

San Leandro Draft 1 Preliminary Review

Housing Element Received by HCD 8/16/2022

Preliminary Review Comments Submitted to City 10/24/22

Revisions Made Available Online 11/2/22 – 11/9/22 – shown in document as yellow highlighted revisions

Updated Revisions Provided to HCD in response to public comments – shown in document as green highlighted revisions

#### HCD Questions

Page #	Question	Response
2-29	Housing conditions: total stock estimate? Replacement? Any patterns or areas of higher need?	Additional information on housing condition patterns added to new p.2-32 and 2-33. housing stock is generally well-maintained and there are no known concentrations of substandard housing.
2-40	At-risk: HCD records show Eden Commons (2 units) and Flanders House (1 unit) – any local information on these developments?	We checked our records and did not see these units in San Leandro.
3-36	Reasonable accommodation – impacts on surrounding uses (similar to a CUP finding) is a constraint. Add specific commitment to Program 15	Added finding regarding “potential impact on surrounding uses” identified as a constraint on p.3-39.  Action 15.2 updated accordingly on p.6-28.
4-7	ADUs: numbers differ from HCD records (2018 – 4, 2019 – 27, 2020 – 20 and 2021 – 45)	Corrected ADUs to match APRs / HCD’s records on new p.4-8.
4-14	Small sites – no reliance for lower RHNA, right?	Added following sentence to new p.4-19 “None of the small sites (sites less than 0.5-acre) in the Sites Inventory are used to accommodate lower-income housing.”
6-18	Prohousing – HCD to discuss timing of potential programs upcoming	Action 10.7 updated on p.6-21 to accelerate timeline.
B-3	Shortfall of sites?	No shortfall of sites. Added Table 4.4 on new p.4-9 to demonstrate City’s capacity to address the remaining RHNA under current zoning standards. Although San Leandro has no shortfall, we are concurrently amending the General Plan and Zoning Code to align development standards to accommodate mid- to high-rise multi-family development near transit. More details on sites are included in Table 4-8 and Appendix B.
	Is capacity under existing or proposed zoning?	Amended densities are used in calculating capacity for affected sites (70% of max or conservative equivalent). Clarifications added to p.4-16 to explain methodology.  Sites Inventory Table 4-8 on p.4-20 – p.4-21 updated to provide additional information requested. Although not

		strictly necessary to meet the RHNA, by amending zoning we increase buffer on overall remaining RHNA from 83% to 115% and achieve desired 30% buffer for low- and moderate as well as remove governmental barriers to housing production by aligning development standards with appropriate mid-rise product types.
	All sites identified?	Yes, and we have consolidated to Table A since we are not rezoning to address a shortfall. Appendix B has been updated to show more details on sites.
General	Quantified objectives? ELI and Above Mod? Conservation limited to at-risk?	Updated Chapter 6 throughout and quantified objectives in Table 6.2 on p.6-45
General	Emergency shelter zoning – any development standards? Add in program?	Expanded discussion of Emergency Shelters, existing barriers, and updated Action 16.4 and Action 16.17 to address zoning amendments for shelters and reporting requirements on p.6-31.

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Topic	Notes	Response	
		Page Number	Notes
<b>Housing Needs Assessment, including Special Needs</b>			
Lower income overpayment	Quantify and analyze tenure	2-42 and 2-43	Quantification and analysis added.
Extremely low-income	Expand discussion including disproportionate impacts, comparisons to other income groups, effectiveness of past strategies and magnitude of needs (including projected)	2-10, 2-20 and 2-21	Discussion expanded to include more information on disproportionate impacts, magnitude of needs, and effectiveness of past strategies.
Housing conditions	Estimate or clarify city-wide need for rehabilitation and replacement	p.2-32 – p.2-33	Additional information on housing condition patterns – housing stock is generally well-maintained and there are no known concentrations of substandard housing.
<b>Affirmatively Furthering Fair Housing</b>			
Disproportionate housing needs	<ul style="list-style-type: none"> <li>Add discussion homelessness patterns and disproportionate impacts on protected characteristics (disability, race, familial)</li> <li>Add discussion of housing condition patterns</li> </ul>	2-24 – 2-27 2-32 – 2-33	<p>Revised discussion in the Housing Needs Analysis to address updated data and homelessness patterns.</p> <p>Additional information on housing condition patterns.</p>
Goals and Actions	<ul style="list-style-type: none"> <li>TBD – HCD to re-evaluate</li> </ul>		
<b>Sites Inventory and Analysis</b>			
RHNA Progress	<ul style="list-style-type: none"> <li>Clarify how affordability was determined (e.g., IZ)</li> </ul>	4-3	Discussion of affordability determinations and pipeline added to 4.2.1. Actions have

	<ul style="list-style-type: none"> <li>Discuss availability/anticipated completion – consider barriers, phasing, complexity, potential for drop out</li> </ul>		been taken to extend pipeline entitlements. 115% buffer on remaining RHNA helps guard against pipeline fall out.
Infrastructure	<ul style="list-style-type: none"> <li>Clarify sufficient water and sewer for the RHNA</li> <li>Discuss compliance with SB 1087 (water/sewer priority) and add program if necessary</li> </ul>	4-38 - 4-39  3-55	Water and wastewater conclusions added to discussion on p. 4-38 and 4-39  SB1087 is discussed in Constraints section p.3-55
Environmental constraints	Add discussion on any other known conditions and impacts on identified sites (shape, easements, conditions, airport compatibility)	4-42	Discussion added under 4.6. No known environmental constraints on Sites Inventory sites.
Nonvacant	<ul style="list-style-type: none"> <li>Expand discussion of trends to support factors (e.g., ILV, age, existing FAR)</li> <li>FYI – 50% nonvacant finding in adoption resolution</li> </ul>	4-14  4-19  4-37	Added to Suitability of Nonvacant (Redevelopment) Sites discussion on p. 4-14 and Section 4.3, Adequacy of Residential Sites Inventory in Meeting RHNA on 4-19 and 4.3.3 Recycling Trends on p. 4-37.
Publicly owned sites	Discuss development type (lease, surplus), steps, any known barriers, development schedule, necessary steps and anticipated completion	4-26	Addressed requested information for the Bay Fair BART parking lot, which is the only publicly-owned site on Sites Inventory.
Electronic sites	FYI		
<b>Zoning for a Variety of Housing Types</b>			
Emergency Shelters	Add discussion of capacity, including parcel sizes, reuse potential, proximity to transportation and services, hazards or conditions unfit for human habitation, development standards	p.3-33  p.6-31	Expanded discussion of Emergency Shelters, existing barriers, and updated Action 16.4 and Action 16.17 to address zoning amendments for shelters and reporting requirements on p.6-31.
<b>Governmental and Non-governmental Constraints</b>			
On- and off- site improvements	List improvement requirements for typical/anticipated	p.3-35	Discussion of on- and off-site improvements added to 3-35.

	development and evaluate cost impacts		
Processing and permit procedures	<ul style="list-style-type: none"> <li>Analyze Major Site Plan Review findings for impacts on timing, cost and approval certainty and revise programs to specifically address approval findings if necessary</li> <li>Clarify availability of written procedure for SB 35 or add a program</li> </ul>	<p>p.3-44 – p.3-45</p> <p>p. 3-47</p>	<p>More information added on parking exceptions and Site Plan Review on p.3-44. Concurrent Zoning amendments will further clarify that Administrative Site Plan Review is ministerial as noted on 3-45.</p> <p>CUP discussion expanded and State streamlining discussion added to p.3-47.</p>
Persons with disabilities	<ul style="list-style-type: none"> <li>Specifically evaluate CUP finding for reasonable accommodation and modify program with specific commitment</li> <li>Discuss parking requirements for group housing as a constraint</li> <li>Clarify where and how group homes are permitted (6 or fewer and 7 or more) and add program</li> </ul>	<p>p.3-39</p> <p>p.6-28</p> <p>p. 3-28</p> <p>p.3-33 – p.3-34</p> <p>p. 6-26</p>	<p>Added finding regarding “potential impact on surrounding uses” identified as a constraint on p.3-39.</p> <p>Action 15.2 updated accordingly on p.6-28.</p> <p>Group Housing parking discussion added to 3-28 and added to Action 14.2.</p> <p>SRO and Residential Congregate Care discussion expanded on p.3-33 and 3-34. Action 14.2 also expanded to address constraints to SROs and congregate care facilities on p.6-26.</p>
Locally adopted ordinances	Expand discussion of inclusionary requirements, including options, incentives, decision making process, other potential constraints	3-43	Provided details of Inclusionary Housing Ordinance on p. 3-43. City is committed to updating Ordinance with economic feasibility study, as discussed in Program 12.
Non-governmental	Add discussion of any requests for densities less than those assumed in the sites inventory	p. 3-1 - p. 3-2	Information on density potential for market rate projects added to Housing Market and Affordability analysis.
<b>Housing Programs</b>			
Beneficial Impact	<ul style="list-style-type: none"> <li>Add discrete timing (e.g., at least annually or date) for</li> </ul>		Discrete timing and/or commitments were added to Actions 1.3, 2.1, 2.3, 2.4, 3.1, 3.2, 3.3, 5.2, 6.4, 6.8, 7.2, 8.1, 9.1, 9.2,

	<p>programs/actions 1, 10, 14.2, 15.1, 16</p> <ul style="list-style-type: none"> <li>• Modify with specific commitment (e.g., beyond explore, assess, etc) for programs/actions 7.2, 9.1, 9.2, 9.3, 9.6, 10.3, 15.3, 16.3</li> </ul>		<p>9.3, 9.7, 9.8, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 10.10, 10.11, 11.3, 13.1, 13.2, 13.5, 13.6, 14.2, 14.3, 14.4, 14.5, 15.1, 15.2, 15.3, 15.6, 15.8, 16.2, 16.3, 16.4, 16.5, 16.6, 16.7, 16.8, 16.9, 16.10, 16.11, 16.14, 17.5.</p>
Sites	<ul style="list-style-type: none"> <li>• Depends on complete analysis</li> <li>• Rezone program – add commitment or reference to table for densities and development standards to facilitate maximum densities.</li> <li>• TBD: Shortfall and FYI for concurrent adoption</li> <li>• Public lands: add schedule of actions, including numeric targets with affordability – HCD to assist with language</li> </ul>	<p>p.4-9 and p.4-20- p.4-21</p> <p>p.4-27</p>	<p>Added Table 4.4 on new p.4-9 to demonstrate City’s capacity to address the remaining RHNA under current zoning standards. No shortfall.</p> <p>Current capacity also added to Sites Inventory Table 4-8 on p.4-20 – p.4-21. By amending zoning we increase buffer on overall remaining RHNA from 83% to 115% and achieve desired 30% buffer for low- and moderate.</p> <p>Added discussion of publicly owned sites to p.4-27.</p>
Assist in Development	<ul style="list-style-type: none"> <li>• Add timing for SDBL program</li> <li>• Add ELI actions, including SRO</li> </ul>	<p>p.6-22</p> <p>p.6-29</p>	<p>Density bonus: revised Action 10.10 to include objective: Amend Zoning Code by January 2024.</p> <p>ELI: added Action 15.8: Provide technical assistance and pursue Project Homekey funding for alternative housing development affordable to extremely low-income residents (e.g. navigation center and transitional housing, permanent supportive housing, SRO, dormitory-style housing, community land trust, cooperative housing cooperative, or tiny homes). Additionally, include incentives to increase housing affordable to extremely-low income residents through future affordable housing Notice of Funding Availabilities (NOFAs).</p>
Constraints	<ul style="list-style-type: none"> <li>• Depends on complete analysis</li> <li>• Add specific commitment for</li> </ul>	<p>p.6-26 – p.6-27</p>	<p>Action 14.3 revised to include: Inclusive of the Impact Fee Study, the City will revise the Park Impact Fee to reduce identified constraints to development.</p>

	reasonable accommodation findings and park fee	p.6-28	Action 15.2 revised to include: Revise reasonable accommodation application review policy to remove criteria that may limit reasonable accommodations, including consideration of potential impact on surrounding uses.
AFFH	TBD – HCD to re-review		
At-risk	Add commitment to assist with funding or support funding application and support and education for tenants beyond noticing	p. 6-11	Text added to Action 3.1: Provide tenants with tenant relocation assistance, free legal assistance, and other applicable services. Revised objectives to include: At least 18 months prior to the expiration of the regulatory agreement for at-risk units, ensure that tenants understand their rights to remain in the units and that they receive information and referrals regarding the City’s Rent Review Ordinance, Tenant Relocation Assistance Ordinance, free legal assistance, and other applicable public services.  Text added to Action 3.3: Assist with funding as feasible and/or support funding application for acquisition and/or rehabilitation of units. Objective revised to include: Assist with funding and/or funding applications as needed.
ADU	Add specific commitment to monitor affordability and when alternative actions will be taken (e.g., within 6 months)	p.6-25	Action 13.1 revised. Affordability levels included in action to monitor ADU development. Objectives revised to include: Monitor production and affordability levels on an annual basis. If targets are not being met, proceed with and report on implementation of identified actions to promote ADU development and report in the Annual Progress Report
<b>Quantified Objectives</b>			
	<ul style="list-style-type: none"> <li>• Add objectives for ELI and Above Mod</li> <li>• Add conservation objectives beyond at-risk, can include MHP, vouchers, tenant stability, etc.</li> </ul>	p.6-45	Quantified Objectives Table 6.2 on p.6-45 revised to include ELI and Above Moderate Income units, and new objectives added for vouchers under conservation.

Questions, Follow Ups, FYI, To Be Determined			
FYI	50% nonvacant resolution finding in the adopted		Noted
FYI	Electronic sites inventory		Noted
FYI	Rezoning timing (within 1 year) and concurrence		Zoning amendments for increased capacity are concurrent with Housing Element – No shortfall
TBD	Public comments		<p>Will continue to be addressed. Revisions were posted for 7 days online ahead of submitting to HCD.</p> <p>See comments received during the November 2-9 public review period in Appendix A.</p> <p>Revisions made to Draft Housing Element based on public comments received from November 2 through November 9 include:</p> <p><b>Chapter 1. Introduction</b></p> <ul style="list-style-type: none"> <li>Updated to address public comment period and comments received</li> </ul> <p><b>Chapter 2. Housing Needs Assessment</b></p> <ul style="list-style-type: none"> <li>Added text on p.2-21 under Resources for Extremely Low-Income Households to clarify proportion of City’s extremely low income renter households that are served by affordable housing units and housing vouchers</li> </ul> <p><b>Chapter 3. Housing Constraints</b></p> <ul style="list-style-type: none"> <li>Revised Citywide Parking Requirements section on p.3-26 – 3.29 to clarify that amendments to implement AB2097 will be addressed concurrently through Zoning Code Amendments and identified the City’s parking requirements are a barrier to housing production. Updated language to reflect updates to Action 14.1 to reduce or eliminate parking minimums.</li> </ul> <p><b>Chapter 4. Housing Resources</b></p> <ul style="list-style-type: none"> <li>Added additional reference on p.4-3 to clarify that planned and approved projects were selected based on</li> </ul>



			<p>current building permit status and direct conversations with project proponents</p> <p><b>Chapter 5. Programs</b></p> <ul style="list-style-type: none"><li>▪ Updated Table 5.2 Table title and added clarifying note</li><li>▪ Provided clarifications under Local Resources section on p.5-7</li><li>▪ Added text to Table 5.16 to add metrics related to Meaningful Actions to Address Fair Housing Issues</li></ul> <p><b>Chapter 6. Programs</b></p> <ul style="list-style-type: none"><li>▪ Added language to Program 5 to clarify that there is not a shortfall of sites and rezoning is not required.</li><li>▪ Revised Action 5.4 to change timeframe from January 2024 to January 2023 for Zoning Code Amendments that demonstrate compliance with AB1397 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 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. Clarified that the City does not have a shortfall of sites.</li><li>▪ Added language to Action 7.1 that the City will 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. Identified that the General Plan, the North Area Specific</li></ul>
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			<p>Plan, and Zoning Code and Zoning Map will be reviewed by January 2026 and implement any changes by January 2027.</p> <ul style="list-style-type: none"><li>▪ Amended Action 9.1 timeline to update Rent Review Board Ordinance by January 2025 instead of 2026 in response to comment.</li><li>▪ Added language to Program 14 that parking minimums are a constraint to Housing Production and are proposed to be reduced or eliminated in order to implement the 2021 Climate Action Plan, reduce identified constraints to housing production and make housing developments more financially feasible.</li><li>▪ Strengthened Action 14.1 to state that the City will analyze the City's minimum parking standards and conduct stakeholder outreach to identify feasible recommended reductions or eliminations to of residential parking minimums, with a focus on projects with transit access, to implement the 2021 Climate Action Plan, reduce identified constraints to housing production and make housing developments more financially feasible. Revised the objective of Action 14.1 to 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.</li><li>▪ Added objective in Action 17.1 to report the number of complaint-based testing efforts and number of resulting complaints filed with HUD or</li></ul>
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			<p>California Civil Rights Department (CRD) annually.</p> <ul style="list-style-type: none"> <li>Added objective in Action 17.2 that the City will engage/consult with fair housing evaluator to review methodology for the Annual Fair Housing Audit.</li> </ul> <p><b>Appendix A Public Outreach</b></p> <ul style="list-style-type: none"> <li>Updated to address public comment period and comments received</li> </ul>
TBD	ADU ordinance and HCD review		Concurrent Zoning Amendments will bring ADU Ordinance into compliance with SB897 requirements.
TBD	ADUs: Local and HCD record reconciliation		Updated to reflect HCD's records
TBD	HAU inquiries		City follows Housing Accountability Act requirements
TBD	Shortfall		No shortfall
TBD	At-risk and HCD records		We checked our records and did not see the units identified by HCD above in San Leandro
TBD	Other follows ups		TBD