

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

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January 11, 2024

Sofia Mangalam, Director
Community Development Department
City of Foster City
610 Foster City Blvd
Foster City, CA 94404

Dear Sofia Mangalam:

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

Thank you for submitting the City of Foster City's (City) housing element that was adopted May 22, 2023 along with modifications that were received for review on November 16, 2023. The modifications were authorized pursuant to Resolution 2023-49 and made available to the public for seven days prior to review by the California Department of Housing and Community Development (HCD). Pursuant to Government Code section 65585, HCD is reporting the results of its review.

The adopted element, with modifications, addresses most statutory requirements that were described in HCD's July 25, 2023 review; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et. seq.), as follows:

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).)

As described in HCD's prior review, the City in its entirety is among the highest resource category in access to opportunity and consists of households with the highest median income in the region. These conditions and circumstances warrant significant and robust actions, not limited to the Regional Housing Needs Assessment (RHNA), to meaningfully promote housing mobility and increase housing choices and affordability throughout the City, including in lower-density neighborhoods. While the element contains a few programs to promote housing mobility such as accessory dwelling units (ADUs), it should include additional actions that promote housing choices and affordability throughout the City and increase quantified objectives for housing choices and affordability. Additional examples of housing mobility actions include identifying additional multifamily capacity, missing

middle housing capacity, religious institutional sites, City-owned and public facility sites, and additional conversion of existing spaces within single family residences to ADUs beyond junior accessory dwelling units (JADU).

The element will meet the statutory requirements of State Housing Element Law once it has been revised, re-adopted, if necessary, submitted and reviewed by HCD to comply with the requirement above pursuant to Government Code section 65585.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government does not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), then any rezoning 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 all necessary rezones are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element 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 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 your hard work and dedication provided in preparation of the City's housing element. HCD is committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Anthony Errichetto, of our staff, at Anthony.Errichetto@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