

March 11, 2026

California Department of Housing and Community Development (HCD)
2020 W. El Camino Avenue, Suite 550 | Sacramento, CA 95833
Email: HousingElements@hcd.ca.gov

Re: Monterey County Housing Element should include Site 52 (Tarp Flats Olmsted Road)

Dear HCD Staff,

I write on behalf of LandWatch Monterey County to support the inclusion of the Tarp Flats Olmsted Road site as Site Number 52 in the Monterey County 6th Cycle Housing Element. LandWatch seeks to address the arguments made on behalf of Friends of Tarp Flats (“Friends”) in a February 23, 2025 letter by Christina Goebelsmann.

Contrary to Friends’ letter, redesignation of the site for High Density Residential use does not generate general plan inconsistency precisely **because** the County proposes to redesignate the underlying land use for the site and also because development is consistent with the General Plan’s conservation policies.

Furthermore, Tarp Flats is consistent with the Affordable Housing Overlay policy because it does not need to rely on that policy; but designation of the site as eligible for an Affordable Housing Overlay project does demonstrate that the County never intended to bar development of this site based on resource conservation policies.

There is no reason to suppose the site cannot be developed within the 6th Cycle; it has the same water supply as the rest of the Peninsula sites. And even if this site were not developed by 2031, the County does not rely on any single site to meet its RHNA goals because it has a surplus of sites for all income categories.

Wildfire and cultural resource impacts will be addressed in the CEQA process and need not be exhaustively reviewed or resolved in the Housing Element, which is not a substitute for CEQA. Friends has not demonstrated that these concerns somehow bar development of the site.

Nor has Friends demonstrated that the site would not affirmatively further fair housing or that the site can only be counted toward lower income RHNA if it provides active or alternative transportation access to all amenities.

Finally, the fact that some members of the community object to development of this site should not disqualify it. The site selection process has been open and robust, which is all the Housing Element law requires. The Housing Element Law does not allow some members of the community to veto development that they oppose.

Background

The County received a letter of intent from the owner and potential developer of several parcels on Olmsted Road in Monterey. The site was given an Affordable Housing Overlay in the 2010 General Plan and, as such, it is designated for development. The site is also subject to a current Builder's Remedy application, which would allow 80 single-family homes and 20 affordable units. In other words, development on these parcels is inevitable. But there is an opportunity to make this development more equitable and sustainable through increased density on a smaller footprint and with a mix of housing types that are affordable to an array of homebuyers. By adding it to the Housing Element, the County can take credit for the housing that will be built. Clearly, 725 units is more helpful in meeting the County's RHNA obligation than the mere 100 units now initially proposed under the Builder's Remedy application.

Because the parcel is currently undeveloped open space, there is understandably opposition from neighbors who wish to keep it that way. Nevertheless, as noted above, the Builder's Remedy application virtually guarantees development on the parcel, and under RHNA the County must identify enough sites to meet state housing requirements. Priority is given to sites within or near high resource areas, e.g., the Monterey Peninsula. With its proximity to the City of Monterey, Highway 1, and other amenities and resources, the Olmsted site is significantly closer to high resource areas than other sites the County has identified in the Draft. Moreover, the entire site is identified in the Monterey County 2010 General Plan as an Affordable Housing Overlay, so the County has already designated it as appropriate for housing development.

The developer has agreed to develop 350 apartments and 375 multifamily units that, by design, will be much more affordable to local working families. He has also agreed to a smaller footprint, which will protect the wildlife corridor, avoid impacts to vernal pools and protected species, and protect the viewshed. Lastly, the developer has agreed to dedicate a significant amount of the parcel to permanent conservation.

The County has an opportunity to steer the development in a positive direction. Given that development is inevitable, the County should include the higher density alternative in the Housing Element and take credit for the units that will be built, allowing the County to remove less suitable sites from the site inventory.

In the paragraphs below, we respond to the arguments made in the February 23 letter submitted by Christina Goebelsmann on behalf of Friends of Tarpy Flats.

1. Redesignation of Tarpy Flats for High Density Residential use will not cause a general plan inconsistency.

Friends argues that the site cannot be consistently rezoned because the 2010 General Plan designates the site as a Resource Conservation Area limiting residential development to one-acre lots. However any potential inconsistency with the Resource Conservation land use designation will be resolved when the County implements Program H-3.A to **amend the General Plan Land Use Element** to redesignate the portion of the site that is to be developed as High Density Residential (HDR/30). Even if the proposed use were inconsistent with the current land use designation, it will not be inconsistent with the future land use designation. Note that the portion of the site that is not to be developed will remain under the Resource Conservation designation.

Friends argues that redesignation of Tarpy Flats is not consistent with existing conservation policies in the 2010 General Plan. The various precatory policies cited by Friends (... should be conserved” or “should be sensitive to”) do not bar land use redesignation because they are simply not fundamental, mandatory, and unambiguous policies that all reasonable people would interpret to bar development of every parcel that may arguably have habitat or resource values. (Families Unafraid to Uphold Rural etc. v. Board of Supervisors (1998) 62 Cal.App.4th 1332, 1336, 1338.) It is clear that the County did in fact intend to permit some development of the site because, as discussed below, the 2010 General Plan designates it for affordable housing.

The proposed Tarpy Flats development is consistent with the one mandatory policy that Friends cite (“Open space shall be planned to preserve, conserve, and maintain natural resources, rare and endangered plant species, and physical features of the area”) because the project has been planned to avoid impacts to special status species, as evidenced by the retention of Resource Conservation land use designation for sensitive portions of the site.

Furthermore, Friends has not and cannot demonstrate that the project will not meet the General Plan Goal to avoid, minimize, or mitigate impacts to biological resources. That is what the eventual CEQA process will ensure.

More fundamentally, Friends fails to acknowledge that the project may be developed without a complete loss of the site’s resource values and that the County’s existing general plan clearly allows some degradation of those values by permitting some forms of development. The site is not a conservation easement. In fact, the current General Plan Policy LU-2.11 designates the site as an Affordable Housing Overlay on which it would be permissible to develop 30 units per acre, the same maximum density now proposed under the HDR/30. (Monterey County General Plan, Figure AHO-2A, available at

www.countyofmonterey.gov/home/showpublisheddocument/45940/638936086241270000.)

2. The County can reasonably conclude that the site may be developed by 2031; and even if it were not completely developed, the site is not essential to meeting the RHNA.

The argument that the County may not be able to develop the entire site in the 6th Cycle would matter only if the County were critically reliant on developing 100% of the planned units to meet its RHNA mandate. In fact, while the site has higher value as one that is likely to actually be developed, it is not essential to meeting the County's RHNA because the site inventory demonstrates surpluses in each affordability category and those surpluses are larger than the number of units that Tarpy Flats would [provide. (Compare Housing Element Table 7-4 [Capacity Determination summary] to Housing Element p. 7-240 [Site 52 unit breakdown by income category].)

Furthermore, Friends claim that the site cannot be counted toward the RHNA fulfillment because the project has not been approved, citing Government Code Section 65583.2(c)(2)(C), is misleading. That subsection only provides one of several permissible methods for a jurisdiction to quantify the expected units – the method that is based on a presumption that all of the units in an already permitted project can be counted. But there are other ways to demonstrate that the unit counts are reasonable, and those methods may take into account the fact that a developer has signaled the intention to proceed with a specific project.

3. Site 52 has the same water supply as the rest of the Monterey Peninsula Opportunity sites.

Friends' arguments that there is no plan for water supply, which is all that the Housing Element Law requires, are insufficient to disqualify the site. MPWMD and M1W have recently brought another 2,250 AFY of recycled potable water supply on-line in October 2025 and, due to that new water supply, MPWMD is petitioning the SWRCB to lift the moratorium on new meters, a moratorium that affects the entire Peninsula, not just the Tarpy Flats site. Obviously water supply has been a critical issue throughout Monterey County, particularly the Monterey Peninsula, but there is no reason to single out the Tarpy Flats project, which relies on the same water supply plans as many other sites. If HCD disqualifies Tarpy Flats, based on water supply concerns, it must also disqualify all other sites on the Monterey Peninsula.

4. The Tarpy Flats project need not rely on the Affordable Housing Overlay.

Friends argues that the developer must meet and demonstrate it will meet the affordability thresholds for the Affordable Housing Overlay land use designation. Not so. Although the site is currently designated as an Affordable Housing Overlay, and could be developed under that designation, the Housing Element's Program H-3.A proposes to change the underlying land use designation of the site to permit High Density Residential uses. The project will be developed under that land use designation and therefore need not rely on the Affordable Housing Overlay program under Policy LU-2.11. Note that a developer might still choose to rely on the Affordable

Housing Overlay program to obtain various development incentives, but nothing in Policy LU-2.11 requires a developer to use the Affordable Housing Overlay program.

5. There is no evidence that the County failed to meet tribal consultation requirements.

Friends recites the tribal consultation efforts the County made and the positions of some of the respondents and then argues that “[t]here is no indication that the County engaged in any further tribal consultations” after receiving these comments. Friends does not demonstrate that the County had a duty to engage in further consultations at this stage or to reverse its plans based on comments from one source. Tribal consultations will occur in connection with the CEQA process, and the County will be required to adopt feasible mitigation for any significant impacts to cultural resources.

6. Site 52 will assist the County in Affirmatively Furthering Fair Housing.

Friends offers anecdotal challenges to the TCAC score by which the County determined that the Tarp Flats site is in a higher resources area that would assist the County in affirmatively furthering fair housing. Friends does not demonstrate that the TCAC score for this site was in error simply because some amenities are not accessible by active or alternative transportation modes. Nor would that be disqualifying. To meet its AFFH obligations, the County is not required to ensure that every site for which it identifies lower income units is in a higher resource area or has a certain TCAC score. Such a requirement would mean that no sites in the southern half of the County could be counted toward lower income RHNA, even though it is obvious that lower income housing must be provided in these areas too.

The letter makes qualitative claims about several amenities but does not dispute the site’s TCAC scoring, the scoring method that was consistently used by the County to evaluate resource areas.

7. Wildfire risk is not disqualifying and will be addressed in the CEQA process.

Friends argues that the County cannot designate Tarp Flats for development because it has yet to develop a site-specific wildfire risk plan. Friends should direct these comments to the CEQA process in which wildfire risk and feasible mitigation will be evaluated. The Housing Element Law is not intended to supersede CEQA.

8. The community has had the opportunity to participate in the site inventory process.

Friends argues that Tarpy Flats should be removed from the site inventory because some individuals and organizations oppose its inclusion. But other individuals and organizations support its inclusion. HCD can be assured of the only fact that matters regarding opposition or support: that the site inventory process has been open and exhaustive and that interested parties have been able to participate. Friends' comments demonstrate as much, and nothing more is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Delapa". The signature is stylized with a large, looped initial "M" and a long, sweeping underline.

Michael Delapa
Executive Director

Cc: Jaime Scott Guthrie, Monterey County HCD