

MEMORANDUM

Subject: Response to Public Comment Regarding 6th Cycle Housing Element

Date: September 1, 2023

Attachment(s): East Bay Housing Organization Comment Letter

This Memorandum outlines the City of Concord's response to public comment letter from East Bay Housing Organizations (EBHO) received on July 18, 2023.

1. Comment: Add additional affordable sites in the South and East portions of the City.

Response: The City's AFFH analysis acknowledges the lack of affordable sites in these areas of Concord. As noted in the comment, Program 8.6 addresses this issue by rezoning at least 20 acres in these areas to accommodate at least 1,000 units affordable to lower-income households. Specific sites have not yet been selected at this time due to the extensive analysis (including environmental review) and community engagement required for that level of specificity. Based on consultation with HCD staff, the City understands that state AFFH laws allow specific site selection to be deferred to program implementation rather than included in the housing element. The City will select sites by December 2024 as Program 8.6 is implemented. This program includes specific criteria to ensure that selected sites are feasible for lower-income housing development (e.g., minimum density of 60 units/acre) and located in areas that address AFFH goals (see response to comment 2 for further details).

2. Comment: Target specific census tracts for rezoning [in Program 8.6].

Response: Table 9 of Appendix D of the current housing element identifies areas (neighborhoods) of Concord that would satisfy the criteria in Program 8.6, accompanied by maps displaying these areas/neighborhoods (Appendix D, pages 99 and 107). Based on input from HCD staff, the City understands that this level of specificity is acceptable. However, it should be noted that Program 8 references three data sources that are based on Census tract geographies: the state's Racially Concentrated Areas of Affluence map, the state TCAC Opportunity maps, and the Bay Area Equity Atlas map. These specific geographic targets will ensure that rezoning aligns with the City's AFFH goals.

3. Comment: Target specific census tracts and/or households for housing services and opportunities.

Response: Table 9 of Appendix D of the current housing element identifies areas (neighborhoods) of Concord where these services and opportunities would be targeted, accompanied by a map displaying these areas/neighborhoods (Appendix D, page 107). Based on input from HCD staff, the City understands that this level of specificity is acceptable.

4. Comment: Increase the scale of target actions or add additional programs that increase housing mobility in high income areas... including lowering or removing parking requirements... allowing by right approval of developments under the upzoning proposed in Program 8... [and] increas[ing] the City's inclusionary housing requirement...

Response: Regarding parking reductions, the City already allows parking reductions pursuant to state density bonus law, AB 2097 and the City's Affordable Housing Incentive Program, which will be amended under Program 11 to clarify the available incentives. Furthermore, Program 16 commits to reducing parking requirements for affordable housing projects on religious institution sites and group housing uses, and removing the guest parking requirement for multifamily uses. The constraints analysis in the current housing element demonstrates that other parking requirements are not a constraint to affordable housing production, and HCD staff has concurred with this analysis.

Program 15 of the housing element already commits to providing a by right approval process for all multifamily development projects meeting objective standards; this would also apply to sites rezoned under Program 8. Regarding additional actions cited by the commenter, including increasing the City's inclusionary requirement, the current housing element already commits to a wide array of new actions to incentivize affordable housing development, and the constraints analysis demonstrates that further actions are not necessary, and HCD staff has concurred with this analysis. The inclusionary ordinance amendments proposed for adoption in the near future are based on a financial feasibility study, which shows that increased inclusionary requirements would result in less affordable housing due to fewer projects being completed.



July 18, 2023

To: Aaron Sage, Principal Planner
Mindy Gentry, Planning Manager
Asha Bleier, Consultant Project Manager, Dudek
Elizabeth Dickson, Planner, Dudek

Laura Hoffmeister, Mayor
Edi Birsan, Vice-Mayor
Carlyn Obringer, Councilmember
Laura Nakamura, Councilmember
Dominic Aliano, Councilmember

RE: Comments on HCD's May 19th, 2023 Response Letter to Concord's Draft 6th Cycle Housing Element

Dear Planning Staff, Consultants, and City Councilmembers,

Thank you for the opportunity to comment on Concord's Draft Housing Element. East Bay Housing Organizations (EBHO) works to produce, preserve, and protect affordable housing opportunities for low-income communities across Contra Costa and Alameda Counties. Many of our 400+ individual and organizational members live, work, or provide affordable homes in Concord. Raise the Roof (RTR) is a coalition of community, labor, and faith organizations working to promote stable housing and a sense of belonging among low-income residents of Concord and Contra Costa County.

Having reviewed the Draft Housing Element and the response letter from HCD dated May 19th, 2023, we would like to submit the following comments in support of creating a Housing Element that will adequately address the goals of the Regional Housing Needs Allocation (RHNA), provide affordable housing and tenant protections to Concord residents, and receive the approval of the State.



While HCD highlighted a variety of issues in their letter, the most substantive comments concerned the requirement to Affirmatively Further Fair Housing (AFFH). As EBHO and RTR emphasized in our previous letter, and as supported by City staff's own analysis, there is a significant need for programs that break up socioeconomic and racial segregation in exclusionary communities and promote housing security and mobility in excluded communities. While the previous draft Housing Element addressed some of this need, we agree with HCD's assessment that the City's programs should be strengthened even further, specifically by making sure that programs are adequately detailed and targeted to AFFH.

Several other cities in the East Bay received similar direction from HCD regarding specific targeting of programs, three of which—Berkeley, Oakland, and Hayward—have subsequently addressed HCD's comments and received certification of their Housing Elements. The actions taken by these cities are summarized below.

Berkeley added additional targeted geographical emphasis for several programs including their Fair Housing Outreach and Enforcement, Rental Housing Safety, and Rental Assistance programs. The City targeted neighborhoods in South and Central Berkeley with a higher proportion of renters, cost burdened renters, and households at risk of displacement.

Oakland added lower-income sites to its inventory in the exclusionary areas of North Oakland and Rockridge, amended their housing action plan to prioritize improvements to low resource areas identified through the OakDOT Geographic Equity Toolbox (which largely relies on data from the American Community Survey), and added specific geographic metrics for applicable programs.

Hayward amended several programs to specifically target high need, low income areas with outreach to specific households who have interfaced with City programs previously as well as disadvantaged census tracts. The City also added new quantified metrics for acquisition, rehabilitation, or construction of affordable units in high resource areas.

Given the success of the cities highlighted above, we recommend that Concord take the following actions:

1. **Add additional affordable sites in the South and East portions of the City.** As we have pointed out in our previous communications, and is confirmed in City staff's own analysis, the South and East areas of the City are the most racially and economically exclusionary and highly resourced. Despite this, the Site Inventory identifies very few sites for affordable housing in these areas, and no lower-income sites in the City's Racially Concentrated Areas of Affluence (RCAA). While Program 8 commits to rezoning sites in these areas sufficient to accommodate at least 1,000 units, the City should add specific sites for affordable housing development in these high resource areas and specify what steps it will take to promote such development.
2. **Target specific census tracts for rezoning.** Under Program 8, Concord has already committed to upzoning sites in areas that are both higher resource and "majority white." We believe that this race-conscious approach will AFFH and thus meet HCD's requirements. But according to HCD's most recent letter, this race-conscious approach needs to be more space-conscious, as



well. Therefore, we recommend that the City use the Bay Area Equity Atlas data provided and analyzed by RTR in our letter dated October 10th, 2022 to specify the census tracts that it will target for upzoning because they feature the highest concentrations of higher-income white households, especially homeowners, and the most exclusion of lower-income BIPOC households, especially renters (see attached table).

3. **Target specific census tracts and/or households for housing services and opportunities.** While Programs 8 and 26 commit to a variety of actions that will support disadvantaged communities, particularly in the City's Racially or Ethnically Concentrated Area of Poverty (RECAP) in the Monument Corridor, these programs could go further by committing to target specific census tracts or specific households that have previously interfaced with service providers and community based organizations in the City.
4. **Increase the scale of target actions or add additional programs that increase housing mobility in high income areas.** While the City's current process to create Objective Design Standards offers one promising avenue to make development easier in high resource areas, further steps should be taken, including lowering or removing parking requirements and allowing by right approval of developments under the upzoning proposed in Program 8. Program 8 should also include language specifying how the City will ensure that sites rezoned for multifamily development in high-resource areas will be developed with affordable units. One method to ensure at least some of these units are affordable would be to increase the City's inclusionary housing requirement, although this will not create 100% affordable projects. Finally, the City should consider adding additional programs that target low-income areas or households. Other cities have successfully included rental assistance, down-payment assistance, and aging in place rehabilitation services to fulfill this need.

Two of the cities cited above also received similar comments to Concord regarding their inclusion of BART-owned sites in their Site Inventories. Berkeley identified alternative sites and developed detailed timelines for the development of BART sites, while Hayward added additional detail to their already developed timelines for development of MOUs with BART for their two stations. With this in mind, we recommend the City more fully flesh out its timeline for cooperation and support of BART's projects.

We look forward to the new draft Housing Element, and encourage the City to reach out to us to discuss the changes that must be made to ensure a compliant and successful plan.

Sincerely,



East Bay Housing Organizations

Aaron Tiedemann
Policy Manager
East Bay Housing Organizations

On behalf of the Raise the Roof Coalition



East Bay Housing Organizations

Appendix 2: Comparison of 10 Most Segregate Census Tracts in Concord by TCAC Resource Designation and Index of Concentration at the Extremes (CE) Scores

Census Tract	TCAC Designation	White Owner HHs vs. BIPOC Renter HHs							High Income White HHs vs. Low Income BIPOC HHs							Aggregated CE Scores
		White Owner HHs	Latinx Renter HHs	Black Renter HHs	AA/PI Renter HHs	Latinx Owner/ Renter CE	Black Owner/ Renter CE	AA/PI Owner/ Renter CE	High Income White HHs	Low Income Latinx HHs	Low Income Black HHs	Low Income AA/PI HHs	Latinx Income CE	Black Income CE	AA/PI Income CE	
3381.02	Moderate Resource	768	41	0	0	0.53	0.56	0.56	371	0	0	7	0.27	0.27	0.27	2.46
3331.02	Moderate Resource	888	33	45	88	0.55	0.54	0.51	373	11	0	22	0.23	0.24	0.22	2.29
3331.01	Moderate Resource	858	98	0	68	0.51	0.58	0.53	301	23	0	6	0.19	0.2	0.2	2.21
3320	Moderate Resource	1442	169	0	40	0.45	0.51	0.49	642	63	0	14	0.2	0.23	0.22	2.1
3371	Moderate Resource	530	50	15	45	0.42	0.45	0.42	302	11	15	0	0.25	0.25	0.26	2.05
3373	Moderate Resource	1167	32	26	11	0.47	0.47	0.48	507	13	0	12	0.2	0.21	0.2	2.03
3332	Moderate Resource	1145	218	0	32	0.43	0.54	0.52	375	14	0	18	0.17	0.18	0.17	2.01
3300	High Seg. & Poverty	1005	137	0	40	0.43	0.5	0.48	403	0	0	42	0.2	0.2	0.18	1.99
3340.06	High Resource	650	36	24	17	0.36	0.37	0.37	484	24	0	0	0.27	0.29	0.29	1.95
3350	High Seg. & Poverty	538	78	0	61	0.41	0.48	0.43	222	0	7	8	0.22	0.19	0.19	1.92

Sources:

City of Concord, Draft 6th Cycle Housing Element, p. D39

Data provided by Bay Area Equity Atlas