

# Attachment 4 – Community Response Summary (track-changes version)

2023–2031 Housing Element Appendix A. Community Engagement Excerpt

## ❖ PUBLIC COMMENT RESPONSE SUMMARY

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Government Code Section 65583(c)(9) requires that local governments “make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element.” In compliance with this requirement and in an effort to engage the City’s constituents in the planning process, the City of Walnut Creek made the Draft Housing Element Update (Draft HEU) available to the public for review for 30 days and then made edits to the HEU between August 22 and September 2, 2022 (10 working days after the close of the 30-day public review period).

Specifically, the City published the Housing Element draft on July 21, 2022 - one week prior to the July 28, 2022, Planning Commission public hearing approving the Draft HEU. Following the meeting, the City submitted the Draft HEU on August 2, 2022, to the Housing and Community Development Committee of the City Council (the document continued to be available for public review and comment). This Committee meeting was open to the public. Public comment was also received and included in the hearing record for the City Council at their meetings of January 17, 2023 meeting (1<sup>st</sup> meeting for adoption), January 24, 2023 meeting (adoption), and March 21, 2023 meeting (1<sup>st</sup> addendum).

It is important to note that the City conducted a comprehensive outreach process including a community questionnaire, two community workshops, four focused stakeholder meetings with fair housing and service providers as well as affordable and market rate developers. Comments and input received during these activities was incorporated into the Draft HEU, particularly in the Community Profile/Needs, Site Inventory, Affirmatively Furthering Fair Housing (AFFH), and Housing Plan sections.

The comments below reference information already provided in the Draft HEU in some cases. In other cases, such as comments on parking requirements, studies commissioned by the City are already in process –a parking study has been underway to understand today’s parking needs for development and “right-size” parking standards. Some comments are not consistent with the data and contents of the Draft HEU, and some are not feasible or best practices (e.g., tiny home developments that would not provide as many units on land zoned for higher densities). Other comments have been incorporated into the revised Draft HEU to be submitted to HCD, including additional details on reasons for including specific sites, providing maps by subarea of the City along with tables providing information on sites, and clarify information in the Draft HEU. Edits completed through July 2023, particularly related to Housing Mobility, development regulations, and the Sites Inventory were also responsive to several public comments. Previous responses to public comments have been modified to reflect Housing Element edits made through July 2023.

### Public Comments Received During July 28, 2022, Planning Commission Meeting

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- ❖ Goals presented on pg. 8-15 are very general. Need to establish tracking and measurement of progress.
  - ***Response: All programs include a schedule of action and a specific commitment.***
- ❖ Time frames for approvals and development need to be reduced. Look into adding language regarding land use eligibility under AB 2162.
  - ***Response: All programs include a schedule of action the City can manage. Furthermore, the City already complies with AB 2162 requirements.***
- ❖ Format of the housing element draft is cumbersome and difficult to navigate.
  - ***Response: An executive summary was included at the beginning of the Draft Housing Element in response to community concerns over how complicated the document is.***
- ❖ More funding for housing needed for senior housing. Goals identified for this don't seem like enough.
  - ***Response: Programs H-2.M, H-3.C, H-5.C, and H-6.E specify services for seniors, including funding for organizations like ECHO Housing and Senior Legal Services.***
- ❖ Need to look into other housing options available that differs from what is looked at each cycle (ex. manufactured homes).
  - ***Response: Programs H-1.B, H-2.Q, H-4.C, and H-4.F provide for the development of alternative housing types, such as Accessory Dwelling Units (ADUs), permanent supportive housing, group care facilities, and housing built on parcels operated by faith-based organizations.***
- ❖ Review planning options that go beyond what is currently utilized in the main core area.
  - ***Response: Programs H-2.R, H-6.G, and H-6.H provide for housing mobility and the development of “missing middle” housing. It is important to note that the Housing Element sites do not limit development to the areas where the sites are located.***
- ❖ Sharp Ave – this is a small site, the number of units reported is too high.
  - ***Response: Site 50 (1832 Sharp Ave.) is a 4.45 acre site with a permitted density of 58 units per acre. The 223 proposed units fall below the allowable number of units.***
- ❖ Happy with the housing element goals that focus on housing for homeless.
- ❖ Not sure if the goals will be able to be met based off prior track record but optimistic the City will do what it can to meet these goals.

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- ❖ Vouchers are not high enough (Section 8 needs to be increased).
  - ***Response: Program H-2.H commits the City to reach out to other local agencies to discuss conducting a region-wide rent study to help increase HUD's Fair Market Rent and, therefore, the Section 8 amounts.***
- ❖ The City met 99% of the overall 5<sup>th</sup> Cycle RHNA but not the affordable housing numbers (not close).
- ❖ Folks trying to build ADUs cannot afford to do so.
  - ***Response: Program H-1.A includes the development of pre-approved ADU designs and permit-ready construction plans, which will significantly decrease the cost of development for applicants.***
- ❖ Program H-6.C: include looking at legislation for affordable housing.
  - ***Response: Modified program to discuss existing affordable housing legislation.***
- ❖ Developers need to know what resources are available for affordable housing.
  - ***Response: Program H-2.P provides for the advertisement of available resources to developers.***
- ❖ The City already has the Walnut Creek homeless task force.
- ❖ Include tiny homes/microhome villages related to faith-based organizations.
  - ***Response: Program H-6.C supports the development of housing built on parcels operated by faith-based organizations.***
- ❖ Pg 7-30 & 31: Trinity commons and other project referring to commons are the same thing.
  - ***Response: Duplicate project has been removed.***
- ❖ Home Solutions is not building a project.
- ❖ Committee discussed Housing Plan programs and would like to explore additional actions:
  - ADU financial assistance
  - Grants for rehabilitation of housing stock
  - Streamlining permitting process
  - Discussions with affordable housing developers

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- Better understanding of opportunities and challenges
- Other viable housing options like microhomes.
- Lowering utility hookup fees (if feasible).

### Public Comments Received During September 2, 2022, City Council Meeting

- ❖ Commit to reductions in parking minimums – parking is expensive in Walnut Creek.
  - ***Response:*** Program H-4.B was modified to stipulate completing the parking study currently underway and taking recommendations to the Planning Commission and City Council to reduce residential parking requirements based on the findings of the study.
- ❖ It is legal to build one 4,000 sf single family home, but not four 1,000 sf homes – Look into fixing this.
  - ***Response:*** A new Program H-6.G has been added to codify SB-9, which allows homeowners to subdivide their single-family residential property into two parcels and build two units on each lot.
- ❖ Does not find it helpful that the Community Engagement Appendix redacts the emails.
  - ***Response:*** The emails included in the appendix are redacted to protect the identity of community members who send the City emails. We redact names and email address. However, the identity of emails sent from organizations and from materials submitted into the record at public hearings includes names.
- ❖ Assist faith-based organizations with affordable housing development.
  - ***Response:*** Program H-2,Q calls for assisting faith-based organizations with affordable housing development.

### Public Comments Received During January 12, 2023, Planning Commission Meeting

- ❖ Supports the reduced parking requirements and increased ministerial approvals.
  - ***Response:*** Program H-4.B was modified to stipulate completing the parking study currently underway and taking recommendations to the Planning Commission and City Council to reduce residential parking requirements based on the findings of the study.
- ❖ Concerned about the lack of missing-middle housing and lack of affordability.
  - ***Response:*** The City has already rezoned a number of single-family zones to allow for missing-middle housing. In addition, the Housing Element includes programs H-1.A, H-6.G, and H-6.H to encourage the development of missing middle housing. The City has also added Program H-6.J that has a suite of actions to improve housing mobility and provide missing middle housing.

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***In addition, Program H-6.G is to Codify Senate Bill 9 with allowances that go beyond state law, and Program H-1.A supports ADUs.***

- ❖ Disappointed that no additional sites were selected and no rezoning happened.
  - ***Response: The sites inventory in the Housing Element are consistent with state housing element law requirements, and HCD’s comment letter to the City did not find them inadequate. The City did already rezone a number of single-family sites to allow for missing-middle housing. Upon further review, some of the previous sites identified have been reviewed, and additional sites have been added.***
- ❖ The programs discussed on renter protections are not substantial enough. Receiving help filling out applications or receiving advice is not a tenant protection.
  - ***Response: The Housing Element includes Program H-6.C to collaborate with community-based organizations. Collaboration between the City and local organizations will help the City find better ways to support tenants. In addition, the City will continue to fund fair housing services, as stated in Program H-6.A.***

### Public Comments Received During January 17, 2023, City Council Meeting

Kevin Burke and Jan Warren spoke at the hearing. See their written comments for the content of their testimony.

- ❖ Has sent a letter with recommendations. Does not believe that the HEU is compliant or that it will get certified by HCD.
- ❖ Would like to see an update that lets residents know how many units are built every year. Would like that update to be easy to access so that residents can stay informed.
  - ***Response: The City prepares a Housing Element Annual Progress Report, which details the number of permits (along with some project information).and provides an updated summary of the City’s progress towards meeting its RHNA. This report is publicly available and can also be found on HCD’s Data Portal.***
- ❖ Keith Diggs – YIMBY Law. Why is the City not open to the Builder’s Remedy? Would bet that the City would get a lot more affordable housing built within a month of being subject to it than it does with its current requirements.
- ❖ Donna Colombo. See letter from Homeless Task Force. Had concerns that the Housing Element would not be accepted, based on the letter. However, did not know that staff had discussed with HCD. Would like to work with the City to support programs that will culminate in more affordable housing.

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- *Response: Additional programs have been added to support affordable housing including H-3.H.3 – Housing Opportunities, and others as summarized on the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan. The City looks forward to continued collaboration with the Homeless Task Force.*

### Public Comments Received During January 24, 2023, City Council Meeting

- ❖ Katherine Walley – Spoke about racism. Zoning and land use benefit the wealthy. Should tighten inclusionary housing and revisit zoning and permitting practices to build more affordable housing. Look at issues through an equity lens.
- ❖ Donna Colombo – Appreciates edits that have taken place. Supports H-6.5 for housing outside of the core area.
- ❖ Jan Warren – See written comments. Needed more time to review the revised documents. What about 3-story townhomes.

In summary:

- ❖ The City could make inclusionary housing more inclusionary, accommodate more affordable units, raise in-lieu fees, increase tax abatements, etc.
- ❖ Glad to see the program responsibilities delegated to other departments.
- ❖ There is a lack of data accuracy in homelessness work. Should try to collect better data.
- ❖ Supports new programs to expand opportunities outside of the Core Area.
- ❖ Did not see a significant number of changes in the document.
- ❖ There is not enough time to review these documents.
- *Response: Additional programs have been added to support affordable housing including H-3.H – Housing Opportunities, and Fair Housing, including H-6.J. Additional responsive programs are summarized on the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan. Staff will ensure that materials are posted to the City’s website and that required public review periods are provided.*

### Public Comments Received During March 21, 2023, City Council Meeting

Jan Warren - Need more time and better notifications of updates. Focused on Program H-6.J. Should move up deadlines. Too many words. See letter with detailed comments.

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### Public Comments Received by City via Email

All emails received by the City are provided in this Appendix A. A summary of comments is provided below.

- ❖ **July 20, 2022** – “The city should bar issuance of building permits unless each future residential development of 10 units or above has a viable apprenticeship program and local hiring requirements.”
  - **Response: This is not required by Housing Element law.**
- ❖ **August 10, 2022** – “Please consider evaluating the impact that additional development in the City will have on the Walnut Creek and Ygnacio Valley Libraries, and please consider whether it is feasible to mitigate this impact by requiring new development to pay an impact fee that would fund library facilities and services necessary to mitigate the impact of that new development. These investments will help to ensure that the partnership between Contra Costa County and the City of Walnut Creek will continue to serve current and future residents of Walnut Creek at a level that will help your City and its residents thrive.”
  - **Response: Increasing fees would be considered a constraint by Housing Element law.**
- ❖ **August 12, 2022** – “TransForm is a regional non-profit focused on creating connected and healthy communities that can meet climate goals, reduce traffic, and include housing affordable to everyone. We applaud Walnut Creek’s work to date on the Draft Housing Element. However, to meet housing, transportation, and climate goals, Walnut Creek needs to expand on its successful programs and initiate some new ones. TransForm recommends that Walnut Creek consider the following policies in the Housing Element:”
  1. Develop a clear timeline for an implementation of parking reforms, using results from Walnut Creek’s parking program H-4.B parking study.
    - **Response: Program H-4.B was modified to stipulate taking recommendations to the Planning Commission and City Council to reduce residential parking requirements,.**
  2. Requiring unbundled parking for certain transit-oriented developments. This is easier for building managers to implement now with new parking tech tools like Parkade.
    - **Response: This may be considered as a part of Program H-4.B.**
  3. Encouraging developments to subsidize transit passes in return for reduced parking provision.
    - **Response: This may be considered as a part of Program H-4.B.**

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4. Expand the reduced parking provision beyond 0.5-mile radius of the BART station for developments in the North and West Downtown Specific Plan.
    - **Response: This may be considered as a part of Program H-4.B .**
- ❖ **August 16, 2022** – Comments from Donna Colombo, Walnut Creek Homeless Task Force:
1. Comments on the AFFH:
    - Sites inventory is developed independently of the AFFH analysis and does not show how conditions are improved or exacerbated.
    - Analysis consists of data but not analysis for patterns and trends over time.
    - Only relies on maps. No Local data, knowledge, or relevant factors included in the analysis.
    - Contributing factors not tied to identified fair housing issues and analysis and are not reflected in program solutions.
    - Programs do not work to overcome patterns and trends, are status quo, and lack metrics and milestones.
    - Public Participation did not have affirmative actions to include all segments of the population or seek to consider AFFH.
      - **Response: All of the comments above were addressed throughout the AFFH section.**
  2. Comments on the Sites Inventory:
    - Factors and assumptions are not supported with data, development and market trends, and analysis.
    - Market and Development Trends (when included) do not relate to the sites inventory.
    - No discussion of actual existing uses of the site and how they would impede development or why they are good opportunities.
    - Lack of clear substantial evidence that uses will likely discontinue in the planning period (think in three buckets: a) site-specific information relating to use, b) market and development trends to support, c) programs to facilitate redevelopment).
      - **Response: All of the comments above were addressed throughout the AFFH section. Substantial edits to the AFFH section took place including Program H-6.J which includes a suite of actions to support housing mobility. Additional responsive programs are summarized on the revised**

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### AFFH Contributing Factors and Programs Table, found in the Housing Plan.

#### 3. Comments on the Constraints section:

- The section describes but does not analyze as a constraint (think impact on cost, supply, timing, certainty, transparency).
- The section puts off analysis to a “study.”
- The section seeks to justify rather determine if there is a constraint.
- The section does not analyze development standards of zones identified in the inventory.
- The section does not actually describe and analyze what it takes to go through the planning approval process.

- ***Response: All of the comments above were addressed throughout the AFFH section. Substantial edits to the AFFH section took place including Program H-6.J which includes a suite of actions to support housing mobility and Program H-4.B to reduce parking requirements. Additional responsive programs are summarized on the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan. In addition, additional analysis was added to Chapter 3 to expand the discussion of zoning and permitting constraints. Furthermore, Program H-4.K - Building Envelope Analysis was added to “Conduct a building envelope analysis needs assessment to determine the maximum amount of residential development capacity on individual parcels citywide and understand the gap between existing and maximum capacity.”***

- ❖ **August 17, 2022** – “The Draft Housing Element lists our Grace Presbyterian Church 6-unit project as an “adequate site” to potentially adding 6 units of very low-income housing. Because this housing is so desperately needed, we are hoping that the City of Walnut Creek will consider a ministerial, “by-right” approval of these 6 units, so HomeAid can begin construction this fall.”

- ***Response: The supportive housing project being proposed by HomeAid is permitted “by-right” pursuant to AB 2162 (2018).***

- ❖ **August 18, 2022** – “The Campaign for Fair Housing Elements and YIMBY Law do not believe the City of Walnut Creek’s draft housing element will correct the City’s underproduction of affordable housing.”

4. Legalize a lot more housing.

5. Make review much simpler.

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- **Response:** *The Housing Element includes a number of programs to facilitate the development review process for a variety of housing. This includes Programs H-2.M, H-2.N, H-4.A, H-4.C, H-4.D, H-4.E, H-4.F, and H-4.G. Additional responsive programs, reflecting edits that were made through July 2023, are summarized on the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan.*
- ❖ **August 18, 2022** – “350 Contra Costa Action, a non-profit organization with many members who live in Walnut Creek, is focused on getting local governments to take quick and bold actions to address the climate crisis. Housing policies are important because dense housing located near commerce and transit results in much lower energy and water usage as compared to sprawl development. And preserving open space, especially important ecological resources, is also important for climate health.”
  1. Introduction, page 1-1, General Plan statement: The General Plan ought to call for high density housing in the downtown area and along transit corridors. Simply calling for encouraging "housing along transit corridors" is not close to being in sync with the need due to the housing shortfall in our area.
    - **Response:** *Changes to the General Plan are not a Housing Element requirement.*
  2. Housing Preservation: Page 1-6 Table 1-1, and Page 8-17, Goal H-5: Rather than as stated in item H-5 "protect and conserve the existing housing stock", consider "protect existing housing from being converted to other uses". Replacing low density older housing with modern higher density housing should be encouraged in areas close to commercial and transit resources. However, in such cases, it is vital that existing rental tenants will be equivalently, if not better, housed.
  3. **Response:** *Program H-6.D addresses displacement prevention.* Energy Conservation and Sustainable Development: Page 1-6 Table 1-1 and Page 8-23, Goal H-7:
    - The stated goal of incorporating energy conservation features in new buildings is outdated, given the stringency of the current state building energy code (Title 24 Part 6) in this area. However, the energy code is only sufficient when it is properly enforced. The city ought to strongly consider using third party energy plan reviewers for larger and more complex projects. And field inspectors need the training and time to ascertain in the field whether the designed energy features are properly incorporated into the project.
    - Reduce GHG emissions and improve public safety and home occupant safety by phasing out the use of natural gas, and not allowing natural gas in new construction as well as major building additions and alterations.

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- To reduce GHG emissions and improve electric grid resiliency, new buildings, and possibly major additions, ought to be required, or strongly encouraged, to incorporate PV1 (solar electric) and whole building battery systems.
  - To make great strides in reducing GHG emissions, replacing ICE vehicles with EVs will be essential. New multi-family housing should be required to provide one parking space per dwelling unit that is equipped with power for EV charging (where parking is provided).
  - **Response: The Housing Element includes five programs (H-7.A–E) to help mitigate environmental pollution. Programs related to displacement are summarized on the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan.**
4. Government Built Low-Income Housing? On page 1-12 it is stated that “Developers, not cities or counties, build housing”. This ought to be clarified to state that cities and counties seldom build low-income housing, not only due to financial constraints, but because jurisdictions must receive voter approval in order to do so.
5. Land Costs / Developable Land: On page 3-1, it is stated that there are six vacant parcels that are either commercial zoned or not developable. How many vacant sites are zoned commercial? How many of these sites could be re-zoned to allow for mixed-use buildings that include new dwelling units?
- **Response: Please see Chapter 7 of this Housing Element for information on vacancy and zoning for our sites inventory.**
6. Construction Costs, page 3-2, and Removal of Government Constraints, page 8-15: There is no mention of “modular” construction techniques. While this construction method is not fully mature, news reports indicate that in some cases it saves construction costs over conventional construction. Therefore, the city’s building code should be reviewed to make sure that there are no unreasonable impediments to using this construction method.
- **Response: Please see Chapter 3, Section 3.4.3 – Manufactured Housing, Mobile Homes, and Mobile Home Parks. Modular housing falls under the manufactured housing definition.**
7. Parking, page 3-22: Parking is expensive to provide. Less provided parking lowers the cost of housing and frees up valuable space that may better be put to more housing. In addition to all of the traditional alternatives to private auto ownership, “ride sharing” and similar services are expected to become more popular, especially as such services transition to electric self-driving vehicles.
- **Response: Program H-4.B was modified to stipulate taking recommendations to the Planning Commission and City Council to reduce**

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*residential parking requirements, in accordance with parking study findings.*

8. With these options in mind, there should be no minimum residential parking requirement in the Downtown Core. In all other areas of the city, multifamily minimum parking requirements should never exceed one space per dwelling unit.
  - ***Response: Program H-4.B calls for a parking study, along with recommendations made to the Planning Commission and City Council for parking reductions supported by such parking study.***
9. Townhome/Townhouse Style Developments: Townhomes ought to also be allowed under the SFH land use designation (as described on page 3-14). After all, townhome style buildings are more energy, water and land efficient as compared to similar size single family homes. And side yards provide very little actual value or amenity.
  - ***Response: The City has a number of single-family neighborhoods zoned to Missing Middle densities, including the area on the west side of Oak Road, approximately one-half mile south of the Pleasant Hill BART station; and the neighborhoods along Overlook Drive and Buena Vista Avenue within one-half mile of the Walnut Creek BART station. In addition, see programs [See H-6.G and H-6.J](#).***
10. Mixed-Use Commercial Emphasis (described on page 3-15): To increase new housing opportunities, this land use designation should be changed to a new Mixed-Use, Flexible designation, where a majority of the building could be housing or commercial space, depending on market conditions and developer preference.
  - ***Response: Walnut Creek has a significant amount of mixed-use zoning that accommodates high-density housing. In addition, see [programs H-2.Q, H-3.H, H-4.B, H-4.I, H-1.A, H-6.G, and H-6.J](#)***
11. New Housing in Downtown Core, page 8-2, Goal H-1.2: The Downtown Core ought to be 100% high density mixed use, residential emphasis, zoning. Parcels adjacent to lower density zoned parcels could have special lower maximum heights on portions of properties adjacent to the lower density/lower height zoned properties, in order to provide adequate light and a reasonable scale transition.
  - ***Response: The Downtown core is already focused on high-density residential zoning that accommodates the growing demand for housing.***
12. Affordable Housing, Goal H-2, page 8-5: The city should work with the county and other local jurisdictions to push the state to provide more robust financial support and financing mechanisms for low-income housing: new construction, conversions

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from other uses, and rehabilitation of properties not adequately maintained. Such financial resources could be used to not only help non-profit low-income housing developers, but possibly to finance government-built housing.

- **Response: Program H-2.K calls for coordination with the Contra Costa County Housing Authority and Contra Costa County Consortium to create inter-jurisdictional affordable housing programs.**

13. Removal of Government Constraints, page 8-15: The following policy changes need to be considered as additional measures that the city can use to lower constraints to new housing:

- Increasing the maximum dwelling units per acre.
- Change SFVL, SFL and SFM to allow duplexes. As noted above, change SFH to allow townhomes.
- Increasing maximum building heights. As mentioned in the New Housing in Downtown Core item above, maximum heights could be lower on portions of properties adjacent to lower density/lower height zoned properties, in order to provide adequate light and a reasonable scale transition.
- The Walnut Creek SB9 Emergency Ordinance is too restrictive and does not follow the intent of the law to allow additional homes to be built in the large lots throughout the city. We are recommending that the maximum new dwelling size be changed from 800 sq. ft. to an area that would accommodate a 2-bedroom home.
- Accommodate modular housing techniques (as mentioned above under Construction Costs).
- **Response: The City analyzed existing constraints to housing development and included several programs to address each of them. Please see programs H-4.A through H-4.H. In addition, the revised AFFH Contributing Factors and Programs Table summarizes several new or revised programs to reduce development constraints and support housing mobility.**

❖ **August 19, 2022** – “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 is our comment on section 3.3, Governmental Constraints.”
  1. High mandatory minimum parking requirements (1.5 spaces/1bd, 2 spaces/2bd) raise the cost of building housing, increase traffic and pollution, and reduce viability of ground floor retail. Many recent applications have used density bonus laws or concessions to waive parking minimums. While Walnut Creek states

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they are studying reductions, the City does not make any concrete commitments to reducing parking requirements in the draft Element.

- ***Response: The City modified Program H-4.B to add more specific commitments to reduce parking requirements..***
- 2. Walnut Creek indicates it subjects all projects to design review and can condition approval based on lower density, which facially violates the "objective plan and zoning standards" criteria of the Housing Accountability Act.
  - ***Response: The City complies with the Housing Accountability Act. However, the Housing Element includes Program H-4.C to update the Zoning Ordinance to ensure the City is compliant with state law, including the Housing Accountability Act.***
- 3. Walnut Creek does not comply with statutory deadlines in CEQA and Permit Streamlining Act law.
  - ***Response: The City included language detailing the permitting procedures as they relate to CEQA and the Permitting Streamlining Act (See Section 3.3.6.4). Additional edits have been made to Section 3.3.6 to clarify the city's process and identify programs being pursued for further streamlining.***
- "Here are our comments on Fair Housing, Sites Inventory Analysis (with suggestions for Additional Sites), and Policies and Programs."
  1. If Walnut Creek permits single family homes that are the size of fourplexes, it should permit fourplexes on all lots.
  2. 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.
  3. We suggest several additional locations for new housing including Shadelands, Woodlands, housing oriented around bike trails, and the Newell Ave Park & Ride.
  4. 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.
  - ***Response: The Sites Inventory was prepared pursuant to the HCD Sites Inventory Guidebook. The buffers meet state requirements and the City's assumptions are based on decades of development trends in the City, as***

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*well as market data. Additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in a redline version of Chapter 7.*

- “Here are our comments on sites that should be removed or amended, because they are not developable or because the owner is not interested in adding housing. On at least seven of these sites, the property owners indicated that they did not want to build housing.”
  1. Site 20: This is an extremely narrow lot that would need to accommodate about 40-70 parking spaces under Walnut Creek's parking code. This parcel would also need to provide two separate exits to the street under the fire code. Those seem to be the reasons this parcel in a very valuable, transit-adjacent neighborhood has stayed vacant.
  2. Site 22: In a phone conversation, Dale Nicoll, the President of the Board of United Methodist Church, said they have no plans to develop housing on their parking lot. They host a class for special needs children, and struggle to find enough parking for that class's teachers; they are actively looking for even more parking, per Mr. Nicoll, or in need of a TDM solution.
  3. Site 46: Inventory assumes 5 current units will be replaced with 11, with relocation and return per SB 330. Google Maps shows this building as occupied (several cars parked in the garage space). Given the improvement value to assessed value greater than 2 and the existing units, it seems less likely. Would be more likely with lower parking requirements or a higher base density.
  4. Site 68: This parcel was sold in 2021 for \$14 million to Loja Real Estate. Loja Real Estate's website shows no housing in their portfolio, nor do they mention any instance where they redeveloped their commercial sites for housing. In a phone call, Ricardo at Loja Real Estate mentioned both tenants have long term leases, and the length and complexity of getting housing entitled in Walnut Creek made it extremely unlikely the parcel would be redeveloped in the next ten years.
  5. Site 69: This should be treated as two separate parcels, given that this site has a large creek bisecting the consolidated lot and development over the creek is either prohibited or prohibitively expensive. The parcels on the southern side of the creek are more likely to be developed than the parcels on the northern side - the Palm Court shopping center appears to have at least fifteen healthy leases.
  6. Sites 71 and 74: Ford dealership and service center comprising the biggest parcel have brand new facade, landscaping, ADA compliant entrance ramps. In a phone call, Cameron at Ford said they have no plans to discontinue operating the dealership and service center, and that the ownership group is the same even though the title changed hands in 2020.

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7. We could believe that Ford would sell one parcel, for example parcel 178-320-013, but they did not indicate any plans to do so.
8. Site 78: Consolidated lot makes an awkward "U" shape around 1730 and 1726 Lacassie Ave which are not included. Improvement: land value ratio would be higher without the gas station, which will require environmental remediation. "Assembled by a few owners" (page 7-41) does not seem like a good starting point for 106 low-income homes.
9. Sites 79, 80, 81: Three story office complexes seem unlikely to be price competitive for low-income housing. All of these buildings are looking for new tenants per Colliers. The middle building is owned by a different parcel owner than the other two. We are concerned about placing high-density low-income housing directly next to the freeway, given health impacts from noise and pollution.
10. Site 82: Home sold in 2021 for \$1.23m. New roof, new landscaping and new paint added in 2020 per the listing. We do not think it will pencil to replace these two homes with a fourplex. Would be more feasible with additional density.
11. Site 87: We do not think it will pencil to replace 7 existing apartments with 15 apartments, given relocation and return requirement, recent increases in financing cost, two 10-foot side setbacks on a 50-foot-wide lot, the requirement to include 23-35 parking spaces, and two egresses for fire safety. This site would be more feasible with reduced parking minimums, reduced side setback requirements, and/or greater density.
12. Site 89: Walnut Creek notes elsewhere in the Housing Element that this site has served as an emergency shelter for six winters in a row. No evidence that use will discontinue and if it did discontinue without a viable replacement, would be a big loss. If St. Paul's converted their parking lot to apartments, there would not be a place for their congregants or homeless residents who sleep in their cars to park. Staff at St. Paul's Church seemed surprised to hear they were included on the list.
13. Site 90: 50 foot wide, 8800-acre lot will need to accommodate 10-foot side setbacks for residential, 12-16 parking spaces, plus two egresses, plus possible relocation and return for 3 leases. We think the combination of these factors make this an unlikely site.
14. Site 93: This is the "Deacons Care Cottage" for the Walnut Creek Presbyterian Church which is on an adjacent parcel. No evidence that WCPC plans to sell this property or has another plan for the current use. 12 apartments would require 18-25 parking spaces and two fire egresses, which would be difficult on a small, narrow lot.

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15. Site 101: Meals on Wheels Diablo owns this property and has no plans to discontinue the current use. In a phone conversation with Lisa, a manager at MOW, on August 16, she said they needed an extra floor of office space and more parking for their workforce/drivers, if anything, and had not considered building housing on the property. While they indicated they may move in the future, this would increase demand for office space on another parcel in Walnut Creek.
16. Site 102: Four story office onsite with \$8m property tax bill. Per EastBayOffice.com and Colliers, actively seeking new tenants for several suites.
17. Site 112: Parcels are owned by the Contra Costa County Flood Control & Water Conservation District. Joe Smithonic the District writes: "The Flood Control District does not have any plans to sell or develop the property at this time since it is used by our Maintenance Division regularly for maintenance of the Walnut Creek channel and for storage of equipment/materials."
18. Site 114: The parcel next door is being developed into apartments, which means the developer almost certainly made an offer to the property owner of 1679 Carmel. If the property owner declined at the time, and financing and construction costs are higher now, but the permitted density is the same, we are skeptical this home will become apartments.
19. Site 115: We are skeptical it would pencil for a developer to buy two separate parcels totaling a third of an acre, do a lot consolidation, provide relocation and return for 4 tenants, to build 14 total new units. Developer would need to include 18-30 parking spaces on a 1/3-acre lot. These assumptions would be more feasible with half the required parking and double the density (80 du/ac).
20. Site 118: In a phone conversation with Matty Blevins, the leader of the church's congregation, Mr. Blevins expressed interest in building low-income housing on this parcel via tiny homes, which would not make sense with the current R-8 zoning. We asked him to reach out to the City and HCD directly to discuss his plans.
21. Given a 0% chance of adding exactly two, market-rate single family homes, site should be rezoned for 30 du/acre or should be omitted from the inventory.
22. Site 120: Oddly shaped lot reduces development potential. We are unsure that it will pencil to replace 5 homes with 19 homes. Development interest will be limited by noise and pollution from the freeway, which is immediately adjacent. We would prefer to see sites located a bit further from the freeway, for example by rezoning Contra Costa Gospel Church for denser multifamily development, or the largely empty parcels on Overlook Court.
23. Site 121: Multistory apartment building with 61 existing tenants. Using the Turner Center's Development Calculator Dashboard are skeptical that a 147-

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unit apartment building will pencil given the expense of providing relocation and return for 61 leases. Oddly shaped lot reduces development potential especially given WC's high parking requirements. Complex was re-landscaped in 2012 and sold for \$20m in 2019, when the construction environment was much more friendly.

Absent express interest from the owner in developing this parcel, it should be rezoned for higher density to increase likelihood of development or omitted from the inventory.

- ***Response: In response to all of the comments regarding the sites, the City included a “Reason for Selection” column on tables 7-9 and 7-15. All the reasons for selection meet state requirements, as stipulated in the HCD Sites Inventory Guidebook. Additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in a redline version of Chapter 7.***
- “Sites that we have concerns about. These are sites where development may be feasible, but we think it may be less likely than Walnut Creek is indicating and should have their development potential reduced to reflect a lower chance of development. We think a 50% buffer would be more appropriate for these sites than a 15% buffer.”
  1. Site 26: Stick frame for what appears to be a single home went up in 2015, and the frame has sat uncompleted since. In most recent photos unkempt boards block the property...does Walnut Creek have plans for this parcel that indicate two units will be built?
  2. Site 28: We believe this will be developed into housing, but the 2020 real estate listing is targeted at a single-family home buyer ("no cramped row-house-subdivision feel here!"), not a triplex developer.
  3. Sites 31 and 32: There are 9 homes being counted here, but the lot is potentially too narrow to support access to all the units' parking spaces. The entry / exit lanes would end up taking up a large part of the lot, leaving it with likely fewer homes than estimated.
  4. Site 33: Development interest will be limited by noise and pollution by the freeway, which is immediately adjacent. If this vacant parcel did not become housing in the last cycle, we are curious why Walnut Creek believes it will become housing in this cycle, given the exact same density but higher construction costs and financing costs.
  5. Site 34: Same owner since 1998, we are not sure why the parcel will be developed now, if the owner did not want to develop it in the past 24 years.

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6. Sites 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 (Shady Lane, Walden Road): These sites are all reused from the previous Housing Element, and Walnut Creek has received only one application to build, on one of the larger parcels (1394 Walden Road). That proposal is drawing fierce opposition from neighbors.
7. It's possible that these will be redeveloped into denser housing, but it seems unlikely to us that five out of six parcel owners would sell in the next 5-6 years, given how long they have held each of the properties, the low tax rate on most of them, and the presence of recent tenant listings or improvements like solar panels.
8. Site 50: Owner has held these parcels since 2013, before the 5th Cycle. We don't believe 100% low- and moderate-income housing will occur here unless the current owner is a low-income housing developer, which seems unlikely. Unclear why housing construction would be feasible now if it was not feasible during the 5th Cycle. We believe housing is possible here but would like to see a statement of intention from the property owner.
9. Site 56: Whatever kept this parcel from being developed into housing in the previous cycle will most likely prevent its development yet again. Since it is under PD zoning, we recommend obtaining lease information from the owner of the office park to see if the leases have a kickout clause or the owner intends to build housing.
10. Site 59: No evidence the property owner (St. Mary's Church) expressed interest in turning their parking lot into housing.
11. Site 61 and 62: These sites contain multiple parcels that have not been redeveloped despite being listed in the previous Housing Element cycle. Not clear there is enough incentive to redevelop these sites. If the City desires to redevelop these parcels, it should incentivize the redevelopment by changing the parking requirements.
12. Site 64: 1870 Olympic Blvd was renovated in 2010. It is likely that it will fetch a higher price given the recent improvements. The City should reassess the reasonable number of units that could be built here with 1870 Olympic removed.
13. Sites 65 and 67: Multiple healthy leases and a chain anchor including a bistro that has existed onsite for at least 20 years (author went on a first date there in high school). No evidence the use will discontinue.
14. Site 70: No evidence the current use (Honda dealership) will discontinue in the planning period.
15. Site 85: We're not sure it will pencil to replace a single-family home with a duplex, given recent construction costs and financing costs. Home was sold in 2018; listing notes "updated kitchen with granite counters, "updated bath."

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16. Sites 91 and 92: The proposed project will likely pencil, but if any one of the three homeowners composing either parcel does not want to sell at any price, development will not be possible. There are plenty of reasons why people may not want to move. 10 Lacassie Court appeared to be remodeled in 2017 ("Viking range", "granite countertops").
  17. Site 94: Two three-story office buildings, including a bank. Google Maps indicates 1777 N California has a "For Lease" sign out front. Not clear the existing use will discontinue.
  18. Sites 97 and 98: Multistory commercial, numerous businesses onsite with seemingly healthy leases, no evidence the use will discontinue, seems unlikely a low-income housing developer would be willing to pay the land cost to acquire and demolish an existing 2 story commercial structure vs. other parcels.
  19. Site 100: Parcel has a narrow shape that, combined with side setback and multiple egress requirements may limit development on that corner. Development potential should be reduced to fit.
  20. Site 103: Appear to be multiple healthy businesses onsite (pizza, credit union, multiple fitness). It's definitely possible this turns into mixed use apartments, but given the health of the onsite businesses, we think the odds are lower than 88%.
  21. Site 104: three different businesses onsite, one (a restaurant) has a new-looking façade and evidence of recent improvements, for lower income housing it seems like there would be easier sites
  22. Site 106: Building was remodeled in 2008, per LoopNet, and appears to have a high-earning tenant (Dental surgery and implant provider). Parcel -005 tapers to a narrow point and would be difficult to develop given mandatory 10-foot residential setbacks.
  23. Site 107: Two story office building at 675 Ygnacio Valley with many active tenants.
  24. Site 108: Conversion from gas station use may require toxic waste cleanup. 33-44 parking spaces for 22 apartments will cover most of the ground floor; this would be more feasible with a smaller parking requirement or more density.
  25. Site 109: Narrow lot presents challenges for add 61-82 parking spaces and include two fire egresses. Business has been onsite for 43 years and is currently accepting new patients; no evidence the use will discontinue. This lot would be more feasible with a lower minimum parking requirement.
- ***Response: In response to all of the comments regarding the sites, the City included a "Reason for Selection" column on tables 7-9 and 7-15. All the reasons for selection meet state requirements, as stipulated in the HCD Sites Inventory Guidebook. Additional analysis took place in 2023,***

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*resulting in deletions and additions of some sites, as identified in a redline version of Chapter 7.*

- “Feasible sites where we recommend changes:”
  - Site 48: The gas station will require lots of environmental remediation and should be removed from the consolidated site.
  - 1. Sites 23, 24, 27, 28, 29, 30, 32, 34, 111: We would prefer that these vacant parcels, in high resource neighborhoods, were rezoned for greater density, to permit the inclusion of a low-income housing unit on these sites. Recent single-family homes built on large parcels in Walnut Creek are about the same mass as a 4-,5-, or 6-plex with 800 sq ft/home would be.
  - 2. Site 53: Whatever kept this parcel from being developed into housing in the previous cycle will most likely prevent its development yet again. We recommend changing the zoning designation from MU-C to MU-R which will increase the allowable density and increase the likelihood of residential development.
  - 3. Site 117: We're concerned that whatever kept this parcel from becoming housing in the last cycle will prevent its redevelopment this cycle. This large parcel in a high resource single family neighborhood and adjacent to a bike trail should be rezoned for at least 15 du/ac, which would permit at least one lower income housing under Walnut Creek's inclusionary rules.
  - ***Response: In response to all of the comments regarding the sites, the City included a “Reason for Selection” column on tables 7-9 and 7-15. All the reasons for selection meet state requirements, as stipulated in the HCD Sites Inventory Guidebook. Additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in a redline version of Chapter 7.***

❖ **August 19, 2022**, – “We ask that you incorporate climate planning requirements that are measurable, meaningful, and reviewed at least annually. We have identified the ten following areas that must be incorporated into the Housing Element and have sufficient mitigations and be accompanied by an Environmental Impact Report and a detailed Climate Action or Resiliency Plan that has measurable goals and a GHG inventory completed and reviewed on an annual basis to drive and support and ensure the outcomes are achieved.”

1. Protect, restore and preserve our natural spaces and water: open space, hillsides, riparian habitats, vernal pools, waterways, shorelines, and wetlands.
2. Plan for more equitable outcomes for residents, prioritizing the needs of disadvantaged and historically marginalized communities.

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3. Take bold action to reduce greenhouse gas emissions, sequester carbon, and transition to a carbon-free economy through an adjoining Climate Action Plan
4. Implement policies that reduce energy consumption in existing homes as well as new construction.
5. Strengthen community and natural environment resiliency through climate adaptation and emergency planning efforts.
6. Protect and improve our agricultural lands and associated economy.
7. Ensure transit-oriented development, focus economic development near housing or transit, reduce vehicle miles traveled and promote equitable access to jobs and services, especially for disadvantaged communities.
8. Require innovative sustainable building practices and require design standards to utilize green infrastructure technology.
9. Ensure that policies align with State and Local GHG emissions reduction and climate adaptation strategies.
10. Develop housing policies alongside a draft EIR and CAP and include committal and implementable language.
  - ***Response: The City analyzed environmental constraints in Chapter 3 and Appendix B of the Housing Element. Based on the findings for this analysis, the City adopted five programs to help address environmental concerns in the City. Programs range from GHG emissions reduction to energy retrofits through home rehabilitation. Please see programs H-7.A through H-7.E in the Housing Plan.***

### ❖ August 19, 2022 – “Here’s my detailed comments:”

1. We should plan also for the fact that neighboring cities will not meet their RHNA.
  - ***Response: Every jurisdiction is responsible for their own planning and development, which will be monitored by the State.***
2. Growth is good! People like me brought money to Walnut Creek and its businesses; we should try to attract even more people!
3. Walnut Creek did not meet its RHNA for low-income housing for the previous period so it should try to make up for it.
4. Reduce or eliminate parking requirements to allow for more housing to be built.
  - ***Response: Program H-4.B calls for a parking study, along with recommendations made to the Planning Commission and City Council for parking reductions supported by such parking study.***

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5. Objective review: The City should adopt an objective approval process for all proposed housing developments, unless they require a rezoning.
  - ***Response:*** *As stated in Section 3.3.6.3 of Chapter 3, the City offers a streamlined, objective review process for projects that meet the requirements of SB 330 and SB 35. The City of Walnut Creek complies with the Permit Streamlining Act and other State laws related to permit processing. Additional edits have been made to Section 3.3.6 to clarify the City’s permit process and identify programs being pursued for further streamlining.*
  
6. Approval time: six months for many processes seems very high and the longest approvals are for reviews that are not necessary.
  - ***Response:*** *The City offers a streamlined, objective review process for projects that meet the requirements of SB 330 and SB 35. In addition, the Housing Plan includes a variety of programs to assist developers through education, feedback, financial assistance, streamlining, etc. Additional edits have been made to Section 3.3.6 to clarify the City’s permit process and identify programs being pursued for further streamlining.*
  
7. Fees: they should be at least brought in line with other cities, and some eliminated completely. People bring more money to the City so in the long run it might make more money by reducing fees.
  - ***Response:*** *The City added complete information for its own fees in Section 3.3.5.3 of Chapter 3. The data found for other cities did not include supplemental data in the way Walnut Creek did, making the City’s fees seem higher by comparison. For this reason, two “Total Project Fees” calculations are provided for Walnut Creek. One representing a comprehensive fee total and the other the C4 totals to allow for comparison with other cities. Based on the C4 fee study, Walnut Creek’s fees are substantially below the average cost for single- and multifamily projects. In addition, Program H-2.N calls for a financial assessment with the goal of reducing permitting fees for 100% affordable projects.*
  
8. ADUs max size: they’re so restrictive, they so blatantly make using SB9 financially undesirable, that it seems done on purpose to protect single family zoning. These limits need to be eliminated.
  - ***Response:*** *ADU size restrictions are established pursuant to state law. Program H-1.A has been strengthened to encourage and monitor ADUs. The program now states: “If the assumptions in the Housing Element Sites Inventory are not met, the City shall take alternative actions (e.g., outreach, technical assistance, development standard modifications,*

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***incentives, funding and rezoning) depending on the needs identified through the ADU Monitoring Program, by December 2028.” Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law.***

9. Minimum lot size: this is the reverse of above, imposing minimum lot sizes that are too high restricts what can be built, especially something that can be cheaper and increase overall supply. These minimums should be lowered across the board for all zones.
  - ***Response: Minimum lot size restrictions are established pursuant to state law. See above response.***
10. Most sites are not vacant. It seems unrealistic that they are sufficient to meet the target, the assumed conversion rate seems optimistic. They’re concentrated around downtown where a lot has already been built, the vast majority of the City is low density with tons of opportunities for more housing. Single family zoning needs to go! I understand if a homeowner doesn’t want a 5-story building next to them, but if someone complains about some 2 story townhomes, then their selfishness and entitlement shouldn’t be reflected in Walnut Creek’s policies. 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.
  - ***Response: Chapter 7, Sites Inventory, includes a comprehensive discussion of the methodology used to select the sites. The HCD Sites Inventory Guidebook was utilized during this process, along with decades of Walnut Creek development data and market trend data. Additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in a redline version of Chapter 7.***
11. Many sites planned for low income are specifically very close to highways, this is not as bad as demolishing black neighborhoods to build highways, but it seems that it’s 2022 and we’re still trying to keep segregation alive
  - ***Response: The majority of the sites were selected near the Core Area of the City. Although these environmental concerns need to be considered for mitigation purposes, there is a significant market demand for housing near transportation, as well as a need for lower-income individuals to have access to transportation and services.***
12. “Essential workers” projects: anti housing people benefit from the work of teachers, firefighters, retail and hospitality workers, but don’t want to allow them to live in their community, expecting them to just commute hours every day. I would love to see

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programs tailored for essential workers, from people that work in childcare to the ones that assist seniors.

- ***Response: The majority of the sites were selected near the Core Area of the City. Although these environmental concerns need to be considered for mitigation purposes, there is a significant market demand for housing near transportation, as well as a need for lower-income individuals to have access to transportation and services.***

13. Tiny homes: they're a no brainer for homelessness, especially if built on church properties. I heard that some projects had issues in the past (e.g., defending church parking that no one uses). All sorts of obstacles should be removed, including updates to zoning if needed.

- ***Response: Program H-6.C supports the development of housing built on parcels operated by faith-based organizations.***

14. Office/Retail conversion: it seems that the Housing Element addresses it, but I just want to reiterate, as someone working for a company that went fully remote and is stuck with tons of empty offices, we need to convert offices into housing. A similar argument can be made for retail, since a lot has been moving to e-commerce.

- ***Response: The Sites Inventory was drafted with this under consideration. Section 7.7 of Chapter 7 discusses the feasibility of non-vacant sites. Additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in the redline version of Chapter 7.***

15. Update criteria for environmental review: CEQA and environmental laws are used to block high density housing which is incredibly better for the environment. I wonder if the City can update its criteria for housing and environmental planning, to consider how smaller housing uses less energy, and incredibly lower amount of water (no lawns), to promote such projects and discourage single homes.

- ***Response: Program H-4.A provides for the streamlining of the environmental review process through implementation of SB 375.***

❖ **August 19, 2022** – “In order to meet ambitious housing needs the City of Walnut Creek needs to prioritize hiring more staff. Since we are in a “housing crisis” many of the timelines for implementation, especially in the affordable housing area, need to be expedited. (Specifics to follow).”

1. Since Walnut Creek has a successful record on filling above moderate housing, the City should spend more staff time, emphasis, funding, and guiding policies on meeting the EL, VL and L categories on housing by income.

- ***Response: Program H-2.M stipulates that the City will adopt a formal policy for expedited review and permitting for affordable housing.***

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2. The City should develop a procedure to provide priority review to affordable housing developments (i.e., projects in which all units are affordable to moderate, low, very low, or extremely low-income households).
  - ***Response: Program H-2.M stipulates that the City will adopt a formal policy for expedited review and permitting for affordable housing.***
3. Below are suggestions from affordable housing stakeholder meeting:
  - Quicker entitlements allow project to be financed/completed sooner.
  - Create design guidelines set up with checklist of objective standards and reduce call backs to design review.
  - It would be helpful to have a Housing Element that provides a map of best tax credit locations.
  - The City should address the restrictive height limits.
  - Requirements to build in a mixed-use area is particularly difficult and more expensive.
  - There is no public funding to support mixed use for affordable housing developers. Walnut Creek has a slew of mixed-use classifications.
  - Developers need more flexibility.
  - The City should look for lower opportunity sites that have better transit access and that don't require a parking structure.
  - The fees for public facilities are too high.
  - Affordable housing properties have lots of people apply but are not qualifying. Received 250 applicants at Oaks Apts. since February. There is a minimum income for the property at \$53,000 and lots of people are not qualifying.
  - Ivy Hill Apts. has also had a hard time qualifying people because the HUD program has changed.
  - Wait lists on the City website re: affordable units that are available are too long.
  - Can't compete with developers who have access to low cost of capital.
  - Uncertainty of hard costs to build is the biggest impediment to new housing construction.
  - City should understand streamlining provisions of law and step aside to allow 100% affordable housing happen.
  - Office commercial used to convert to residential with conditional use permit

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- ***Response: The Housing Plan includes a number of programs to help developers, such as technical assistance, menu of incentives/concessions for developers, funding for affordable housing, Density Bonus Ordinance education, affordable housing development prioritization and expedition, reduction of fees for 100% affordable projects, and many more. See additional supportive programs as summarized in the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan.***
4. The 21 census tracts indicate 18 at high or highest resource and 3 at moderate resource. There are no low resource or disadvantaged resource areas. Most of the infill housing projects are using the density bonuses to build one moderate- or low-income unit with the others being above market. Look for more sites outside of the Core that would accommodate fourplexes and rezone them. There is focus on low and market-rate housing and the missing middle needs specific attention.
- ***Response: Programs H-2.R, H-6.G, and H-6.H provide for housing mobility and the development of “missing middle” housing. The City has also added Program H-6.J that has a suite of actions to improve housing mobility and provide missing middle housing. See additional supportive programs as summarized in the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan.***
- In addition, the City has a number of single-family neighborhoods zoned to Missing Middle densities, including the area on the west side of Oak Road, approximately one-half mile south of the Pleasant Hill BART station; and the neighborhoods along Overlook Drive and Buena Vista Avenue within one-half mile of the Walnut Creek BART station.***
5. The seventeen specific plans have boxed us into less flexibility.
6. There is concern that these reused sites won't produce the needed amount of affordable housing. The City should commit to annual progress reviews that would trigger policy changes, rezoning, and additional streamlining to meet RHNA numbers.
- ***Response: As a part of this Housing Element, the City will submit an Annual Progress Report to HCD. HCD will use this report to determine if our programs are effective and if the City is making enough progress to meet the RHNA.***
7. ADUs are listed to be permitted in many areas. How do you propose to add ADUs to the housing stock for WC for low-income housing when the financing method for low income landowners is not yet in place and most funding requires using equity from a home or a traditional loan that isn't available to low-income owners?

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- ***Response: Program H-1.A includes the development of pre-approved ADU designs and permit-ready construction plans, which will significantly decrease the cost of development for applicants. Through edits proposed in 2023, Program H-1.A has been strengthened to further encourage and monitor ADUs. The program now states: “If the assumptions in the Housing Element Sites Inventory are not met, the City shall take alternative actions (e.g., outreach, technical assistance, development standard modifications, incentives, funding and rezoning) depending on the needs identified through the ADU Monitoring Program, by December 2028.” In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law.***
8. Page 161 of the draft lists Supportive Housing and that they are permitted in all residential district if less than 50 units and permitted by-right. How much Supportive Housing was built in the 5th Housing Element Cycle? How much is identified for the 6th Cycle? What land use classification should I look for?
- ***Response: HCD does not track the development of supportive housing through its Housing Element Annual Progress Report. Please request this information separately.***
9. The City allows mobile home and manufactured homes to be constructed in all single residential zoning. Do we actually have any in Walnut Creek?
- ***Response: HCD does not track the development of manufactured housing through its Housing Element Annual Progress Report. Please request this information separately.***
10. Outreach – While outreach was not restrictive, it’s also not clear what intentional outreach was done to engage the low-income and BIPOC residents and their responses. Comments from stakeholders.
- ***Response: Please refer to Appendix B, Affirmatively Furthering Fair Housing Analysis for a comprehensive description of the outreach efforts taken by the City (p. B-2).***
11. Many site selections for affordable housing were identified on the 5th Housing Element that are being listed again. What changes does the City plan to adopt to actually get housing built on these sites?
- ***Response: The City included sites from the 5<sup>th</sup> Cycle Housing Element, pursuant to HCD’s Sites Inventory Guidebook requirements. Pursuant to these requirements, the Housing Plan includes Program H-2.S to allow by-right residential development on non-vacant, lower-income sites used in the previous sites inventory.***
12. The City should commit to percentage for newly proposed ½ cent sales tax

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- **Response: This is not a requirement for housing elements.**
  - 13. The City should implement tax on completed sale of real estate transactions over \$500,000 to be paid by the seller. Deposit into local affordable housing trust fund.
    - **Response: This is not a requirement for housing elements.**
  - 14. The City should identify new funding for financial and technical support for CLTs, tenant council, co-ops, etc.
    - **Response: Program H-2.A stipulates that the City will pursue state and federal grant funding to develop affordable housing. This includes funding for nonprofits to generate more housing units.**
  - 15. Provide right of 1st offer and right of refusal for tenants, CLTs and non-profits.
    - **Response: This is not a housing element requirement.**
  - 16. Adopt Anti-Harassment Ordinance to prohibit landlord harassment and constructive eviction actions.
    - **Response: Programs H-6.A through H-6.F provide resources and support for renters, including landlord harassment.**
  - 17. Promote policies that encourage community ownership and stewardship of land to develop affordable housing, such as community land trust models.
    - **Response: This is not a housing element requirement.**
  - 18. Develop a program to subsidize the cost of reasonable modifications to make housing accessible for people with disabilities.
    - **Response: Program H-3.A will help provide CDBG, CSG, and Homeless Services Fund monies to organizations providing support services. These funds will also be available for reasonable accommodations.**
- ❖ **August 26, 2022** – “The Partnership for the Bay’s Future (“PBF”) is a public-private-nonprofit partnership working to create a more livable Bay Area in which diverse people of all walks of life can afford to live and thrive... We believe the following policies can play an important role in meeting the requirements of this housing element and supporting thriving communities, and we request that Walnut Creek include them in the next housing element draft:”
1. Favorable Zoning and Land Use
    - Make multifamily infill easier to develop, allow, require or encourage multifamily housing in more places, and allow or encourage missing middle housing in single-family neighborhoods

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

- ***Response: Programs H-2.R, H-6.G, and H-6.H provide for housing mobility and the development of “missing middle” housing. The City has also added Program H-6.J that has a suite of actions to improve housing mobility and provide missing middle housing. See additional supportive programs as summarized in the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan.***

*In addition, the City has a number of single-family neighborhoods zoned to Missing Middle densities, including the area on the west side of Oak Road, approximately one-half mile south of the Pleasant Hill BART station; and the neighborhoods along Overlook Drive and Buena Vista Avenue within one-half mile of the Walnut Creek BART station.*

- Provide incentives for affordable housing development
- ***Response: The Housing Plan includes 20 programs (H-2.A through H-2.T) to support and incentivize affordable housing development. Recent edits to several supportive programs are summarized in the revised AFFH Contributing Factors and Programs Table, found in the Housing Plan and Appendix B.***
- 
- Provide incentives for affordable ADUs and "missing middle" housing
  - ***Response: The Housing Plan includes a number of programs to incentivize “missing middle” housing (see previous response). In addition, Program H-1.A states the City will approve pre-approved ADU designs and permit-ready construction plans to incentivize the development of ADUs. Through edits proposed in 2023, Program H-1.A has been strengthened to further encourage and monitor ADUs. The program now states: “If the assumptions in the Housing Element Sites Inventory are not met, the City shall take alternative actions (e.g., outreach, technical assistance, development standard modifications, incentives, funding and rezoning) depending on the needs identified through the ADU Monitoring Program, by December 2028.” In addition, Program H-6.G is to **co**lify Senate Bill 9 with allowances that go beyond state law.***

#### 2. Accelerating Production Timeframes

- Streamline development approvals and environmental review process for multifamily housing
  - ***Response: Program H-4.A provides for the streamlining of the environmental review process through implementation of SB 375.***

# Attachment 4 – Community Response Summary (track-changes version)

## 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

- Streamline permitting process for multifamily housing
  - ***Response: The City offers a streamlined, objective review process for projects that meet the requirements of SB 330 and SB 35. In addition, the Housing Plan includes a variety of programs to assist developers through education, feedback, financial assistance, streamlining, etc. Additional edits have been made to Section 3.3.6 to clarify the City’s permit process and identify programs being pursued for further streamlining.***
- 3. Reducing Construction and Development Costs
  - Ensure local requirements are not making development more expensive without requisite benefits
    - ***Response: Chapter 3 of this Housing Element analyzes the development process to ensure the planning process does not pose a constraint to development. Programs H-4.A through H-4.H address any constraints. Additional analysis was added to Chapter 3 to expand the discussion of zoning and permitting constraints. Furthermore, Program H-4.K - Building Envelope Analysis was added to “Conduct a building envelope analysis needs assessment to determine the maximum amount of residential development capacity on individual parcels citywide and understand the gap between existing and maximum capacity.”***
    -
  - Actively support the use of modular and factory-built construction methods
    - ***Response: Please see Chapter 3, Section 3.4.3 – Manufactured Housing, Mobile Homes, and Mobile Home Parks. Modular housing falls under the manufactured housing definition.***
- 4. Providing Financial Subsidies: Generate new or dedicate existing revenue for affordable housing
  - ***Response: The Housing Plan includes programs H-2.A through H-2.C, which dedicate funding for affordable housing development.***
- 5. Advocating for Rent Control and Just Cause for Eviction Policies
  - Adopt or update rent stabilization policies
    - ***Response: This is not a housing element requirement.***
  - Adopt or update just cause eviction policies

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

- **Response: This is not a housing element requirement.** Advocating for Community Land Trusts (CLTs): Support the formation and operation of community land trusts
- **Response: This is not a housing element requirement.**
- 6. Advocating for Inclusionary Zoning and Impact Fees: Create or review/update inclusionary housing (including in-lieu fees) and commercial linkage fee requirements
  - **Response: The City already has an Inclusionary Housing Ordinance, which requires a minimum of 6-10% of all housing units to be affordable.**
- 7. Inventory of Sites: Ensure that land is equitably zoned for multifamily housing, especially in high-opportunity areas
  - **Response: The Sites Inventory was prepared with access to transportation, services, and resources in mind. The sites provide residents with the opportunity to easily access such services.**
- ❖ **August 31, 2022** – “I found in reading the Draft Housing Element for Walnut Creek, lists of goals and proposed assistance where no specific numbers or benchmarks are given...[In addition] without major streamlining of the permitting process, changes in the zoning regulations and assistance to those entities wanting to develop affordable housing, it’s hard to see how the city will get closer to its current RHNA goals...[Furthermore,] The City needs to expand their definition of ADU’s beyond the pre-approved plans for detached new builds already allowed ”
  - **Response: Response from staff over email clarifies that the City does allow other forms of ADUs beyond those included in the upcoming Permit Ready ADU program, including garage conversions. Additionally, in some cases the City’s regulations are less stringent than the ADU standards contained in state law. For example, state law allows the City to require parking for many ADUs, but the City’s regulations do not require any at all.**

*It is also important to note that, per HCD comments, the City added more specific commitments to the programs. Through edits proposed in 2023, Program H-1.A has been strengthened to further encourage and monitor ADUs. The program now states: “If the assumptions in the Housing Element Sites Inventory are not met, the City shall take alternative actions (e.g., outreach, technical assistance, development standard modifications, incentives, funding and rezoning) depending on the needs identified through the ADU Monitoring Program, by December 2028.” In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law.*

*Furthermore, regarding streamlining practices, the City offers a streamlined, objective review process for projects that meet the requirements of SB 330*

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*and SB 35. In addition, the Housing Plan includes a variety of programs to assist developers through education, feedback, financial assistance, streamlining, etc.*

- ❖ **September 5, 2022** – “The large above ground transmission lines run through downtown all the way from the 680 freeway to the other side of Ygnacio Valley...As we understand it, housing cannot be built underneath the power line. Here are some examples of properties that are impacted: [Sites 89, 94, and 55]”
  - ***Response:*** *Response from staff over email clarifies that Walnut Creek has long taken the electrical transmission line into consideration for city planning purposes and housing sites analysis in particular. The transmission line is located within a 100-foot-wide right-of-way easement that generally precludes any new structures. In addition, City staff provided examples that show higher-density development is feasible. Note that additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in the redline version of Chapter 7. Below are City comments addressing the concerns for the three sites mentioned by East Bay for Everyone:*
    - ***Site 89 (1901 Trinity Ave.)*** – *St. Paul’s Episcopal Church (the owner of the property) deemed none of these issues to be insurmountable.*
    - ***Site 94 (1777 N. California Blvd.)*** – *The existing office building on this lot demonstrates its development feasibility. In addition, the City did take into account the transmission line when determining the realistic carrying capacity for new residential development.*
    - ***Site 73 (1840 and 1890 N. Main St.)*** – *The Planning Department has received multiple recent inquiries from developers who are aware of the power lines and are seeking to build housing on that lot. Furthermore, in June 2023, a developer submitted a preliminary application to construct a 118-unit 100% affordable residential development at 1890 N. Main St.*
- ❖ **September 7, 2022** – “RCAA definitions are slightly out of date...HCD released a draft RCAA tool very recently...It is an official tool and likely better than the consultant definition.”
  - ***Response:*** *During the first review, they asked for local data and knowledge, which was provided.*
- ❖ **September 20, 2022** – “[ADU hookup fees] are prohibitive. This would be a great addition to the policies section but my understanding is that a policy change would need to happen at the County level.”
  - ***Response:*** *Response from staff over email clarifies that water, sewer, and schools are all provided by independent districts, over which the City and*

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*County have no control. Although utility fees are a financial constraint to the development of new housing, they fall outside of the City’s jurisdiction.*

- ❖ **October 25, 2022** – “It would make a lot of sense to rezone this neighborhood (Resident provided a screenshot of a specific neighborhood in the San Miguel area) for multifamily housing”
  - **Response:** *Response from staff over email clarifies that about a quarter of the area is located in the unincorporated County. However, about half of the portion that is in the City is already zoned multifamily residential. The City has seen quite a bit of new residential development in this area. The other areas have more topographic challenges and poorer access to downtown. As such, the City does not have plans to rezone.*
  
- ❖ **December 15, 2022** – “Very little of the Sites Inventory is planned for the [outer parts of the City]. Sure those areas are more single family, but our letter proposes rezoning 1) The Shadelands commercial parcels, 2) parcels that abut any of the bike trails, and 3) parcels in [single family areas] to permit triplexes or fourplexes by right. [In addition, for Site 121], the developer would need to provide relocation and return for 61 tenants to build a net of 86 new apartments. We are skeptical that would pencil under Walnut Creek’s proposed development standards.”
  - **Response:** *Response from staff over email clarifies that the General Plan has long focused new residential development to the Core Area, where there is convenient access to shops, services, transit, and parks, without the need for a car. With two-thirds of its housing stock consisting of multifamily dwellings, Walnut Creek provides a wide variety of product types at various price points. In an effort to provide additional areas of housing opportunity, Program H-6.J. Housing Mobility. States: “In addition to the available sites that the City has identified to satisfy the RHNA units as discussed in Chapter 7, the City will implement a suite of actions to improve housing mobility and affordability within single-family zones and in concentrated areas of affluence...”. Collectively the new and revised housing mobility programs summarized on the revised AFFH Contributing Factors and Programs Table (found in the the Housing Plan) would produce 200 units in addition to the City’s RHNA allocation. In addition, the City has already rezoned several single-family neighborhoods surrounding the Core Area to multifamily residential.*

*Regarding Site 121, the property currently contains a two-story wood frame apartment building constructed in 1957 with 57 one-bedroom apartments. Prior to the pandemic, the owner expressed an interest to staff regarding the redevelopment of the site. The City used conservative assumptions to estimate the number of units. Note that additional analysis took place in 2023, resulting in deletions and additions of some sites, as identified in the redline version of Chapter 7.*

# Attachment 4 – Community Response Summary (track-changes version)

## 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

- ❖ **January 8, 2023** – Sustainable Walnut Creek. “A bold idea recently surfaced that identifies the three parking lots at Civic Park to be part of a microgrid housing development with underground parking. The vision is to have three midrise mixed-use structures providing affordable housing. The community scaled microgrid/battery backup and the proposed net zero energy components of the project helps in achieving the State’s AB 1279 goals, speaks to the Housing Element as well as the Sustainable Action Plan and becomes a new income source for the City. Is it possible to include the Civic Park Parking lots in the identified property list for the Housing Element? “
  - ***Response: Response from staff over email indicates that while an intriguing suggestion, it wouldn’t be possible as part of the Housing Element Update as the process is too far along, and such a change would require significant review under the California Environmental Quality Act (CEQA) for the necessary General Plan and Zoning Ordinance Amendments. Additionally, the City would need to conduct significant public outreach and community engagement for a change like that in a City Park.***
  
- ❖ **January 12, 2023** - “You will recall that 350 Contra Costa Action sent you a letter dated August 18, 2022 about our concerns with the earlier draft Housing Element Update. We have reviewed the final draft, and want to register our disappointment that changes were not made to better address the climate emergency. Most importantly, the plan does not:
  - Ban natural gas in new housing. Doing so is vital to meeting H-7.2 and H-7.4, as well as to align with the guidance of BAAQMD and the clear directive of CARB...
  - Encourage higher density residential and mixed-use buildings downtown and along major arterial streets. As is widely recognized, higher density housing adjacent to transit, commercial, cultural and recreational facilities in less building and transportation energy, as well as water demand.
  - Townhomes ought to also be allowed under the SFH land use designation
  - To increase new housing opportunities, there should be a new Mixed-Use, Flexible designation
  - Provide financial support for affordable housing and remove governmental constraints.
    - ***Response: The Housing Element includes five programs (H-7.A–E) to help mitigate environmental pollution. In addition, the City has already rezoned much of the downtown Core Area to encourage higher densities through multiple specific plans. In addition, the Housing Element sites are primarily concentrated in the downtown area, closer to public transportation. In an effort to provide additional areas of housing opportunity, Program H-6.J. Housing Mobility states: “In addition to the available sites that the City has***

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*identified to satisfy the RHNA units as discussed in Chapter 7, the City will implement a suite of actions to improve housing mobility and affordability within single-family zones and in concentrated areas of affluence...”. . In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law Collectively the new and revised housing mobility programs summarized on the revised AFFH Contributing Factors and Programs Table (found in the Housing Plan) would produce 200 units in addition to the City’s RHNA allocation.*

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- ❖ **January 12, 2023** - “I am concerned that the Housing Element appears not to be providing items required by HCD in HCD's review letter of December 5, 2022. Please revise the Housing Element accordingly.

- ***Response:*** *The revised draft Housing Element responds to all of HCD’s comments contained in the December 5 letter. City staff also coordinated closely with HCD staff to discuss possible changes that would satisfy HCD’s concerns. New and revised programs in Chapter 8 expand the scope and level of commitment for actions that will support housing element goals. Between January and July of 2023, additional edits have been proposed to be responsive to HCD comments. Please see the Consolidated Addendum and the redlined Housing Element chapters for a complete record of the changes.*

- ❖ **January 13, 2023** – Kevin Burke. “I've been listening to the Planning Commission hearing from last night. I have not been on the calls you've had with HCD, but I guess what I would say is that my interpretation of what HCD has been saying, and what you and the consultants have been saying, are just very different. I would guess you've got about a 15% chance of HCD certifying this draft. Provided information on other cities who faced challenges getting certified].

- ***Response:*** *Response from staff over email indicates that a number of conversations have taken place with the City’s HCD reviewers so that the City can adequately address all concerns. Between January and July of 2023, additional edits have been proposed to be responsive to HCD comments. Please see the Consolidated Addendum or the redlined Housing Element chapters for a complete record of the changes.*

*Regarding the comparison to other cities, it is fair to say that from a city planning perspective, Walnut Creek has already long since done what many other cities are now proposing to do as part of their 6th cycle Housing Element. For example, multi-family residential dwellings have constituted a majority of the homes in Walnut Creek since 1970, and now make up about two-thirds of the City’s existing housing stock. Additionally, approximately a quarter of the City’s existing housing stock*

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*is “missing middle” housing, and the City still has a large amount of appropriately zoned land that can accommodate even more (including several single-family neighborhoods that have already been rezoned).*

*However, in an effort to provide additional areas of housing opportunity, Program H-6.J. Housing Mobility states: “In addition to the available sites that the City has identified to satisfy the RHNA units as discussed in Chapter 7, the City will implement a suite of actions to improve housing mobility and affordability within single-family zones and in concentrated areas of affluence...”. . In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law. Collectively the new and revised housing mobility programs summarized on the revised AFFH Contributing Factors and Programs Table (found in the Housing Plan) would produce 200 units in addition to the City’s RHNA allocation.*

*Each city is unique in its challenges and opportunities, and the City feels that the final draft Housing Element Update successfully addresses the needs of Walnut Creek and state law.*

- ❖ **January 17, 2023** – East Bay for Everyone. “The new draft contains some improvements over the first draft, but is still inadequate for achieving compliance with state Housing Element law...Sites do not meet HCD guidelines for inclusion and will not lead to the production of 5800 homes...The programs added consist of fixes required by state law, education about state programs (SB 9), or extension of existing Walnut Creek programs, and do not loosen any of Walnut Creek’s governmental constraints.” Comment also included a series of program and edit suggestions for the following:
  - Lack of rezoning
  - Small buffer
  - Tree preservation costs for developers
  - Height limits as a constraint
  - Sustainability of nonvacant sites (refers back to a previous comment that provides site-by-site feedback)
  - Lack of substantial changes through new programs
  - Senate Bill 9
  - Bicycle plan
  - ***Response:*** *New and revised programs in Chapter 8 expand the scope and level of commitment for actions that will support housing element goals,*

## Attachment 4 – Community Response Summary (track-changes version)

### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*including housing production. Program H-4.C in particular will result in greater clarity of the development process and serve to advance permit streamlining. In an effort to provide additional areas of housing opportunity, Program H-6.J. Housing Mobility states: “In addition to the available sites that the City has identified to satisfy the RHNA units as discussed in Chapter 7, the City will implement a suite of actions to improve housing mobility and affordability within single-family zones and in concentrated areas of affluence...”. In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law. Collectively the new and revised housing mobility programs summarized on the revised AFFH Contributing Factors and Programs Table (found in the Housing Plan) would produce 200 units in addition to the City’s RHNA allocation.*

- ❖ **January 15, 2023** – Ashley James. “The overall spirit and intent of the State’s closer scrutiny of local housing regulations is for local jurisdictions to work towards undoing the harm caused by exclusionary zoning and work towards allowing more types of housing by-right. With that goal in mind, the resources expended on this cycle’s Housing Element should have been directed to reflecting on how existing measures and regulations are a constraint toward achieving these goals and drafting bold programs to undo those constraints. Instead, it appears that staff used the City’s resources to justify - illogically - how the valid concerns raised by the State are not actually constraints.

For example, the reasons staff have provided for why Measure A is not a constraint to housing development is that no developer has asked to exceed that height, and that if they have, they used State Density Bonus to get around it...The uncertainty and additional cost borne by the developer in this case effectively makes Measure A a deterrent to developing housing. The Element should instead include a program to remove the constraint produced by Measure A.

Another example is staff’s response to the comment regarding PD zoning – it’s not a constraint because developers have been using State streamlining laws to avoid it, and recent developments have been above the permitted density. This statement...doesn’t address the additional costs and time borne by the developer to obtain a permit in a PD district, the subjective findings, nor whether the additional density of recent developments is due to State Density Bonus law..”

- **Response: Measure A language was revisited to articulate the analysis in a more comprehensible manner, and the cumulative impacts discussion was clarified. In addition, City staff coordinated closely with HCD staff to ensure that HCD comments were addressed appropriately. Edits proposed in July 2023 provide further commitments to evaluate Measure A and take additional actions if needed. See the revised language in the July Consolidated Addendum or in the redline Housing Plan.**

# Attachment 4 – Community Response Summary (track-changes version)

## 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

- ❖ **January 16, 2023** – Jan Warren. “Since Walnut Creek always meets its RHNA numbers for above moderate housing, the primary focus should be on more affordable housing of different types as mentioned by the public. 45% of the housing requirement is for EL, VL and L income. [Provides a list of program suggestions].” Program suggestions include: waive some fees, consider a trust fund, adequately fund the department, support housing construction outside of downtown, and provide more shelter space. Comments were also made to improve the content and timeliness of the Housing Element webpage. Regarding the Sites Inventory, comment included that substantial evidence is needed for nonvacant sites, ADUs are supported, need more middle income housing, and should provide zoning changes for additional sites.

- ***Response: City staff coordinated closely with HCD staff to ensure that their comments were addressed appropriately. There are many programs specifically to address lower income housing including H-2.A, H-2.N, and H-2.O. See also a summary of related actions designed to provide lower income housing in the context of AFFH in the revised AFFH Contributing Factors and Programs Table found in the Housing Plan.***

- ❖ **January 17, 2023** – East Bay For Everyone. “We are pleased to see some zoning changes were made for various housing types; however, we were disappointed to find several other areas outlined in a letter dated December 5th from HCD were not addressed. We are concerned that this may cause Walnut Creek’s Housing Element to be deemed noncompliant. Therefore, we ask that you complete another review of the comments in the December 5th letter to ensure the necessary changes to bring the housing element into compliance are made before final submission.”

### Summary of feedback

- Sites do not meet HCD guidelines for inclusion and will not lead to the production of 5800 homes.
- The programs added consist of fixes required by state law, education about state programs
- (SB 9), or extension of existing Walnut Creek programs, and do not loosen any of Walnut Creek’s governmental constraints.
- We suggest several programs that would help preserve, improve or add to Walnut Creek’s housing stock.
- [Provides a list of program suggestions for the following:]
- Zoning for housing types and emergency shelters
- Sites inventory
- Density bonuses
- ***Response: City staff coordinated closely with HCD staff to ensure that their comments were addressed appropriately. New and revised programs in Chapter 8 expand the scope and level of commitment for actions that will support housing element goals. Edits proposed in July 2023 include an***

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## 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*effort to provide additional areas of housing opportunity. Program H-6.J. Housing Mobility states: “In addition to the available sites that the City has identified to satisfy the RHNA units as discussed in Chapter 7, the City will implement a suite of actions to improve housing mobility and affordability within single-family zones and in concentrated areas of affluence...”. In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law, and Program H-1.A supports ADUs. Collectively, these and other housing mobility programs (summarized on the revised AFFH Contributing Factors and Programs Table and found in the Housing Plan) would produce 200 units in addition to the City’s RHNA allocation.*

Additional edits proposed in July 2023 address development regulations, including: H-2.U, H-4.B, H-4.I, H-4.J, H-4.K, and H-6.K.

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- ❖ January 17, 2023 – Walnut Creek Homeless Task Force. “

Promoted Policies and Programs to incentivize more affordable housing including.

- Reduce or waive impact fees for 100% affordable development.
- Permit Streamlining: Add a timeline to review and discuss compliance with the Permit Streamlining Act and intersections with CEQA and add or modify programs as appropriate.
- Housing Trust Fund: Create a WC housing trust fund. Commit to a % of the annual sales tax receipts from Measure O to go into a housing trust fund or be set aside until one is created.
- Funding for Housing Programs: Add a Housing Element program to adequately fund the development department and identify positions responsible for different areas of the Housing plan.
- Missing Middle Program: add a missing middle program similar to Concord and San Ramon proposing to establish a targeted number of units: i/e. 150-200 units. This may require rezoning but could add a significant number of homes for young families that are currently faced with moving out of the area due to the lack of affordable housing.

- **Response: See above response**

- ❖ **January 24, 2023** - “We are pleased to see some zoning changes were made for various housing types; however, we were disappointed to find several other areas outlined in a letter dated December 5th from HCD were not addressed. We are concerned that this may cause Walnut Creek’s Housing Element to be deemed noncompliant. Therefore, we ask that you complete another review of the comments in the December 5th letter to ensure the necessary changes to bring the housing element into compliance are made before final submission.” [Provides a list of program suggestions for the following:]

# Attachment 4 – Community Response Summary (track-changes version)

## 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

- Zoning for housing types and emergency shelters
  - Sites inventory
  - Density bonuses
  - ***Response: City staff coordinated closely with HCD staff to ensure that their comments were addressed appropriately. New and revised programs in Chapter 8 expand the scope and level of commitment for actions that will support housing element goals. See above responses for additional details.***
- ❖ **January 24, 2023** – Robert Garuti. “I hope the Housing Element will be changed substantially or rejected by the State, given the lack of reform in local regulations, especially zoning...” Lack of supply is the biggest problem, and that is mostly due to restrictions from local government. Biggest issue is lack of rezoning. Also recommends amendments to parking requirements, objective review, approval time, fees, ADUs, lot size, and environmental review.
- ❖ **March 10, 2023** – TransForm. In our previous letter we offered a suite of smart parking policies we believe are best suited to Walnut Creek:
1. Require unbundled parking for certain transit oriented developments. This is easier for building managers to implement now with new parking tech tools like Parkade.
  2. Encourage developments to subsidize transit passes in return for reduced parking provision.
- We believe these policies must be considered as they would greatly benefit the Walnut Creek and create safer and healthier communities. As with other cities like San Jose and Alameda, parking reform packages can be passed even if not identified as a program in your Housing Element and we are committed to assisting cities in this endeavor.
- ***Response: The City invites Transform to participate in the effort to amend the parking regulations (Program H-4.B).***
- ❖ **March 20, 2023**- Kevin Burke. Walnut Creek continues to avoid making many concrete commitments to do anything. For example, the mid cycle review promises only to “evaluate” it doesn’t promise to actually make any changes to zoning if they are falling short of their target. How many parcels would be affected by the lot size changes.
- ***Response: Edits proposed in July 2023 include an effort to provide additional areas of housing opportunity. Program H-6.J. Housing Mobility states: “In addition to the available sites that the City has identified to satisfy the RHNA units as discussed in Chapter 7, the City will implement a suite of actions to improve housing mobility and affordability within single-family zones and in concentrated areas of affluence...”. In addition, Program H-6.G is to codify Senate Bill 9 with allowances that go beyond state law, and***

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### 2023–2031 Housing Element Appendix A. Community Engagement Excerpt

*Program H-1.A supports ADUs. Collectively, these and other housing mobility programs (summarized on the revised AFFH Contributing Factors and Programs Table and found in the Housing Plan) would produce 200 units in addition to the City’s RHNA allocation.*

Additional edits proposed in July 2023 address development regulations, including: H-2.U, H-4.B, H-4.I, H-4.J, H-4.K, and H-6.

*The revised Mid-Cycle Review Program now states: “If unit production is not achieving anticipated progress identified in program goals, programs are ineffective or constraints are identified the City shall take action to develop alternative strategies, including amending development standards and initiating a rezoning program to identify additional sites as necessary to achieve the anticipated progress.”*