

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

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June 30, 2026

Julia Ayres, Community Development Director  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**RE: City of Brisbane - Revocation of Housing Element Compliance Finding –**

Dear Julia Ayres:

The California Department of Housing and Community Development (HCD) is hereby notifying the City of Brisbane (City) that HCD has revoked, as of the date of this letter, its May 25, 2023 findings that the City's housing element is in substantial compliance with Housing Element Law (Gov. Code, § 65580 et seq.).

The City adopted its housing element on May 18, 2023. However, the City has failed as of this date to implement Program 2.A.2 (Adopt the Baylands Specific Plan/Zoning), a program to rezone adequate sites to accommodate a shortfall of 1,104 units to meet the Regional Housing Needs Allocation (RHNA) for all income groups pursuant to Government Code section 65583.2, subdivision (c). The program for rezoning adequate sites should have been completed no later than three years from the date the housing element is adopted, or May 18, 2026, pursuant to Government Code section 65583, subdivision (c)(1)(A). As of the date of this letter, the Baylands Specific Plan has not been adopted.

**Background**

On December 15, 2023, HCD contacted the City by email with concerns that late release of the Draft Environmental Impact Report (EIR) associated with Housing Element Program 2.A.2 might affect the City's ability to execute the Plan, including the statutorily required rezoning. The proposed Plan includes about 50 percent of the City's low-income RHNA units.

On January 4, 2024, HCD met with the City, during which meeting the City acknowledged that it had not published the Draft EIR in October of 2023 as stated in its housing element, but that it was committed to complying with its statutory deadline of May 2026 for rezoning. HCD determined that no violation had occurred as of that time, but progress would be monitored to ensure the next milestone was met.

On January 18, 2024, the City emailed HCD stating that the City expects the public hearing process for the Final EIR and Specific Plan to extend into 2025, but still well before the May 2026 statutory deadline to adopt the Specific Plan and the required rezones.

On January 24, 2025, HCD sent an email to the City and its consultant to request an update on the Draft EIR. The City responded on January 27, 2025, that it expected to publish the Draft EIR by the end of quarter one of 2025.

On October 23, 2025, HCD emailed the City requesting an update on the timeline for its rezones. The City responded on October 29, 2025, that the City Council would be taking action on the Final EIR and Specific Plan in the second quarter of 2026. HCD replied on the same day that it would be sending a Letter of Inquiry, and that a corrective action letter and decertification of the housing element may follow if the statutory deadline for rezoning is not met. HCD further encouraged the City to move as quickly as possible, and to be as close to the statutory deadline as it can.

On December 16, 2025, HCD sent the City a Letter of Inquiry requesting that the City provide an update on the status and timeline of implementation of Program 2.A.2 by January 15, 2026, and it submits any adopted rezones and accompanying resolutions to HCD for review.

On January 9, 2026, the City sent a response to the Letter of Inquiry stating that the January 2026 deadline for program 2.A.2 in the City's Housing Element is the result of an oversight, and that the statutory deadline for rezones and adoption of the Baylands Specific Plan is understood to be May of 2026. The City's target for formal plan adoption of the Final EIR and Specific Plan is March 2026.

On April 16, 2026, HCD issued the City a Corrective Action Letter with its written findings that the City has failed to implement Program 2.A.2 included in its housing element pursuant to Government Code section 65583, and that this failure brought the City's housing element out of substantial compliance with Housing Element Law. HCD provided the City with 30 days to respond to HCD's written findings pursuant to Government Code section 65585, subdivision (i)(1)(A).

On May 15, 2026, HCD received the City's response to HCD's written findings. In its response, the City indicated that it would not complete its statutorily required rezones in Program 2.A.2 until Fall of 2026. Despite providing a timeline to complete the Specific Plan, certify the Final EIR, and adopt the implementing General Plan and zoning amendments, the City's response does not demonstrate implementation of Program 2.A.2 by the statutory deadline.

## Findings

HCD finds that the City's housing element is no longer in substantial compliance with Housing Element Law. Consequently, HCD is revoking its finding of the City's housing element compliance, as authorized by Government Code section 65585, subdivision (i)(1)(C). HCD's determination of non-compliance will remain in effect until the City completes required rezone actions in Program 2.A.2. Once the City completes this program action, a copy of the resolution or ordinance should be transmitted to HCD. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

Because the City no longer has a housing element that substantially complies with Housing Element Law, the City is now subject to the "Builder's Remedy"<sup>1</sup> and is ineligible for certain state funds. In addition, the City may be subject to referral to the California Office of the Attorney General, court-imposed penalties, and the loss of local land use authority to a court-appointed agent.<sup>2</sup>

HCD is committed to assisting all localities in achieving and retaining substantial compliance with Housing Element Law. If you have questions or need additional information, please contact Reid Miller at [reid.miller@hcd.ca.gov](mailto:reid.miller@hcd.ca.gov), or Mary Milner at [mary.milner@hcd.ca.gov](mailto:mary.milner@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', followed by a long horizontal stroke.

Melinda Coy  
Housing Accountability Unit Chief

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<sup>1</sup> Gov. Code, § 65589.5, subds. (d)(6), (f)(6), (h)(11).

<sup>2</sup> Gov. Code, § 65585, subds. (j), (l) and § 65009.1, subd. (a).