



Planning and Development Department
Land Use Planning Division

February 17, 2023

State Department of Housing and Community Development
C/O Land Use and Planning Unit
2020 W. El Camino Ave, Suite 500
Sacramento, CA 95833

Subject: Transmittal of the City of Berkeley Revised 2023-2031 Adopted Housing Element (6th Cycle), Fifth version submitted to the Department of Housing and Community Development

Dear Paul McDougall,

The City of Berkeley is pleased to submit a revised 2023-2031 Adopted Housing Element to the State Department of Housing and Community Development, which includes the adoption resolution. The revised version incorporates technical edits as discussed in the meeting on February 6, 2023 with Paul McDougall and Megan Kirkeby.

Clean and redlined versions of the revised 2023-2031 Adopted Housing Element and its six appendices are available at:

<https://cityofberkeley.box.com/s/ci2uud2utleva59u7w8zwohtzt2j7j5w>

The following is a summary of the revisions made to address HCD’s comments received on January 30, 2023:

	HCD Comment	City Response
1	<p><u>Suitability of Nonvacant Sites.</u> The element now lists opportunity sites by various factors (e.g., age of structure, improvement to land value ratio, existing floor area) utilized to indicate the potential for redevelopment in the planning period (Table C-10: Opportunity Sites). However, as noted in the prior review, the element must support the validity of the various factors. To support these factors, the element should evaluate development trends or recent experience in redevelopment relative to the factors. For example, the element could utilize Table C-6 (Pipeline Sites) and list the values of the factors for prior uses.</p> <p>For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period. Absent findings</p>	<p><i>Added Table C-12 Completed and Pending Projects by Sites Inventory Selection Criteria to Appendix C, which features pre-entitlement data for 39 sites from likely, pipeline, and recently completed housing projects. The data demonstrates that sites from completed or pending housing projects meet the same criteria that were used to identify nonvacant opportunity sites, further substantiating suitability of nonvacant opportunity sites and supporting the likelihood that these sites will be redeveloped within the planning period. Added clarifying text and reference to Table C-12 in C5.2 Opportunity Sites-No Rezone Required and C5.3 Development Trends and Realistic Capacity.</i></p> <p>(Pages C-16 through C-20 and C-71 to C-72 of Appendix C Residential Sites Inventory).</p>

HCD Comment	City Response
(e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the Regional Housing Needs Allocation (RHNA).	
2 Program 28 (Bart Station Area Planning). The Program now commits to various actions to facilitate development and to evaluate the progress of development by January 2026 but should also commit to when alternative sites will be identified if necessary.	Added “by January 2027” to commit to an action date by when to identify alternative sites should the development at the two BART sites fail to advance in accordance with the City’s and BART’s Memorandum of Agreement. (Page 145 of Housing Element Update).
3 Program 30 (Accessory Dwelling Units). The Program commits to identify additional efforts, such as rezoning or pre-approved building plans. However, the Program should commit to when these additional efforts will be completed (e.g., six months to one year).	Added that the City would initiate by January 2026 and complete additional efforts such as rezoning or pre-approved building plans by January 2028, if needed, should ADU production fail to progress as projected by December 2025. (Page 147-148 of Housing Element Update)
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).)	
4 Program 34 (Permit Processing). The Program commits to analyze and develop permit procedures to address identified constraints but should also specifically commit to remove constraints and establish appropriate procedures by a specified date. This specific commitment should reflect all identified constraints in the analysis (pp. 76 to 80).	Clarified that the intent and actions for Objective Design Standards is to reduce reliance on the use permit process and non-detriment findings. Edited <i>Program 34 Permit Processing</i> and <i>Program 33 Zoning Code Amendment: Residential</i> for internal consistency. (Pages 150-152 of Housing Element Update)
<u>Affirmatively Furthering Fair Housing: Goals, Actions, Metrics, and Milestones (Gov. Code §65583(c)(5)).</u> While the element add [sic] actions to improve housing mobility, including housing choices and affordability, throughout the City, it must still be revised, as follows:	
5 Program 27 (Priority Development Areas). The Program now commits to increase allowed densities in all transit and commercial corridors, especially between formerly red-lined and higher resource areas and initiate changes within one year of certification. In addition, the Program should target relatively higher-income areas, specifically commit to when zoning changes will be completed and include a numerical target such as the number of added units and minimum densities or floor area ratios.	Reflected the numerical target from <i>Table 5.6 Summary of AFFH Actions</i> (2000 units) within the “Specific Actions and Timelines” section of <i>Program 27</i> . Specified that the increased housing capacity would accommodate growth on commercial and transit corridors, particularly in the highest resource and higher income neighborhoods. In addition, added reference to development of minimum densities in <i>Program 33-Zoning Code Amendment: Residential</i> by June 2024. (Pages 143-144, and 157 of Housing Element Update)
6 Place-based Strategies. While the element includes several place-based strategies for neighborhood improvements, it should include additional actions beyond housing improvements such as infrastructure, streetscapes, active transportation, community amenities, parks, and other community improvements. These actions should be targeted geographically targeted [sic] with numerical targets or metrics for the planning period.	Added a summary of targeted neighborhood improvements related to housing, community services, and mobility infrastructure under <i>Program 20-Livable Neighborhoods</i> . Provided references to place-based housing programs and expanded information on recent City infrastructure, services, and parks initiatives with near-term specific actions, and targeted geographies and timelines. Edited <i>Table 5.6 Summary of AFFH Actions (Place-based Strategies)</i> for internal consistency.

	HCD Comment	City Response
		(Pages 134-137, and 159 of Housing Element Update)
7	Mid-term Evaluation. The element should include a mid-term evaluation of progress and effectiveness of Affirmatively Furthering Fair Housing (AFFH) action and commit to make adjustments, as appropriate, within a specified time (e.g., six months) to better achieve AFFH goals.	Within <i>Program 36-Adequate Sites for RHNA and Monitoring</i> , included a mid-term evaluation of the progress and effectiveness of the actions identified in <i>Table 5.6: Summary of AFFH Actions</i> , and added language committing to adjust, as appropriate, by January 2028 if progress on AFFH metrics are below the trajectory assumed. (Page 154 of Housing Element Update)

On January 18, 2023, the Berkeley City Council approved and adopted a General Plan Amendment to update the Housing Element for the period 2023-2031 (Resolution No. 70,669-N.S.). The Resolution authorizes staff to make non-substantive changes following adoption in response to HCD comments, and staff determined that these final edits meet that definition.

It is our understanding that this revision to the adopted element is not subject to the seven-day posting requirement and the City has made diligent effort to promptly submit the adopted and revised adopted element per Government Code §65585(g). Prior versions of the 2023-2031 Housing Element were sent to HCD on: August 10, 2022; November 1, 2022; December 1, 2022; and January 23, 2023. The Electronic Sites Inventory was sent to sitesinventory@hcd.ca.gov on January 24, 2023 per Government Code §65583.3 and remains unchanged.

If you have any questions, please contact Grace Wu, Principal Planner, at 415-961-9518. We appreciate your assistance and prompt response during the preparation of this update.

Sincerely,



Jordan Klein
 Director, Department of Planning & Development
 City of Berkeley