

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

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September 10, 2021

Todd Gloria, Mayor  
City of San Diego  
9485 Aero Drive, MS 413  
San Diego, CA 92123

Dear Todd Gloria:

**RE: City of San Diego's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element Update**

Thank you for submitting the City of San Diego's (City) housing element re-adopted June 8, 2021 and received for review on June 14, 2021. 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 preparing its findings, pursuant to Government Code section 65585, subdivision (c), HCD considered comments from, LISC, Urban League SD County, The People's Association of Justice Advocates, National Black Contractors Association, San Diego County Building Trades Unions, San Diego Housing Commission, SD County Building Industry Association, Circulate SD, YIMBY, San Diego Regional Chamber of Commerce, Campaign for Fair Housing Elements, San Diego Housing Federation, and individuals including Matthew Stevens and Sean Canning.

As you know, on October 1, 2020, HCD found the housing element adopted by the City on June 16, 2020, in compliance with State Housing Element Law (Article 10.6 (commencing with section 65580) of Chapter 3) conditioned upon two actions by the City: (1) amending the housing element to address requirements related to affirmatively furthering fair housing (AFFH) and (2) making findings to demonstrate the likelihood of redevelopment on nonvacant sites pursuant to Government Code section 65583.2, subdivision (g). In response, the City re-adopted revisions to the housing element on June 8, 2021. HCD finds the housing element, re-adopted on June 8, 2021, to be in substantial compliance with State Housing Element Law and has met the conditions described in HCD's October 1 and May 17, 2021 letter.

However, HCD considered many compelling public comments regarding minimal public process prior to re-adoption, potential for additional development on nonvacant sites, and adequacy of goals and actions to affirmatively further fair housing. While the element substantially complies with the minimum statutory requirements, HCD will be closely monitoring future actions throughout the planning period including key milestones, implementation deadlines, and annually for compliance with housing element law. For example:

- *Public Participation:* HCD recognizes the diligent effort by the City in including all segments of the community throughout the housing element process prior to the element's adoption on June 16, 2020. Participation efforts in the recent re-adoption should have been more reflective of and in the spirit of these past efforts. As a result, moving forward and as part of the element's implementation, the City must make diligent efforts to engage all segments of the community, such as utilizing a variety of outreach methods (beyond public noticing), targeted outreach to a broad geographic spectrum and to lower-income and special needs households, including representative organizations. The City must report on the progress and effectiveness of its public participation as part of program implementation, including key milestones, implementation deadlines, and the annual progress report.
- *Potential for Additional Development on Nonvacant Sites:* The element relies on nonvacant sites for more than 50% of the regional housing need allocation (RHNA) for lower-income households. To address related requirements, the City made findings, based on substantial evidence, that uses will likely be discontinued during the planning period. Given the importance of maintaining suitable and adequate sites to accommodate the RHNA, the City should conduct an evaluation of nonvacant sites every other year for the potential for additional development. This evaluation should address the various factors utilized to demonstrate potential for additional development and any other information necessary to determine whether existing uses do not impede additional development. Based on this evaluation, the City should make changes as necessary. The City must report on the effectiveness of these efforts, including public participation, as part of implementation of programs under Objective A (Identify Adequate Sites Available for Development), including key milestones, implementation deadlines, and the annual progress report.
- *Affirmatively Furthering Fair Housing (AFFH):* The element currently includes marginally sufficient actions to affirmatively further fair housing, and the integrity of the City's approach strongly relies on the effective implementation of an "Access to Opportunities and Housing" legislative and action package. For example, the element contains an action to "Develop an initiative to open up housing opportunities for all income groups in all zones that allow residential development within the City." Without knowing what strategy is developed, the potential beneficial impact in terms of meaningful change to AFFH are unknowable. The City must report on the effectiveness of these efforts, including public participation, as part of program implementation including key milestones, implementation deadlines, and the annual progress report.

Reporting on these and other efforts must be conducted as part program implementation including key milestones, implementation deadlines, and as part of the annual progress report on implementation of the general plan pursuant to Government Code section 65400. The report must be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments. The City should conduct meaningful outreach and provide adequate time prior to the public meeting to provide comments. Any lack of effective implementation or actions inconsistent with the housing element,

at any time, will trigger an immediate review of the housing for compliance with State Housing Element Law.

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:

[http://opr.ca.gov/docs/OPR\\_Appendix\\_C\\_final.pdf](http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf) and  
[http://opr.ca.gov/docs/Final\\_6.26.15.pdf](http://opr.ca.gov/docs/Final_6.26.15.pdf).

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 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 meets housing element requirements for these and other funding sources.

HCD appreciates the tremendous work and commitment provided by the planning staff, including Brian Schoenfisch, Vickie White, Seth Litchney, and the housing element team. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the general plan annual progress reports prepared and submitted pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Sohab Mehmood, of our staff, at [Sohab.Mehmood@hcd.ca.gov](mailto:Sohab.Mehmood@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" being more prominent than the last name "West".

Shannan West  
Land Use & Planning Unit Chief