



June 7, 2021

*Submitted via email.*

Dear Mayor Kerr and Del Rey Oaks City Councilmembers,

Thank you for the opportunity to comment on Del Rey Oaks housing element.

[AB 686](#) provides that a “public agency shall administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing [AFFH].” (Gov. Code, § 8899.50(b).) This precludes segregating low income units in sites that do not provide the services or opportunities available at other sites or that might result in segregation and/or racially or ethnically concentrated areas of poverty. The City has a specific obligation to affirmatively further fair housing in preparation of housing element revisions due after January 1, 2021. (Gov. Code, § 65583(c)(10)(C).) Thus the AFFH obligation would apply to the remaining 4-year update to the City’s 5th Cycle housing element mandated by Government Code Section 65588(e)(4)(A) because that update is not due until after January 1, 2021. It would also apply to the 6th Cycle housing element. Accordingly, the City should not assume that it can relegate lower income housing units to distant parcels in the former Fort Ord. The 241 acre Site 1 in Fort Ord is at the extreme southeast side of City, across South Boundary Road and relatively isolated from services and opportunities. Site 1 also presents significant development challenges due to the presence of endangered and threatened species, which may prevent development of lower income housing entirely.

By contrast, the 18.5 acre site 1A, also on former Fort Ord land, is closer to services and opportunities. Although the City has discussed using site 1A as park land, it should not plan to transform all 18.5 acres into parkland. At minimum, the City should retain 6 acres for affordable housing. According to the 5th Cycle Housing element, the six acres of developable land in Site 1A represents a significant portion of the 5th Cycle RHNA because it could accommodate 72 of the needed 86 units. Site 1A will be even more in demand when the City receives its 6th Cycle RHNA, which is expected to be two to three times greater. Furthermore, the “no net loss” rule requires the City to maintain adequate sites to accommodate its remaining unmet RHNA by each income category at all times throughout the entire planning period. (Gov. Code, § 65863.) If the City commits all of Site 1A to park use, thereby foreclosing its use for 72 units of housing, it must ensure that sufficient sites remain to meet its 5th Cycle RHNA, and soon, its 6th Cycle RHNA. This constraint, coupled with the need to affirmatively further fair housing, suggests that the City should retain the 6-acres of developable housing at Site 1A.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. DeLapa", written in a cursive style.

Michael D. DeLapa  
Executive Director