

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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January 17, 2023

Linda Smith, City Manager  
City of Dublin  
100 Civic Plaza  
Dublin, CA, 94568

Dear Linda Smith:

**RE: Dublin's 6<sup>th</sup> Cycle (2023-2031) Adopted Housing Element**

Thank you for submitting the City of Dublin's (City) housing element adopted November 15, 2022 and received for review on November 18, 2022. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from TransForm pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's August 29, 2022 letter; however, additional revisions are necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

1. *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).)*

*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).)*

**Racially Concentrated Areas of Affluence (RCAA):** While the element adds some information on income within the RCAA, the element does not must still evaluate patterns, changes, and incorporate other relevant factors such as land use and zoning. Please see the August 29, 2022 review for more information.

**Disproportionate Housing Need:** The element was not revised to address this requirement. Please refer to the August 29, 2022 review for more information.

Identified Sites and Affirmatively Furthering Fair Housing (AFFH): While the element now describes some planning areas, it still must evaluate the impact of the regional housing needs allocation (RHNA) by income group in each of the areas and relative to the other areas in consideration of the assessment of fair housing factors (e.g., income, access to opportunity, displacement, overpayment). Please refer to the August 29, 2022 review for more information. The Department will send sample analyses under separate cover.

Local Data and Knowledge: The element was not revised to address this finding. While the element adds information regarding public outreach conducted, the element does not describe how that outreach contributes to the assessment of fair housing. In addition, the element must utilize local data and knowledge to complement the evaluation of patterns and trends. For example, the element could utilize information from code enforcement offices to evaluate any patterns of housing conditions such as areas with a higher need of rehabilitation. The element could also utilize service provider to evaluate patterns of people experiencing homelessness, including disproportionate impacts on protected characteristics and access to services and transportation. Please see HCD's August 29, 2022 review for additional information.

Contributing Factors to Fair Housing Conditions: The element should re-assess and prioritize contributing factors based on a complete analysis.

Goals, Actions, Metrics, and Milestones: As noted above, the element requires a complete analysis of AFFH. Depending upon the results of that analysis, the City may need to revise or add programs to address impediments to fair housing. In addition, the element must add significant housing mobility actions to improve housing choices, affordability and inclusion between neighborhoods within the City and across the City boundaries into the broader region. These actions must have specific commitment, discrete timing, geographic targeting and metrics or numerical targets.

- 2. 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).)*

*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).)*

Realistic Capacity: While the element (p. D-11) lists past projects to support assumptions for calculating residential capacity, the listing of past projects should also include the zone and allowable density to better support assumptions.

Nonvacant Sites: While the element includes some general discussion of past trends and the Hacienda Crossings area, it must still relate those past trends to identified sites and evaluate the extent existing uses impede additional development. For example, the element mentions large parking areas and vacancies but should explain how additional development will occur such as whether existing uses will be razed or continue, how development will occur in parking areas, how parking will be replaced and any other factors. Also, the element mentions replacement requirements on sites with existing residential uses but should also discuss the potential for redevelopment or whether existing uses will continue.

Large Sites: While the element adds a program regarding large sites, it was not revised to evaluate large sites as found in the prior review. The element should provide evidence that demonstrates the suitability of larger sites, including for sites where the gross acreage above ten acres. For example, the element can elaborate on other large sites developing with affordable units, the City's track record of facilitating lot splits or parceling, or updated information on proposals and/or developer interest. The element should focus this analysis on Sites 16, 17, 18, 26, and 27. Furthermore, the element should amend Program B.19 with specific commitment to facilitate and encourage appropriate parcel sizes and affordable housing on large sites based on the outcomes of the analysis.

Electronic Site Inventory: As noted in the prior review, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Programs: As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element must be revised, as follows:

- *Program B.11 (Transitional and Supportive Housing):* As noted in the prior review, transitional and supportive housing must be permitted as a residential use in all zones allowing residential uses and only subject to

those restrictions that apply to other residential dwellings of the same type in the same zone. Instead, the Program commits to continue allowing larger transitional and supportive housing with a conditional use permit in the R-1, R-2 and R-M zones and excludes the uses from the A zone – dissimilar to the other residential uses (e.g., single family, duplex, multifamily). The program must be revised to amend zoning and comply with statutory requirements for transitional and supportive housing. Please see HCD's prior review for additional information.

- *Program B.16 (Publicly-owned Lands)*: While the Program now commits to *identify* a schedule of actions, it should actually commit to a schedule of actions. For example, the program should commit to when the City will coordinate with developers, issue requests for proposals, facilitate entitlements and issue building permits. Please see HCD's prior review for additional information.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..land use controls... ..and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

*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).)*

Land Use Controls: The element (pp. C-7 and C-23) includes some concluding statements about achieving 80 percent of maximum densities but must still analyze the impacts of land use controls on housing supply (number of units), costs, financial feasibility, timing, approval certainty and ability to achieve maximum densities without exceptions (e.g., conditional use permits, variance, planned development). For example, the element should provide a hypothetical or recent project to show the feasibility of achieving maximum densities without exception. The element should also evaluate bulk standards by zoning district and the ability to achieve maximum densities. The analysis should not be limited to 80 percent of maximum allowable densities. Upon a full analysis, the element should add or modify a program to address any identified constraints.

In addition, the element was not revised to analyze parking requirements as potential constraints. The element (p. C-26) adds information on parking reductions from State Density Bonus Law and Assembly Bill 2097 but does not address the constraint of the City's underlying parking requirements. Based on the outcomes of the analysis, the element must add a program to address the City's parking requirements. Please see HCD's prior review for additional information.

Local Processing and Permit Procedures: While the element adds information on the site development review permit process, it does not analyze the impacts on housing supply, cost, timing, and approval certainty. The element (p. C-40) states this process leads to the overall review process to last longer and concludes it does not affect approval certainty. However, the element does not discuss the typical number of hearings and whether projects are often subject to subsequent submittals. In addition, the element does not analyze or evaluate approval findings for impact on approval certainty, cost, and timing, and instead provides a statement that this process is not a constraint. Please see HCD's prior review for additional information.

In addition, the element was not revised to analyze the PD zoning and related requirements as a potential constraint. Based on the outcomes of an analysis, the element should modify Program B.18 (Planned Development Zoning) to address identified constraints. For example, the Program should revise the entire zone (zoning text) and related procedures as opposed to select parcels. Please see HCD's prior review for additional information.

Programs: As noted above, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted, if necessary, to comply with the above requirements.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning (Program C.1: Sites Inventory and RHNA Monitoring) to make prior identified sites available or accommodate the RHNA shall be completed no later than one year from the statutory deadline pursuant to Government Code sections 65583, subdivision (c) and 65583.2, subdivision (c). Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the City fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until these rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the City must continue to engage the community, including organizations that

represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the City's housing element team provided during the housing element review. We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at [Jose.Ayala@hcd.ca.gov](mailto:Jose.Ayala@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager