

San Leandro Public Draft Housing Element Response to Comments

November 14, 2022 (Updated)

Table 1: Response to Comments Submitted During Public Review of Draft Housing Element (June 27, 2022, through July 27, 2022)

Commenter's Organization/Name	Comment #	Summarized Comment	Response to Comment
BART (Tim Chan, Group Manager – Station Area Planning)	A1	<p>BART's Transit-Oriented Development Program Work Plan currently does not categorize the subject station areas as 'Near-term (project initiation in 2020-2025)'. TOD projects on BART's land are more complex and time consuming than development projects on private land and requires strong partnerships and commitment between BART and local jurisdictions.</p> <p>Jurisdictions with station areas that are currently listed in BART's TOD Work Plan timeframes of Mid-term or Long-term need to meet the following conditions to be considered for prioritization:</p> <ol style="list-style-type: none"> 1. Local Support for TOD <ol style="list-style-type: none"> a. Local Support and Funding b. Prohousing Designation c. Environmental Studies: allowed density is 75+ du/acre and assumed in CEQA docs 2. Infrastructure Needs <ol style="list-style-type: none"> a. Station Access and Parking Strategies: In areas requiring substantial amounts of parking, partner jurisdictions will need to support BART in securing funding for parking replacement or other station access improvements. Further, to address potential community opposition to replacing surface parking with housing, the City should plan for and 	<p>The City held discussions with BART during the preparation of the housing element. Action 8.1 in Chapter 6, Housing Plan, directs the City to continue to implement the Bay Fair TOD Specific Plan by coordinating with BART and other regional partners and transportation stakeholders, evaluating infrastructure financing and funding options, pursue grant funding for improvements, and convene property owner and stakeholder meetings.</p> <p>Action 10.7 directs the City to apply for the State Pro-housing Designation Program.</p>

		<p>implement a locally led parking resource assessment and management plan for at least ¼-mile radius around the station area.</p> <p>3. BART Policies and Standards: commit to support and meet BART’s policies and standards</p>	
<p>Campaign for Fair Housing Elements (Keith Diggs, Housing Elements Advocacy Manager, YIMBY Law)</p>	B1	<p>The letter expresses appreciation for San Leandro’s extensive engagement efforts and identification of ways to make housing more accessible and affordable throughout the city and states that the Campaign encourages faster removal of a wider variety of constraints, namely permitting by-right development of all types of housing throughout the city. The commenter believes that the Draft Housing Element substantially complies with State law.</p>	<p>The housing element currently includes Action 7.1: Review the Zoning Code to identify opportunities to increase and encourage a greater mix of dwelling types and sizes, specifically housing types that may accommodate moderate-income households (e.g., duplexes, triplexes, fourplexes, townhouses, courtyard buildings), in lower-density residential areas and amend the Zoning Code as needed.</p> <p>In response to this comment, the timeframe for this action has been moved up by two years. The City will review Zoning Code by January 2026 and implement any changes by January 2027.</p>
<p>East Bay for Everyone (John Minot, co-executive)</p>	C1	<p>The letter states that crediting two-thirds of the RHNA allocation using "pipeline" projects (some not actually approved) without accounting for their uncertainty of completion, and for the remaining third, not sufficiently accounting for market and non-market barriers. The city is obliged to consider this risk in realistic production projections.</p> <p>Additionally, the letter states that the sites inventory realistic</p>	<p>The City is obligated to identify sites suitable for development to meet the RHNA. The sites inventory buffer accounts for the possibility of units not being developed from pipeline projects or on inventory sites. The 70% development capacity estimate is considered conservative for the Bay Area region. The programs</p>

	<p>development capacity estimate should be marked down from a factor of 70% by a further 30% factor, to account for the likelihood of the projects' being proposed and not completed at all.</p>	<p>identified in Chapter 6, Housing Plan, encourage and monitor development. Staff will continue to meet with developers of pipeline projects to monitor progress.</p>
C2	<p>Parking minimums are a major barrier to new housing, but the draft makes no commitment to reduce off-street parking minimums, only to research and potentially change them in a few years' time, even though the draft and other city documents identify existing minimums as extremely high and a major barrier to new housing.</p>	<p>The housing element currently includes Action 14.1: Evaluate parking standards and consider reducing or eliminating parking minimums, with a focus on projects with transit access, to make housing developments more financially feasible. Consider establishing a Transportation Demand Management (TDM) Ordinance to encourage reduction in vehicle trips and reliance on automobile parking. Stakeholder outreach shall include discussions with for-profit and non-profit housing developers, housing advocates, and environmental groups. Recommend any necessary changes to the City's Zoning Code by January 2025.</p> <p>In response to this comment, the City has changed the language in Action 14.1 to “Retain services of third-party parking consultant and conduct stakeholder outreach to identify feasible reductions or</p>

			<p>eliminations to parking minimums, with a focus on projects with transit access..."</p>
	C3	<p>Planning to add the vast majority of new housing in low-resource areas - and significantly increasing density to attract housing in ways mostly targeted to the same tracts, without taking the opportunity to affirmatively further fair housing.</p>	<p>As noted in Chapter 5, Affirmatively Furthering Fair Housing, more than 60% of the city is considered a "low resource" opportunity area by TCAC, and the remainder of the city is considered "moderate resource" areas. The analysis conducted in Chapter 5 determined that the opportunity sites could generate housing opportunities at all income levels in low-resource areas, providing not only opportunities for housing, but also committing City resources to infrastructure, economic development, and community organizing supports and/or grant funding for these areas to assist with transition to higher opportunity areas.</p> <p>The housing element currently includes Action 7.1: Review the Zoning Code to identify opportunities to increase and encourage a greater mix of dwelling types and sizes, specifically housing types that may accommodate moderate-income households (e.g., duplexes, triplexes, fourplexes,</p>

			townhouses, courtyard buildings), in lower-density residential areas and amend the Zoning Code as needed. However, these parcels would not count as "opportunity sites" and are not listed in the sites inventory.
	C4	Site 4: 375 units on Bay Fair BART station parking lot. These projects require intensive BART attention and planning, and in BART's timeline for parking lot development. Bay Fair station is only slotted for the 2025-2030 period if additional funding is made available. Also, half the parking lot is outside San Leandro city limits; while the acreage and capacity correctly reflect only the San Leandro portion, BART may decide not to build to maximum density on both sides, or to build only on the San Lorenzo side first.	See response to comment for A1.
	C5	Incomplete AB 1397 rezoning: Several sites, including the BART lot, were included in the most recent two housing element site lists: 1-4 and 6-9 at a minimum. Also, site 10, 14875 Bancroft, appears to have been split, and its larger predecessor, APN 077E-1593-015-00, was in the 2015 housing element site list. Per the Housing Element Inventory Sites Guidebook, all of these sites must be rezoned to allow by-right development with 30 units/acre if they have 20% units affordable to lower incomes. For most of these sites, that requirement may be redundant with current SA, DA, or B-TOD zoning. However, site 3 is only partially SA zoned, and sites 8 and 9 are zoned CC, which requires a conditional use permit for mixed-use or multifamily residential development (city code 2.08.200(B)(34) and (35)). These must all be committed to be rezoned appropriately to be included; the element does not yet make this commitment.	<p>AB 1397 does not require sites that were included in previous housing element updates to be zoned with a minimum of 30 du/acre. The by-right requirement under AB 1397 applies to sites that were identified in previous housing element updates as sites that could accommodate lower-income units.</p> <p>Action 5.4 in the Housing Plan addresses requirements of AB 1397 and directs the City to amend the Zoning Code to require by-right approval for housing developments that include at least 20 percent of units as affordable to lower-income households on non-vacant sites</p>

			included in one previous housing element inventory and vacant sites included in two previous housing element inventories and on sites that are being rezoned to accommodate the lower-income RHNA.
C6	Site 18, 523 San Leandro Blvd, tapers to a narrow point and may sustain less buildable area than its acreage suggests.		The sites inventory currently lists this parcel as 1.01 acres. Based on this comment, the available developable area for this site has been reduced to 0.88 acres by excluding the narrowest portion of the site. The development capacity assumptions for this site has been changed in the inventory to reflect this reduced acreage.
C7	Two sites, 3 and 19, or respectively 14583 E 14th St and 1565 Alvarado St, are both zoned differently within the same parcel. For the site on Alvarado, they are both dense DA zones, DA-4 and DA-6, but rezoning the entirety to DA-6 would ease development as it may be legally complex to develop a site that falls in multiple zones. For the one on 14th St., a full half of the parcel appears to be zoned RD, residential duplex, yet its capacity appears to be calculated with SA-1 density only.		The City will review the zoning on these sites and revise the zoning and maps as needed. 14583 E 14th Street is a site that was identified in the 5 th Housing Cycle and is carried over into the 6 th Housing Cycle with a development capacity of 35 dwelling units per acre.

	C8	<p>The letter states that the disparities between the medium-resource area of the northeast and the rest of the city, whether measured by race, income, pollution, or visible signs like trees, are obvious in the graphs shown in the draft, and keenly felt in city life. So as part of local action to affirmatively further fair housing, San Leandro should work to enable a significantly higher share of housing in this higher-resource area.</p> <p>Where existing uses (such as low and medium-density residential neighborhoods) are a barrier to the availability of vacant and underutilized sites, zoning and development standards can be leveraged to overcome that barrier - as the city is currently doing more in the other mixed-use zones, DA, SA, and B-TOD. Single-family zones should not retain their density indefinitely while the remainder of the city adds new housing.</p> <p>Right now San Leandro has dense zoning for corridors and then single-family-home zoning, with very little in between. A medium-density zone in between would be an easy way to add housing. MacArthur, Bancroft, and the north part of E. 14th St. are served by transit, and have multifamily zoning on paper, but that zoning extends only half a block - one parcel - in from each of those roads. (Bancroft has a commercial and multifamily strip, but with a patchwork of zoning and existing apartment buildings whose redevelopment could risk displacement - and a large part of it is single-family even directly on the arterial, on which a protected bike lane is planned.) In addition to upzoning the corridors, all parcels within two blocks of the roads themselves should be identically zoned to foster more diverse neighborhoods and better use of transit.</p> <p>Also, the draft plans to pursue missing middle housing to open up housing opportunity in low-density residential areas, but</p>	<p>The housing element contains Action 6.6 in the Housing Plan which directs the City to maximize the density potential of limited land resources by promoting residential densities that achieve the highest allowable density for specific properties, particularly within 0.25-mile of high-quality public transit stops. Objective is to annually review the City's existing Zoning Code to remove potential constraints to achieving highest possible densities.</p>
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		<p>does not commit to produce missing middle housing in any quantity or with any particular policies. As currently specified, that project could yield a lot or nothing. With more aggressive middle housing programs, there could be significant voluntary redevelopment of higher-resource areas of San Leandro (similar to how ADUs in San Francisco have primarily been added in their higher-resource areas).</p> <p>To affirmatively further fair housing in a more meaningful volume, the city should commit to upzone E. 14th, Bancroft, and MacArthur corridors comparably to the Downtown, South, and Bay Fair areas, and to expand those three corridors by at least two blocks on both sides. Bancroft should not have single-family zoning on any of its northern portions, and the zoning up and down should be more flexible, comparable to the DA, SA, or even NA designations.</p>	
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	C9	As part of the planned missing middle work, the city should commit to allow by-right fourplexes on feasible terms and up to 10-plexes with affordability (using SB10 authority) in medium-resource areas, as well as other parts of the city, with displacement protections throughout.	Comment is noted. Although the Housing Element does not address SB 10, Action 7.1 directs the City to review the Zoning Code to identify opportunities to increase and encourage a greater mix of dwelling types and sizes, specifically housing types that may accommodate moderate-income households (e.g., duplexes, triplexes, fourplexes, townhouses, courtyard buildings), in lower-density residential areas and amend the Zoning Code as needed.
	C10	San Leandro's off-street parking minimums for single-family and multifamily housing are high: at least 1.5 per unit in almost all cases, and more often 2+, as shown in Table 3.6 of the draft document. The only exception is the Bay Fair BART TOD, where the minimum is 0 or 0.5, maximum 1.0, since the 2021 rezoning. San Leandro should further opportunities for housing by committing, in its 2025 parking policy work, to not just study possible reductions to off-street parking minimums, but eliminate them in most of the city, and to have no part of the city where more than 0.5 spaces per home is mandated, including no guest parking requirements, transit demand management (TDM), and appropriate space for people with disabilities.	See response to comment C2.
TransForm (Kendra Ma, Housing Policy Analyst)	D1	The letter states that TransForm appreciates San Leandro's inclusion of Action 14.1, which will evaluate parking standards and potentially change the parking provision for TODs and implement stronger TDM policies. TransForm recommends that San Leandro consider the following policies in the Housing Element:	See response to comment C2.

		<ol style="list-style-type: none"> 1. Requiring unbundled parking for certain developments for certain Transit Oriented Developments, especially in zones near BART where it is currently allowed but not required; this is easier for building managers to implement now with new parking tech tools like Parkade. 2. Encouraging developments to subsidize transit passes in return for reduced parking provision. 3. Expand the reduced parking requirements for the South and Downtown Areas beyond 0.25 mile radius of the BART station. <p>The comment letter noted that a 2014 statewide Caltrans survey which showed lower income households, on average, drove nearly 50% less when they lived within ¼ mile of transit, than when they lived over ½ of a mile from transit.</p>	
AJ	E1	<p>Comment states that the City should buy or lease any warehouses to convert into emergency or transitional housing for the homeless population with on site mental health and support services.</p>	<p>The housing element contains Policy P.6.2 Support Existing and New Transitional and Emergency Shelters. The City shall remove barriers to interim and emergency shelter access and continue to prioritize the use of available funds to support emergency shelters and transitional and supportive housing programs for people experiencing homelessness and those who are at risk of becoming homeless.</p> <p>The City is open to industrial sites and has begun looking at options during search for navigation center, but they tend to require higher construction costs due to changing</p>

			building occupancy and are often located farther from services and transit.
Anonymous Commenter	F1	Comment desires a new grocery store in Downtown San Leandro prior to additional housing development.	<p>The Housing Element contains Action 18.9 to continue to implement plans and strategies for areas designated to increase low-, moderate, and mixed-income housing development during the planning period, including Downtown TOD, the East 14th Street South Area, and Bay Fair TOD area. This action includes directing the City to continue to look for opportunities for placemaking, including neighborhood-serving needs and opportunities and collaborate with regional partners and seek grant funding for implementation when practicable.</p> <p>A significant new mixed-use project at 1188 E. 14th St is moving into construction and the developer is in negotiations with a specialty grocer that will be a centerpiece of the development.</p>
Cheryl Bendian	G1	Tenant relocation assistance is not sufficient. Affordable housing income limits are antiquated. More middle and lower income housing is needed.	The housing element contains Action 9.2 to review the City's Tenant Relocation Ordinance with input from tenants and property owners/managers, ensuring

			<p>representation across the economic spectrum, and update as appropriate.</p> <p>The housing element contains several programs and actions to increase moderate and lower-income housing.</p>
Dupree-Dominguez, Molleen	H1	Comment supports the way the housing element and the City find ways to create affordable and supportive housing.	Comment noted.
Greene, Nicole	I1	Comment supports eliminating/reducing parking minimums for new development and for the City to consider zero emissions building standards in the housing element. Comment states that disadvantaged and low income communities are disproportionately impacted by climate change, and the City must do more to combat this by requiring new housing to be affordable and follow zero emission standards.	<p>See comment C2 regarding parking minimums.</p> <p>The City plans to adopt a Reach Code to reduce energy use in new buildings. San Leandro’s Reach Code is being developed following the approval of the 2021 Climate Action Plan to address climate change by saving energy and reducing emissions. San Leandro kicked off its reach code development process in November 2021 and is supported by technical assistance from East Bay Community Energy (EBCE).</p> <p>As noted in Program 12 of the housing element, the City will conduct an economic feasibility study to guide an update of the Inclusionary Housing Ordinance, to maximize the production of affordable housing without</p>

			compromising development opportunity.
Knoll, Bob	J1	Comment supports incorporation of plans or policies related to the preservation of historic or architecturally significant residential structures.	Although there are no policies in the housing element related to historic preservation, new development would be required to comply with Chapter 4-26 of San Leandro Municipal Code, which regulates the recording, designation, and alteration of historic resources in the city.
Masden, Ginny	K1	Desire for the City to have a database of all of the rental properties in San Leandro, know what the rents are, and what the property conditions are.	It is not feasible to maintain a database of all rental properties with rental prices and conditions.
	K2	Comment letter and attachment promoted community land trusts including the California Community Land Trust Network: "Community Land Trusts as Stewards of Public Land: A Guide for Local Governments in California."	The housing element contains Policy P.3.6: Support Alternative Housing Solutions and Efficient Use of Housing Stock, and Policy P.4.4: Support Alternative Ownership Models. Both policies direct the City to support land trusts as a potential method of utilizing existing housing stock to increase housing supply, and affordability, and ownership. The City will consider the information provided by the commenter.

	K3	<p>The comment letter provided details of the commenter's residence and landlord/property management situation and commented that increasingly distant property management bureaucracy means increased fees as well as higher costs for repairs and maintenance because service people are no longer local. This situation is unsustainable for tenants.</p>	<p>The City currently enacts anti-displacement strategies, including tenant relocation assistance, preservation of existing affordable housing, assistance with free legal services for lower-income households facing displacement, and fair housing/tenant-landlord counseling and outreach. The housing element contains policies and actions to enhance existing programs and services for tenants and consider new methods of support. Action 9.3 directs the City to determine feasibility and seek funding for a local displacement study that includes policy measures to address any findings of displacement. This effort will ensure the City's compliance with Fair Housing Law. Action 9.6 directs the City to explore the development of a rental assistance program to provide relief to tenants and landlords to avoid the displacement of vulnerable communities.</p>
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Rich, Rob	L1	<p>Comment letter stated that the Tenant Protections program included in the housing element properly recognizes the importance of protecting residents of mobile home parks from excessive rent increases and arbitrary displacement, and to add extending similar protections to stabilize rents and requiring just cause for evictions to more San Leandro tenants.</p>	<p>The City maintains a contract with the nonprofit ECHO Housing to provide San Leandro tenants and/or landlords information on their housing rights and responsibilities, while the nonprofit Centro Legal de la Raza provides eviction defense and legal counseling. The City also maintains a Rent Review Board (RRB) to assist tenants and landlords with publicly and mutually settling disputes related to significant rent increases in residential rental units. The City will continue to promote public awareness of the role of the RRB, including providing outreach materials on tenant's rights and the appeals procedure in English, Spanish, and Chinese. Action 9.3 directs the City to determine feasibility and seek funding for a local displacement study that includes policy measures to address any findings of displacement. This effort will ensure the City's compliance with Fair Housing Law. Action 9.6 directs the City to explore the development of a rental assistance program to provide relief to tenants and landlords to avoid the displacement of vulnerable communities.</p>
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	L2	Comment letter states that the housing element should include earning the “Prohousing Designation” from HCD as an Action Item.	The housing element includes Action 10.7, which directs the City to apply for the State Pro-housing Designation Program.
	L3	Comment letter states that the housing element should include an action item to ensure adequate funding for existing facilities and services benefiting people experiencing homelessness.	The housing element includes Action 16.5, which directs the City to continue to provide funding for local and regional service providers that operate temporary, permanent, and emergency shelters in the City such as Building Futures, assisting persons experiencing homelessness and at risk of becoming homeless.
	L4	Comment letter includes a request to analyze the reasons for the loss of over 1,000 African Americans residents from San Leandro since the 2010 census and recommend tangible steps to reduce and reverse this trend.	<p>Chapter 2 of the Housing Element (Housing Needs Assessment) and Chapter 5 (Affirmatively Furthering Fair Housing) detail regional and local trends related to racial and ethnic populations over time. Chapter 2, Section 2-4, has been revised to include the following sentence: The largest percent decrease from 2010 to 2019 of any racial or ethnic group is “Other Race Alone” followed by Non-Hispanic Black/African-American.</p> <p>Chapter 5 provides conclusions from the 2020 Alameda County Regional Analysis of Impediments to Fair Housing Choice (AI) regarding disparities between racial and ethnic</p>

			<p>populations concerning rates of homeownership and housing problems (such as housing cost burden), which are factors that decrease housing stability. Chapter 6, Housing Plan, includes programs to focus housing education and outreach efforts and community planning resources in areas with higher proportions of minority and/or low-income households.</p>
Storm, Lance	M1	<p>Comment letter addresses concerns regarding desertification and resource shortages and supports the use of solar hot water heaters and prioritizing making existing housing infrastructure more resilient than building new housing.</p>	<p>The housing element promotes high-density transit-oriented development, which reduces environmental impacts compared to the development of single-family and auto-dependent housing. The City plans to adopt a Reach Code concurrent with adoption of the 2022 Building Code to reduce energy use in new buildings. San Leandro's Reach Code is being developed following the approval of the 2021 Climate Action Plan to address climate change by saving energy and reducing emissions. San Leandro kicked off its reach code development process in November 2021 and is supported by technical assistance from East Bay Community Energy (EBCE).</p>

Table 2: Response to Comments Submitted During Public Review of the Reposted Draft Housing Element (November 2, 2022, through November 9, 2022)

Commenter's Organization/ Name	Comment Number	Summarized Comment	Response to Comment
East Bay for Everyone	A1	The Housing Element does not adequately address issues related to Affirmatively Furthering Fair Housing (AFFH), noting that 99 percent of the housing is located in the 60 percent of the city that is lower income. The commenter expresses the desire to have at least 40 percent of housing in areas that are higher income.	<p>As noted in Section 5.12.1 of the Housing Element, most of the city (61.5 percent of the city by acreage) is considered “low resource” while areas in the northeast and southwest are considered “moderate resource” (38.5 percent of the city by acreage). The city does not have any areas considered “high resource.” The “appropriateness” of sites for various affordability levels is dictated by State housing element law and HCD guidance and includes allowable density, size of site, realistic capacity, existing use(s), and other factors. Almost all of the housing opportunity sites are in low resource areas, including Downtown, South Area, and Bay Fair TOD neighborhoods due to the availability of vacant and underutilized sites in these areas, and the potential for mixed-use, transit-oriented development. Moderate-resource areas are generally characterized by established low- and medium-density residential neighborhoods with fewer opportunities for redevelopment on sites that would satisfy State housing element law and HCD guidelines.</p> <p>Additionally, the site inventory was developed in accordance with the City’s adopted General Plan and the Metropolitan Transportation Commission/Association of Bay Area Government’s (MTC/ABAG’s) regional plan for Priority Development Areas known as Plan Bay Area, which focus development near public transit stations and corridors</p>

			<p>to advance state, regional, and local climate action goals.</p> <p>The City acknowledges that there are disparities between low- and moderate-resource areas. As part of the City’s Housing Plan, the City will focus community development, housing stabilization, and infrastructure programs in areas determined to be of need in Chapter 5, Affirmatively Furthering Fair Housing. Programs and initiatives include infrastructure and transportation planning, and public health, education, economic, and safety programs. The City will also prioritize resources supporting lower-income small business owners to assist with permitting and other costs associated with public improvements.</p> <p>The City also plans to increase opportunities for lower-income housing opportunities in moderate-resource areas. In response to this comment, Action 7.1 was revised as follows (new text in bold): Review the General Plan, North Area Specific Plan, and Zoning Code and Zoning Map to evaluate opportunities for removing barriers to housing production, adding housing capacity, and accommodating a greater mix of dwelling types and sizes in moderate resource areas identified by the California Tax Credit Allocation Committee (TCAC). Recommend amendments, as necessary, to accommodate added housing capacity in these moderate resource areas. Additionally, review the Zoning Code to identify opportunities to increase and encourage a greater mix of dwelling types and sizes, specifically housing types that may accommodate moderate-income households (e.g., duplexes, triplexes,</p>
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			fourplexes, townhouses, courtyard buildings), in lower-density residential areas citywide and amend the Zoning Code as needed.
A2	The City should remove parking minimums within 1 mile of major transit stops, with no exceptions except ADA parking, and should reduce to 0.5 spaces per new home everywhere else.		<p>In response to this comment, Action 14.1 in the Housing Element was revised to commit the City to analyze the City’s minimum parking standards and conduct stakeholder outreach to identify recommended reductions or eliminations of residential parking minimums to implement the 2021 Climate Action Plan, reduce constraints to housing development, and make housing developments more financially feasible. Chapter 3, Housing Constraints, was also updated to clearly state that parking minimums are a constraint to housing development.</p> <p>The objective of action 14.1 was revised as follows (new text in bold): Complete study and present recommendations for Zoning Code Amendments to reduce or eliminate parking requirements in order to implement the 2021 Climate Action Plan, reduce identified constraints to housing production and make housing developments more financially feasible. Staff will complete the study and make recommendations for reduction or elimination of minimum parking standards to the Planning Commission at a public hearing for their recommendation to the City Council by December 2024.</p>
A3	Zoning requirements per AB 1397 apply to all sites designated for low-income housing in the current round, not just those used in previous planning periods.		Action 5.4 in Chapter 6, Housing Plan, includes amending the Zoning Code to address AB 1397. The objective was moved up to January 2023 from January 2024. Concurrent Zoning Amendments will implement Action 5.4. The City’s understanding is that AB 1397 applies to sites used in prior housing elements and sites designated for low-income housing in the current

			<p>period if the City has a shortfall of sites to meet the Regional Housing Needs Assessment (RHNA) and will implement a rezone program due to the shortfall. The City does not have a shortfall of sites to meet the RHNA. Clarifying language was added to Chapter 1, Introduction, Chapter 4, Housing Resources, and Chapter 6, Housing Plan, to clarify the City’s capacity to meet the RHNA with current zoning and its voluntary proposed rezones to achieve intended development types and remove constraints to housing production.</p>
	A4	<p>The assumption of 100 percent of allowable units in the planned and approved projects in the site inventory, and 70 percent of allowable units on housing opportunity sites is overly optimistic and not based on realistic development trends. The City should mitigate governmental constraints to support development.</p>	<p>As noted in Chapter 4, Housing Resources, the density potential of planned and approved projects in the city averaged 138 percent due to planned developments and density bonus opportunities. Therefore, a development assumption of 70 percent is considered conservative. Chapter 4, Housing Resources, also describes that the list of planned and approved projects applied towards the RHNA is not an exhaustive list of all projects in the housing pipeline. The housing opportunity sites were selected using a methodology outlined in Chapter 4 which based selection criteria on recent development trends in the city and surrounding cities. The site inventory buffer of units above the required RHNA provides additional opportunities for units in the event that not all of the sites develop within the planning period or to their fullest potential. The City’s Housing Plan (Chapter 6) outlines the multitude of actions the City will undertake to reduce constraints to development. Additionally, Chapter 6, Programs, includes several Actions to undertake zoning amendments to increase housing opportunities.</p>
Madsenen, Ginny	B1	<p>The City needs to do more to strengthen tenant protections, especially for tenants at risk of being displaced by high rents from property owners who</p>	<p>In response to this comment, the timeline of Action 9.1 of the Housing Element (Update the City’s Rent Review Board [RRB] Ordinance with input from tenants and</p>

		reside outside the city. Action 9.1 to update the Rent Review Board Ordinance by January 2026 is too slow - it needs to happen by 2024.	property owners/managers, ensuring representation across the economic spectrum) was revised. The City will complete the update of the Rent Review Board Ordinance by January 2025, instead of 2026 as originally stated.
Minot, John	C1	There is concern that the Bay Fair BART sites that is listed in the site inventory may not develop within the planning period, and that the assumed capacity of the site (375 units) is unrealistic.	Action 8.1 in the City's Housing Plan commits the City to taking appropriate actions to promote development on the BART site and fulfil BART's requirements for entering a Memorandum of Understanding to advance residential development on that property.
SanLeandro2050.org	D1	Based on feedback from developers and public outreach conducted in the city, and to meet climate action goals, the City should eliminate parking minimums for residential development.	See response to comment A2.
Storm, Lance.	E1	Older houses can be modified with solar panels, and it is best practice for residents to be able to choose which appliances and rooms can use solar power and which can be connected to the energy grid. Grid-tied systems can be modified so that the house does not experience power outages. The letter provides specific recommendations for equipment.	The City is in the process of adopting a Reach Code concurrent with adoption of the 2022 Building Code to reduce energy use in new buildings. San Leandro's Reach Code implements the 2021 Climate Action Plan to address climate change by saving energy and reducing emissions. San Leandro kicked off its Reach Code development process in November 2021 and is supported by technical assistance from East Bay Community Energy (EBCE). The Reach Code will go into effect January 2023.
Rabiner, Stephanie.	F1	The description of fair housing services available to San Leandro residents in Section 5.3.1 of the Housing Element is not accurate. The Housing Element must distinguish between fair housing services that handle discrimination complaints versus those that provide outreach and education. Clarify that Bay Legal only provides assistance to low-income households, which limits access to fair housing services in San Leandro. ECHO is also a HUD-funded Fair Housing Initiatives Program (FHIP) and is thus not funded to provide the full	In response to this comment, Section 5.3 in the Housing Element was revised to clarify which services providers serve San Leandro residents, and that Bay Area Legal serves low-income residents. Section 5.4 was revised to clarify that the nonprofit ECHO Housing is funded to provide the full range of fair housing enforcement services to local renters. While not noted in the Housing Element, a FHIP-funds recipient organization does not diminish ECHO's standing as a Qualified Fair Housing Enforcement Organization.

		range of fair housing enforcement services to local residents.	
F2	Fair housing testing is an essential tool in investigating complaints brought by individuals who have experienced discrimination, particularly at the rental application stage. Neither HUD nor CRD conduct complaint-based testing and look to fair housing organizations to conduct that testing on behalf of complainants. Testing should be conducted prior to filing a complaint to ensure that the housing provider is not tipped off. There should be information available on the number of complaint-based tests ECHO conducts per year and the number of complaints with HUD or CRD that ECHO files or helps residents file each year. Concern about the accuracy of testing methodology, particularly regarding race-based discrimination during the rental housing application process.	ECHO conducts testing prior to filing a complaint, and the owner is not told of the testing prior to the test. ECHO receives fair housing testing training from National Fair Housing Alliance every two years. ECHO's methodologies are based on those of the National Fair Housing Alliance. ECHO consults with HUD when there are questions regarding testing evidence. Action 17.1 in the Housing Element (Fair Housing Services and Education) was revised to include the following objective: Report the number of complaint-based testing efforts and number of resulting complaints filed with HUD or California Civil Rights Department (CRD) annually.	
F3	Fair housing enforcement and outreach should be a high priority for the City. Obtaining a third-party audit of their testing methodology is a good start (Fred Freiberg at the Fair Housing Justice Center in NYC is a good place to start). San Leandro can immediately begin negotiating annual CDBG contracts with ECHO that better emphasize enforcement activity – not just auditing and education activity. Require complaint-based testing and a certain number of complaints filed with HUD or CRD annually. ECHO also needs to better publicize training opportunities and offer these opportunities to tenants both in English and at a minimum, Spanish, as they also have Title VI obligations.	In response to this comment, Action 17.2 in the Housing Element (Support annual Fair Housing Audit Report that assesses typical or timely market-based suspected areas of discrimination) was revised with the addition of the sentence in bold: Seek third party independent review of the Annual Fair Housing Audit. Independent review should provide guidance on needed improvements, if any, on subject-matter selection, sampling, statistical testing methodology and general observations on updates or improvements. City will engage/consult with fair housing evaluator to review methodology for the Annual Fair Housing Audit.	

	F5	The City should prioritize affordable and median-income housing with appropriately sized units (2-3 bedrooms) due to the need for housing for families and addressing overcrowded conditions.	The Housing Element analysis of large households did not indicate a shortage of appropriately sized housing units. However, the City acknowledges that large households often have difficulty locating appropriately sized rental properties. The City's Housing Plan includes Action 18.13 to explore providing incentives for developers to include three- and four-bedroom apartments in affordable, multi-family, and/or mixed-use projects to expand rental opportunities for large households.
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