

# Attachment B

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## Schubert, Bob J. x5183

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**From:** Brian Clark <brian@surfloan.com>  
**Sent:** Thursday, September 14, 2017 3:04 PM  
**To:** 100-District 5 (831) 647-7755  
**Cc:** Brian Clark; Schubert, Bob J. x5183; Holm, Carl P. x5103; Avila, Jesse J. x5366; Bill Mcleod  
**Subject:** Carmel Rio Road - Val Verde Drive - Board Hearing - 31 Homes

Dear Ms. Adams,

My name is Brian Clark and I am the applicant that appeared before you on Tuesday.

On the news last night you went on record stating you recommended denying the project for three reasons including:

A) project was in a floodplain

Correction: no home will be in the FEMA 100 year floodplain as indicated in the EIR

B) traffic impacts

Corrections:

- 1) Census year 2,010 indicates a population decrease of over 8,000 in the immediate surrounding cities and unincorporated areas of Carmel Valley
- 2) CalTrans Mitigated Negative EIR for Highway 1 improvement indicated depressed traffic levels remaining at pre 2005 levels at mouth of Carmel Valley
- 3) Applicants infill site would have greatly reduced Vehicles Miles Travelled vs. dispersed development

C) prefer developments in better suited environmental locations next to transit and jobs

Response: Our infill site has those exact community benefits and as an infill development that is not in a floodplain - our project is not in an "environmentally sensitive" site as defined by CEQA and discussed in the EIR.

You did not discuss or bring up any of these points in the public Board of Supervisors meeting on Tuesday. It certainly would have been useful since the actual project facts meet the goals and criteria for approval you outlined to the news reporter.

Therefore - for the record:

- our site is 8 acres and "as is" 90% of site is NOT in the FEMA 100 year floodplain
- the remaining 10% - with minor fill - would be elevated to above FEMA 100 year flood elevations - no home would be in the 100 year floodplain (Planner Schubert addressed this item as being a none environmental issue as outlined in the EIR.)
- our site qualifies as an "in fill" development as defined by California Department of Housing and Community Development therefore is eligible for a series of supporting regulations of approval
- our project includes 25% affordable housing on-site and with the in-lieu of fee of \$206,000 equates to 3 more affordable units off-site or 35% affordable housing
- our in fill site is located adjacent to Carmel Rancho Shopping Center, Barnyard, and the Crossroads as well as the public servicing businesses on Carmel Rancho Blvd.

Within forty feet to three blocks of our site there are over 200 public serving businesses including several transit stops.

As an "infill site" with affordable housing that meets the States requirements and goals for reductions in Vehicle Miles Travelled (VMT) we qualified for State incentives including:

- expedited application processing
- given we provided at least 20% affordable housing two incentives or waivers of our choosing
- waiver of fee's
- density bonuses
- approval prioritization
- exemption from several County ordinances

Our site is rated an "A" by the State as it relates to smart growth and sustainable communities given project substantially reduced green house gas emissions impact versus dispersed development throughout Carmel Valley.

The Board of Supervisors did not discuss or apply any State mandated regulatory requirements regarding affordable housing, infill developments, or the sites/projects unique ability to meet green house gas emission goals with reduced Vehicle Miles Traveled (VMT) metrics or affordable housing zoning waivers/exemptions. These affordable housing regulations carry the force of law.

I am not aware of ANY affordable housing being approved or built in Carmel Valley in the last 20 years. In fact - I don't think Carmel Valley - which is larger than San Francisco -has approved of any affordable housing project in over 40 years.

California legislature finds under the Housing Accountability Act:

65589.5 The legislature finds and declares all of the following:

- 1) The lack of housing including emergency shelters is a critical problem that threatens the economic, environmental, and social quality of life in California.
- 2) California housing has become the most expensive in the nation. The excessive cost of the state housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and extractions be paid by producers of housing.
- 3) Among the consequences of these of those actions are discrimination against low-come and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excess of commuting, and air-quality deterioration.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic social and environmental factors of the action without complying with subdivision (d).

(d) A local agency shall not disapprove housing development project including farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, very low, low - or moderate income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low - or moderate income households or an emergency shelter...

Monterey RMA staff report recommended approval of the project. The Boards denial of the project is in direct conflict with several State of California affordable housing, infill development, green house gas emission regulations and goals, and the recommendation of Monterey County Resource Management Agency.

State Housing Accountability Act legislative regulations - which carry the force of law - indicates the Monterey Board of Supervisors to be in compliance with these regulations must approve this application and project.

It may be prudent for you to consult with the States legal council in both the Governors Office of Planning and Research and the California Department of Housing and Community Development before any final determination. I have consulted with both these divisions and they have major concerns that the County is not in compliance with any number of affordable housing regulations and their is no regulatory, public health, or environmental basis for denial.

Feel free to call to discuss options to come into regulatory conformance and to clarify the factual misunderstandings made to the media regarding floodplain, traffic, and the benefits of the infill site location.

You stated a preference for a site that is next to jobs, existing infrastructure, and transit. That is EXACTLY what the dynamics of our infill site promotes. Even if our site did not meet your subjective preference - that is not a valid basis for denying our application which has been in que for over 7 years and gone through a lengthy EIR process.

Unfortunately it is evident the recommendation for denial was made for political reasons - continuing to support the decades long denial of all projects that propose affordable housing in Carmel Valley.

Thank you for your every consideration and continued best of luck.

Regards,

Brian Clark  
(415) 310 - 2222  
Carmel Rio Road, LLC  
Val Verde Drive Project  
- 31 homes with 7 inclusionary units & \$206,000 in lieu of fee

Sent from my iPad

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