

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

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February 28, 2023

Dee Williams-Ridley, City Manager
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Dear Dee Williams-Ridley:

RE: City of Berkeley's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting Berkeley's (City) housing element adopted January 18, 2023 and received for review on January 24, 2023, including modifications authorized by Resolution Number 70,669 – N.S. 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 Joe Garrett pursuant to Government Code section 65585, subdivision (c).

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element addresses the statutory requirements described in HCD's January 30, 2023 review.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 20: Livable Neighborhoods
- Program 27: Priority Development Areas, Commercial and Transit Corridors
- Program 28: BART Station Area Planning
- Program 30: Accessory Dwelling Units
- Program 31: Zoning Code Amendments
- Program 32: By-Right Approval on Reused Sites
- Program 33: Zoning Code Amendment: Residential
- Program 35: Affordable Housing Overlay and Southside Local Density Bonus
- Program 36: Adequate Sites for RHNA

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes

failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB1) 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 now meets housing element requirements for these and other funding sources.

HCD appreciates the hard work, cooperation, and responsiveness the City's housing element team provided throughout the housing element review and update. The team's commitment to housing and community development is commendable. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager