Andrew Smith, Senior Planner for the City of Walnut Creek

Via email: asmith@walnut-creek.org

Cc: HousingElements@hcd.ca.gov

August 18, 2022

Re: Walnut Creek's Draft Housing Element

Dear Mr. Smith:

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. (See Draft, pp.1-10 [triple-digit shortfalls in all but above-moderate income housing production], 3-30 ["[M]ore than 90%[] of the units developed were above-moderate-income…."], 5-1 [attributing underproduction to "insufficient funding"].) Neither, manifestly, does the City. (*Id.* pp.8-28 to -29 [City's "quantified objectives," or production goals, far below need].) The City must do better.

I. Legalize A Lot More Housing

Let us not pretend that "the majority of land in the City is largely developed." (See *id.* p.7-2.) This just isn't true: City development standards make that illegal. The City *prohibits* "the majority of land" in single-family residential districts—as well as in some multifamily districts, and 75% of the land where Walnut Creek's richest residents live—from having homes built there. (*Id.* pp.3-24 to -25 [lot-coverage ratios at or below 50%].) In these districts, City law also bans the 30 homes per acre that State law deems necessary for affordable housing. (*Ibid.*; see Gov. Code § 65583.2(c)(3)(b)(iv).) Most of Walnut Creek's residential land is zoned that way. (See Draft pp.7-48 to -56 [satellite photos].) All this belies the City's claim to allow "a variety of housing types," and it's no wonder the City has no real plans for anyone making a median income to

live there. (Compare *id.* p.3-58 [all talk about "all economic segments"], with *id.* p.7-4 [no action for affordable homes in single-family and planned-development districts].)

Our housing crisis is a failure of imagination. It is "appropriate" in a housing shortage, and "legally possible" for Walnut Creek, to "remove" home-blocking development standards. State law requires it. (Gov. Code § 65583(c)(3).) But it seems the City won't. (See Draft, p.7-1 [claiming, contrary to the City's quantified objectives, that all lower-income need "can reasonably be achieved under … current … zoning regulations"].) We urge the City to reconsider, and rezone for much more density.

II. Make Review Much More Simple

"[T]he City can only control its own … regulations … ." (Draft, p.3-13.) Indeed. The City regulates so, so much. (*Id.* pp.3-13 to -49 [land use, density, waivers and reductions, parking, lot size, setbacks, lot coverage, floor area ratio, height, specific plans, 22 different kinds of impact fees, 40 different kinds of planning fees, fee totals that the City doesn't know how to compare to those in neighboring cities, 8 different permit procedures including a half-year "design review for all new construction," 4 different reviewing bodies].) But the City excuses itself from streamlining these regulations because, in the fifth cycle, the City saw 2,001 homes built in spite of its regulations. (*Id.* p.3-44.) But *affordable* housing *is* constrained: as we have seen, 90% of these homes the City is touting were built for rich people. (*Id.* p.3-30.) The City has no basis for declaring that its land-use controls aren't constraining lower-income development.

If living in Walnut Creek isn't affordable, then the City should cut the red tape that makes it unaffordable. State law requires this to some degree (Gov. Code § 65913.4), and yet the City intends not to obey this law until mid-2024. (Draft pp.3-65, 8-16; see also SB 35 Senate Floor Analyses, p.10 [recording the City's opposition to streamlining

housing approvals during a housing shortage].) Please. Development standards can be relaxed, and procedures simplified, without regard for extraneous factors such as "globalization," "the need to secure multiple funding sources," the dissolution of "redevelopment agencies," and "State regulations." (See *id.* pp.3-9 to -13.) We are disappointed to see the City complain of its powerlessness to control housing costs, yet refuse to upzone anything (*id.* p.7-1), or renounce tying up projects in the name of nonsafety factors such as "character, scale, and quality of … design, … colors, screening of exterior appurtenances," and "the location, type, size, color, texture, and coverage of plant materials" (*id.* p.3-43). Such considerations must not take priority, as they currently do in Walnut Creek, over enabling the less fortunate to live in proper homes instead of tents or vans.

III. Conclusion

Californians expect and deserve "meaningful actions" to alleviate the severe inequality fostered by our policy-driven housing shortage. (See Gov. Code § 65584(e).) The City's draft housing element fails to deliver what is required. We call on HCD not to certify the draft, and look forward to seeing a serious revision from the City later this fall.

Sincerely,



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