

ATTACHMENT D

San Leandro Housing Element

HCD Review Comments from Formal Comment Letter Submitted to City 11/14/22

Comment Number	Topic	HCD Comment	Page Number	Response
1	Housing Plan	<p>Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element. (Gov. Code, § 65583, subd. (c).)</p> <p>Beneficial Impact: To have a beneficial impact in the planning period and achieve the goals and objectives of the housing element, programs must have specific commitment and discrete timelines (e.g., at least annually or by January 2025).</p> <p>Specifically, programs should be revised, as follows:</p> <ul style="list-style-type: none"> ▪ Action 1.3 (Naturally Occurring Affordable Housing): The program should commit to how often the City will seek funding. ▪ Action 7.2 (Infrastructure Financing Tools): The program should commit to subsequent actions and timing upon completion of a market feasibility report. ▪ Action 9.3 (Displacement): The program should commit to subsequent actions and timing upon completion of a local displacement study. ▪ Action 9.6 (Tenant Relief): The program should commit to subsequent actions and timing upon completion of a needs assessment report. ▪ Action 10.1 (Non-profit Affordable Housing and Funding): The program should commit to how often (e.g., at least annually) the City will partner with affordable developers, including beyond 2026. 	<p>6-9 6-16 6-18 6-19 6-20 6-20 6-28</p>	<p>Action 1.3 Updated Action 7.2 Updated Action 9.3 Updated Action 9.6 Updated Action 10.1 Updated Action 10.2 Updated Action 15.1 Updated</p>

		<ul style="list-style-type: none"> ▪ Action 10.2 (Promote Available Sites): The program should commit to how often (e.g., at least annually) the City will promote available sites. ▪ Action 15.1 (Housing for Persons with Disabilities): The program should commit to how often the City will facilitate housing for persons with disabilities. 		
2A	Housing Constraints	<p>An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)</p> <p>Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory... (Gov. Code, § 65583, subd. (c)(1).)</p> <p><u>Zoning for a Variety of Housing Types (Emergency Shelters):</u> While the element provides general information about zoning and acreage, it should discuss the potential capacity for emergency shelters under existing and proposed zoning, including parcel sizes, potential for reuse and redevelopment and any conditions unfit for human habitability (e.g., other allowable uses and environmental quality). In addition, the element should list and evaluate any development standards and add or modify programs as appropriate.</p>	3-32, 3-33	Added discussion of capacity for emergency shelters under existing and proposed zoning including acreage of vacant and underutilized sites, parcel sizes, potential for reuse and redevelopment, conditions for human habitability, and applicable objective standards.
2B	Housing Resources	<p><u>Water/Sewer Priority:</u> Water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. Local governments are required to immediately deliver the housing element to water and sewer service</p>	<p>p. 3-56 and 3-57</p> <p>p.6-21</p>	Added discussion regarding Government Code Section 65589.7, also added new Action 10.8 to Chapter 6, Housing Plan, committing that the City will adopt written policies and procedures for the City of San Leandro Water Pollution Control Division pursuant to

		providers. The element discusses how procedures are available for water service but should also discuss how procedures are available for sewer services and if not, add or modify programs to establish a procedure. In addition, the element should discuss how and when the City will deliver the housing element to water and sewer providers.	p. 4-35	Government Code Section 65589.7 by December 2023 and will initiate coordination with the Oro Loma Sanitary District regarding written procedures by January 2023. Added “Within one week of adoption, the City will provide a copy of the adopted 2023-2031 Housing Element to the East Bay Municipal Water District, City of San Leandro Water Pollution Control Division, and Oro Loma Sanitary District, pursuant to Government Code Section 65589.7.”
2C	Housing Resources	<u>Electronic Sites Inventory</u> : For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. While the City submitted the sites inventory in the appropriate form, any changes to the inventory should be reflected in the form and the form should be re-submitted as part of adoption. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.	N/A	Noted. Will be provided with revised Housing Element.
2D	Housing Plan	<u>Program 5 (Maintain Adequate Sites)</u> : In addition to monitoring sites, the program should monitor planned, approved and pending projects (Table 4.2) and commit to take appropriate action (e.g., rezone or identify additional sites) within a specified time (e.g., six months) if projects are not proceeding as anticipated.	p. 6-14	Added to Action 5.3 and Objective/Timeframe: “Beginning in July 2023, semi-annually review the list of Planned, Approved, and Pending projects and, if projects are not proceeding as anticipated (e.g., entitlements are set to expire, permit applications are not submitted or stall out, and/or construction is delayed such that certificates of occupancies will not foreseeably be granted by the end of the planning period), identify sites appropriate for development that can accommodate the specified number of units appropriate for low-income, moderate-income, or above-moderate income households. Annually report on progress of Planned, Approved, and Pending projects and any substituted sites in Annual Progress Report throughout the 2023-2031 planning period.”

2E	Housing Plan	<p><u>Action 8.1 (Bay Fair):</u> While the program commits to work closely with Bay Area Rapid Transit (BART), conduct various studies and enter into a memorandum of understanding, it should include additional steps and timing to facilitate development. Examples of steps include completing on- and off-site improvements and parking strategies, completion of requests for proposals or qualifications, facilitating entitlement and issuing permits and alternative actions with timing if steps are not completed as anticipated to facilitate development in the planning period.</p>		<p>Updated Action 8.1 to include commitments to completing multi-modal improvements, implementing recommendations of infrastructure financing and study, and finding an alternate site for 56 lower income units and 319 above-moderate units if a Request for Proposals (RFP) is not out by December 2027.</p>
3	Housing Plan	<p>Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)</p> <p><u>Action 14.2 (Zoning and Alternative Housing Types):</u> While the program commits to reducing spacing requirements and changing the decision-maker, it should specifically commit to allow group homes for seven or more persons in all residential zones with objective standards similar to other residential uses.</p>	<p>3-27</p> <p>3-29 – 3-30</p> <p>6-28</p>	<p>Table 3-7 updated to correct errors and reflect current Zoning Code. Discussion added regarding Residential Congregate Care Facilities and Group Housing.</p> <p>Updated Action 14.2 in Chapter 6, Housing Plan, to reflect updated Zoning Code amendments</p>
4A	AFFH	<p>Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)</p> <p>Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)</p> <p>Disproportionate Housing Needs: The element discusses the needs of persons experiencing homelessness, including disproportionate impacts on some protected characteristics. However, the element should also discuss patterns within the</p>	<p>5-77 – 5-79</p>	<p>Added discussion of protected characteristics and local knowledge of area of patterns of need within the city.</p>

		City such as areas of higher need and proximity to services and transportation. The element may utilize local data and knowledge such as service providers to assist this analysis.		
4B	AFFH/Housing Plan	<u>Programs:</u> Based on the outcomes of a complete analysis, the element must add or modify programs. In addition, the element includes many meaningful actions to affirmatively further fair housing (AFFH). However, in many cases, actions describe a metric type or deliverable but should instead include a metric or numeric target in terms of housing outcomes for people or households. For example, instead of completing a study as a metric, a metric or numeric outcome could target the number of people assisted, proportion of spending in a targeted area, number of improvements or increase over a baseline.		Several program objectives were revised to numeric targets and metrics in terms of housing outcomes. A number of Actions were combined with other Actions for more efficient tracking/reporting.