezonings of single family areas in lower income CDP's in its General Plan update, there are virtually none proposed for RCAA's. While single family zones in North Richmond are proposed for a new density of 17-30 units/acre, there are no zones in RCAA's with this density. Program HE-A7.4 promises to address this disparity, but we are confused why this would occur separately from the General Plan update.

The RL zone (1-2.9 units/acre rezoned to 1-3 units/acre) only exists in above-AMI income parts of the County, and frequently covers areas where homes had racial covenants in the CC&R's. There are no RL zones in Bay Point. Anyone who wants to buy a house in the RL zone, which is most of Alamo, San Miguel, and Diablo, needs to buy at least 1/3 of an acre. That is a significant barrier to affordability and housing mobility.

In addition to identifying large sites for townhome-level density, the County should increase the base density on all urban parcels outside of fire zones to permit at least 7 units per acre.

- 3. Reducing barriers to building housing** - organized opposition to building housing, especially from wealthier communities, has been a detrimental barrier to affordable and fair housing. As mentioned in our previous letter, this is why so many homes are being built in the lower income areas of the County with higher minority populations, even though these areas have more pollution, worse schools, and are further from job centers. The distances of these locations from job centers has implications for higher VMT, which is counterintuitive to climate goals.

- **Zoning Administrator hearings for zoning compliant projects give organized neighbors in wealthier communities an outsized ability to delay or block projects.** 3180 Walnut Boulevard is an illustrative example of the problems with building housing and fair housing issues in the County. This is a 3 acre parcel in the San Miguel CDP where someone wanted to build 10 homes, 1 affordable. Even though the project complied with all zoning codes and the County could not legally deny the permit, it was still required to go to a Zoning Administrator hearing. Despite that nothing could be done to deny the project, 25 Walnut Creek neighbors showed up to protest, and one appealed, which will delay this project by four months.² This delay will cost the developer about \$100,000 in loan interest and carrying costs which will increase the sale price of every home on the lot by about \$10000.

The County should commit to removing Zoning Administrator hearings, and their consequent appeals, in situations where it would not be legal to deny a project.

Further, this parcel - 3 acres - is one of the larger contiguous vacant parcels in the wealthier parts of the County. It is walking distance to elementary school and to a nearby park. The County should consider rezoning this parcel and other low-FAR parcels for

² For a separate project to build 10 homes in a R-15 zone in in the unincorporated Reliez Valley CDP (\$183,000 median income, 74% White) a neighbor's relative made 78 different arguments about a CEQA mitigated negative declaration. All of these required staff time to rebut that could be spent approving affordable housing.

townhome level density. For examples of other parcels that could be rezoned, see [our previous letter](#) (page 10).

- **Program HE-A2.5 (ADU's):** As part of this program, the County should commit to implementing AB 1033, which allows ADU's to be sold separately from primary units, by 2025. This would further encourage their construction and provide access to affordable homeownership opportunities.

To support our vision for Contra Costa County, Greenbelt Alliance and other partnering organizations have crafted a go-to guide for accelerating equitable adaptation to the climate crisis; [The Resilience Playbook](#). The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey and we believe that there's still time to update these policies to achieve a compliant Housing Element.

We look forward to continuing to engage with Contra Costa County and the community on how this vital work can move forward on this important work.

Sincerely,

Noelani Fixler
Greenbelt Alliance

Kevin Burke
East Bay for Everyone