

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

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



September 4, 2024

Pamela Wu, City Manager
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

Dear Pamela Wu:

RE: City of Cupertino 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Cupertino (City) housing element that was adopted May 14, 2024 and received for review on July 12, 2024. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. HCD received Resolution 24-039, Ordinances 24-2262 and 24- 2261, and correspondence dated August 19, 2024 from the City regarding rezoning to accommodate the regional housing needs allocation (RHNA) for review. In addition, HCD considered comments from Cupertino for All 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 (Gov. Code, § 65580 et seq) as of date of this letter. The adopted element was found to be substantially the same as the revised draft element that HCD's April 10, 2024 review determined met statutory requirements. This finding is based on, among other things, completion of Program 1.3.2 (Rezoning to Achieve RHNA).

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

- Program 1.3.4 (Development of Nonvacant Sites)
- Program 1.3.6 (Encourage Missing Middle Housing Developments to Affirmatively Further Fair Housing)
- Program 1.3.7 (Lot Consolidation)
- Program 1.3.8 (Accessory Dwelling Units)
- Program 1.3.9 (Review Development Standards)
- Program 2.3.1 (Support Affordable Housing Development)
- Program 2.3.6 (Surplus Properties for Housing and Faith-Based Housing)

- Program 2.3.10 (Extremely Low-Income Housing)
- Program 3.3.2 (Preservation of At-Risk Housing units)
- Program 5.1.1 (Emergency Shelters)
- Program 5.1.4 (Low-Barrier Navigation Center)
- Program 5.1.5 (Residential Care Facilities)

The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Gov. Code section 65400. Please be aware, Government Code section 65585(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 (SB) 1 Sustainable Communities grant, the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, 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 meets housing element requirements for these and other funding sources.

HCD appreciates the dedication and work that was put into the housing element update and review process. HCD particularly commends the leadership and collaboration of the City staff in taking significant steps towards addressing the housing needs of the community. 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 Armando Jauregui, of our staff, at Jose.Jauregui@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Coy", with a long horizontal stroke extending to the right.

Melinda Coy
Proactive Housing Actionability Chief