

From: [Fremont for Everyone](#)
To: [citycouncil](#); [Desrie Campbell](#); [Jenny Kassan](#); [Yang Shao](#); [Lily Mei](#); [Raj Salwan](#); [Teresa Cox](#); [Teresa Keng](#)
Subject: public comment on Jan 10 item 5A
Date: Friday, January 6, 2023 10:55:50 PM
Attachments: [FFE Housing Element comment with support for HCD"s comments.pdf](#)

Dear Fremont Mayor and City Council,

Fremont for Everyone submitted the attached public comment regarding the Housing Element on December 19 to city planning staff and HCD. We're re-sharing it for your reference as a public comment for the January 10 City Council meeting.

Thank you for the opportunity to be involved in the Housing Element process.

Sincerely,
Fremont for Everyone



December 19, 2022

To: City of Fremont, California Department of Housing and Community Development

Re: Housing Element Public Comment

Fremont For Everyone supports the California Housing and Community Development (HCD) written comments to Fremont's proposed Housing Element.¹ We thank HCD for their thoroughness and support all of the concerns and recommendations that they raised.

We have a few further suggestions, many of which are based on Fremont's response to our earlier comments.

In regard to Programs:

1. Fremont for Everyone would like to see stronger language on proactive enforcement for substandard housing violations. We appreciate the city for adding language to Program 1 around proactive enforcement in response to our previous public comments, however, we don't feel that the language goes far enough. The current language relies on one unit in an apartment complex to make the first complaint before the city proactively inspects other units.

Proactive enforcement should not require any resident complaint. Rather, the City should initiate random inspections. This protects tenants in various ways. In a complaint-based system, landlords can retaliate against tenants who make complaints. In a proactive system, landlords would know that there may not have been any tenants who complained, so they should be less likely to retaliate.

Proactive enforcement language should further explicitly mention that these random inspections should check for ADA violations and that the City should enforce remedying accessibility issues that are found. It should be clarified in plain language, that in accordance with existing law, the tenant must not be forced to pay the cost of ADA accessibility renovations; instead the landlord must pay for these changes as part of their duty without displacing the current tenants or causing undue hardship on each tenant.

¹ <https://www.fremont.gov/home/showpublisheddocument/12005>

2. For Program 33, we applaud Fremont for adding a specific commitment. However, we feel that it does not go far enough to take advantage of the high value of the land in those areas. We encourage Fremont to alter the base zoning through SB 10 to allow more homes per lot in more configurations, not limited to the ADU configuration, up to 10 units per lot. Instead or in addition, the Program could explicitly clarify that the additional ADUs could be added on lots created through an SB 9 urban lot split.

In regard to the Sites Inventory:

1. In our previous public comment, we raised a concern about the large number of sites where AB 1397 applies, that is to say, sites that have appeared on previous housing elements already. The City responded to that part of our letter under the label 8.46; however, the specific concern about the number of AB 1397 sites was not addressed. Specifically, we would like to understand, given that these sites have not seen development during previous 8-year cycles, what has changed so that the City believes there is a good chance they will be developed in this cycle? Certainly, thanks to AB 1397 and the corresponding overlay zone (noted in Program 44), they now enjoy by-right approval for projects that contain enough affordable housing units. Does the city believe that that is sufficient that most of these sites will get developed this time? Is there more that can be done to facilitate development on these sites, such as zoning them to accommodate higher density?
2. Many of the high-unit-count sites are based on partial redevelopment of active shopping centers. While we agree that these would be excellent sites for housing due to the access to groceries, restaurants, and other amenities in these shopping centers, there are many challenges to this pattern of partial redevelopment. To help ensure development on these sites is a success, we recommend the city adopt an ordinance to allow homebuilders to maximize density by calculating the Floor Area Ratio based on the size of the full parcel, even in the case that said full parcel has been split into separate lots, for purposes of conforming to maximum densities specified by the zoning code.
3. There are some sites as an example and not limited to #268 (4440 Decoto Rd) where the existing use is already housing. For that particular site, the existing use is listed as "triplex," while the proposed redeveloped use is 2 units, which appears to be a net decrease in housing units. It's unclear how that would be consistent with SB 8, the Housing Crisis Act, or how it would add to the housing stock.

Thank you for your time and consideration, and for all your hard work on the Housing Element.

Sincerely,
Fremont for Everyone