



**Carmel-
by-the-Sea**

City of Carmel-By-The-Sea

Nova Romero <nromero@ci.carmel.ca.us>

APR 08 2024

Postcard Campaign

Office of the City Clerk

michael noakes [redacted]
To: Nova Romero <nromero@ci.carmel.ca.us>

Sun, Apr 7, 2024 at 2:48 PM

Hi. This mailing is just in case, as we communicated previously through this address. Please see the link and attachments below. Thanks, M

Ms. Romero:

While the petition opposing the current draft of the housing plan is continuing to gather signatures, I'd like to be sure the results are recorded on the public record in time for Monday's (4/8) meeting. Will you please honor the request and copy the attachments to the council and staff as appropriate? The employed site (MoveOn) is legitimate, and everyone's well aware the signers could've been stationed at their primary addresses when submitting them (petitions). I'm confident each name is above board, and there are plenty to overturn a vote or sway an election. Notification for receipt of this mailing would be appreciated.

Thank you,

Dr. M. Noakes



<https://sign.moveon.org/petitions/danger-carmel-by-the-sea-residents>

On Monday, March 25, 2024, 10:58:41 AM PDT, Nova Romero <nromero@ci.carmel.ca.us> wrote:

[Quoted text hidden]

2 attachments

signatures-20240407.csv
7K

danger-carmel-by-the-sea-residents.pdf
157K



Danger, Carmel by the Sea Residents!

To: Carmel by the Sea Residents

Please review, consider, sign, and submit this petition to protect the city's parking lots from affordable housing structures with dozens of units on each one. Sending the mailing along (after signing) to other concerned, local inhabitants will allow them to assist, too.

Why is this important?

Dear Carmel by the Sea Residents,

As you likely are aware, there is palpable distress regarding the potential sale or lease of three parking lots (Sunset Center South and North, Vista Lobos Property) to developers who will build low-income apartments on them to satisfy California's new housing mandates. The idea is in contrast to the storybook/eclectic character of the village so carefully advanced over the years.

Those in the Southwest and Northeast quadrants would be disproportionately affected, and newcomers could be, in a sense, quarantined and stigmatized. Mandatory disclosure for real estate transactions will adversely affect property values, as well.

There are better solutions for addressing the edict. The community is chock-full of clever and thoughtful individuals who have yet been given an opportunity to take part in such a transformative decision.

Interestingly, during the council meeting held on March 5, a majority of the members directed city staff to add language in the report to the state that would eliminate any chance The Department of Housing and Community Development could infer the lots are available for construction. For some reason that is yet to be explained, the order was not followed. In turn, the current draft up for approval on April 8, implies they (the lots) are (available).

The remedy is simple but urgent. By completing this petition, you are requesting the mayor, mayor pro tem, councilmembers, and its associated staff to make certain the recipients of the proposal are aware the three parking lots (Sunset Center South and North, Vista Lobos Property) are in government and commercial use and NOT to be had for buildout. Nor will they be made so in the future in fulfilling California's housing mandates.

Hopefully, many of you decide to participate, as this action is more efficient and agreeable than holding a referendum to overturn approval of a misleading and carelessly written document that is largely unsupported by the public.

Sincerely,

Carmel by the Sea Neighbors

Email.

Signed by 252 people:

Name	Zip code
Michael Noakes	93744
Michael Noakes	93728

Name	Zip code
JEANNE MCWALTERS	94118
Michael McWalters	94118
Christy Hollenbeck	93921
Pamela Wagner	93921
Marion Keyworth	93921
daniel parker logan	93921
gary coughlan	34110
Scott Workman	92091
Kristi Reimers	93921
Gina Sinotte	93922
Courtney Kramer	93921
Nicholas Lamb	93923
Julie Escalante	93305
LIZETTE FIALLO	95030
Jose Osornio	93924
Erika Merrifield	93924
Jack Logan	93921
Brenda Nunes	95356
Heather Dotto	93921
John Dotto	93921
Austin Cooper	93921
Arnoldo Garcia	93940
Bashar Alsneeh	93921
LeRoy Ernst	93923
Brianna Freeman	96150
Janell Webber	93921
Orlando Fiallo	93923
Christopher Powell	93950
Catherine T	93921
Claire Anderson	93924

Name	Zip code
Teresa Hallin	95060
Alyssa Ross	93921
Andi Carr	92921
Noel Carr	93953
Jana Gill	93921
Jeanne Mcculloch	93921
James Ardaiz	93711
Dominic Giuntoli	93933
Lee Cox	93921
Donald A. Woo	95125
Cathy Ettel	93921
Maria Boisvert	95125
Kristie Ornelas	93921
Charles Najarian	93921
Dorothy Cole	93921
Chad Calnon	93921
Anna Szabados	93921
sarah ashby	93923
Brian Sours	93921
Paula Zilka Colbert	93924
Lindamarie Rosier	93921
Lorenzo Mariani	95204
Michael F. Maurutto	93921
Katlyn Leal	93921
Barbara Hardy	93921
Arlene Ichien	93921
Jim Stevenson	93921
Brandon Smith	93921
Colleen Dalton	93923
Carol Stevenson	93921
Channing Patton	93924

Name	Zip code
Ron Leidig	93921
Patti Leidig	93921
RYAN Elliott	93908
Rina Mariani	95204
Sabrina Mariani	95204
Henry Gauthier	93921
Larry Mariani	95207
Stacy Steele	93921
Alex Mariani	95204
Elizabeth Madill	93955
Evan Madill	95236
Cindy Hunter	93921
Grace Lanning	93924
Carey Madill	93955
Cody Rose	95336
Michelle Lewis Valderrama	95336
Fabian Diaz	95236
Tex Aldama	95220
Brian Doty	95219
Jeff Castillo	95219
Ron Aghazarian	93923
Cary Ostrie	93921
Bryan Diaz	95377
Jill Ostrie	93921
Anthony Harper	95219
Steve lang	93921
crisrina mariani	95204
Summit Pal	95210
Gordana Simunovic	90069
Denise Aghazarian	94528
Linda Yellich	93921

Name	Zip code
Carolyn White	93921
Nick Swanson	95207
Natalie Hirigoyen	93921
Giorgina Swanson	95204
Arianna Rishwain	95219
Chad Reed	95240
Elizabeth Maurutto	93921
Chase Aurand	93065
Tyce Ochs	93292
Diana McCallister	92660
Jeremy Keller	94044
Jesse Gadd	95928
Scott Lewis	95926
Joseph Cohn	93921
Luke Earle	95926
Jenna Rodriguez	93921
Aimee Hyatt	93923
jeffrey case	93921
William and Nancy Lewis	93921
Anne Herzog	94507
Jack Galante	93924
Diane Cohn	93921
James Muth	93921
Terese Vasilovich	93953
Jane Clemons	75248
Sheila Gholson	94306
Brenda Pegram Twohig	93921
Mark Garibaldi	93921
Donald Reimann	93953
Sal Cala	94953
Sue Lewis	93921

Name	Zip code
JAYME CASE	93921
Charlotte Flanagan	93921
Kelsey Muth	93921
Chris Hardy	93921
Jeanne LeVett	93921
Joe Martello	93953
Rebecca Barrymore	93950
Sandra Berris	93921
Jose Landazuri	93921
Camille Brinks	93921
Rick Walker	93921
Vivienne Talbott	93923
Greg Cole	93921
Caroline Madill	93955
Daniel Lamb	93924
Brian Berris	93921
Minnie Cappel	93921
Mary Ann Schultz	93923
Dennis Gerber	93921
Rhonda S	93921
Adrianna Brushert	93923
Bruce Gauthier	95712
Dominic Lauber	32503
Juan Gardea	93923
Michele Altman	93940
Vicky Hoagland	84117
Bill Shellooe	93921
Carol Crandall	93921
Kelly Ellman	93921
Peter Brickey	93923
Pat Hazdovac	93921

Name	Zip code
Pamela Klaumann	93923
Alicia Meheen	93923
Brian D. Leidig	93923
Niels & Jan Reimers	93921
Gail Williams	95020
Shatha Abosada	93921
Judith and Bill King	93924
Judy Refuerzo	93921
Mary LaBrucherie	93921
Timothy LaBrucherie	93921
Pamela Coates	93921
Doug Coates	93921
Margie Williams	93921
Deidre Powell	93950
James Giancola	93923
Mary Jane Sligar	93921
Jane Diamond	93921
Carole Fredericksen	94921
Thomas Zellerbach	93921
Amy W. Zellerbach	93921
Kevin Dougherty	93921
Val Giancola	93923
Jillian Dougherty	95825
Garrett Sari	94501
Julie Dougherty	95204-3638
Linda Floyd	93922
Cynthia Weick	93921
Patty Ross	94921
Aysha Taff	93923

Name	Zip code
Diane Godwin	93923
Jerry Floyd	93922
carol kahn	93921
Cheryl Lipshutz	93921
Roseann Skrovan	93923
Paula Stein	93921
Valerie Suhl	93923
Jennifer Commander	93921
Andrea Bertone	93923
Greg Daniels	93921
Sandra Bonifas	93921
Lou Hutchinson	93923
Burton Bluestone	93921
Erica Hutchinson	93923
Gary Hutchinson	93923
Brendan Hutchinson	93923
Donald Poladian	93921
Lloyd Ligier	93921
Brian Weick	93921
Margaret Case	93923
Catherine Mccauley	93921
Sara Myer	93921
Larry Holmes	93923
Ken Myer	93921
Tamara Workman	93921
Patrick Terry	93921
Wayne Moon	93921
Frank Cardinale	93921
James Kietzke	93921
Jennifer Cesario	93923
Mike Lipscomb	93923

Name	Zip code
Brandi Faia	93921
Mark Mammel	93923
Mattie Zedlitz	93923
Denise Foderaro	93923
Tony Seton	93953
Stephen Diamond	93921
Katrina Edwards	92675
Rebecca Kendall	93923
Bruce Fairbanks	93921
cecilia chazen	93921
Lawrence Chazen	93921
Jill Hotvet	93921
Jill Hackett	93923
Fiona McDonough	93923
Kimberly Ratto	93923
Gleidy Wetzel	93923
Matt Wetzel	93923
melanie billig	93921
Joan Zaslow	93923
Jamelle Angelelo	93923
Char Carter	93940
Joshua Gordis	93940
Jenn K	93923
Meliisa Johnson	93923
Sharon Larson	93923
Jan Praisner	93953
Alfred Montna	93921
Eric Ewers	93921
Dr Kenneth R Pelletier	93923
Willa Voldseth	93923
Suzanne Oneal	93823
Alix Bosch	93923

Name	Zip code
Anthony Elite	94114
DS Miller	93953
Fila Evanson	93923
Kathrin Nikolussi	93921

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City of Carmel-By-The-Sea

APR 08 2024

Office of the City Clerk

April 7, 2024

To: Brian Pierek, Carmel by the Sea City Attorney

Re: CONFLICT OF INTEREST:

Karen Ferlito's Lack of Disclosure to the Public of her Ties to LandWatch of Monterey County, the progressive land-use watchdog group that advocates for "smart growth" and "net zero"

Dear Mr. Pierek,

It has recently come to my attention that Karen Ferlito served on the Board of Directors of LandWatch of Monterey from 2009-2017, and was described as a "Founder" of LandWatch of Monterey on the website "CoastWalk California Coastal Trail Association", where she also served as a Board Member. (See sources attached following my signature)

It is my belief that Karen Ferlito's work on the Housing Element was not objective and that her work on the Ad Hoc committee was strongly influenced by her close ties to LandWatch, their philosophy, ideological slant and bias, and that she must recuse herself from voting on the Housing Element tomorrow. My source on "Common Law Conflict of Interest" from January 14, 2009:

OFFICE OF THE ATTORNEY GENERAL State of California

EDMUND G. BROWN JR. Attorney General

: OPINION : : of : : EDMUND G. BROWN JR. : Attorney
General : : MARC J. NOLAN : Deputy Attorney General : :

No. 07-807 January 14, 2009

Page 7, 8 and 9 on “Common Law Doctrine against Conflicts of Interest” Quotes that pertain to Ferlito’s work on the Ad Hoc Committee and her Vote:

“an appearance of impropriety or conflict”...

As one court has said with regard to the common law doctrine and the need to strictly enforce it:

“A public officer is impliedly bound to exercise the powers conferred on him with **disinterested skill, zeal, and diligence and primarily for the benefit of the public.** . . . [¶] [¶] Actual injury is not the principle the law proceeds on. Fidelity in the agent is what is aimed at, and as a means of securing it **the law will not permit him to place himself in a position in which he may be tempted by his own private interests to disregard those of his principal.** This doctrine is generally applicable to private agents and trustees, but **to public officers it applies with greater force, and sound policy requires that there be no relaxation of its stringency in any case that comes within its reason.** . . . 36”

“we advised that a common law conflict of interest may ‘usually be avoided by [the official’s] complete abstention”

from any official action' with respect to the transaction or any attempt to influence it.³⁷ Under these circumstances, we believe that the only way to be sure of avoiding the common law prohibition is for the board member to *abstain from any official action*"

It is my belief that yours, the Mayor and the City Administrator's lack of guidance on this and relaxation of stringency in allowing Ferlito to work in an Ad Hoc committee on housing nullifies the entire 17 month work product, and requires her to recuse herself from voting tomorrow on the housing element to eliminate even an appearance of a common law conflict of interest.

I believe that Ferlito is and was not disinterested in the outcome of this committee because of her relationship with LandWatch. At the Aptos Chamber of Commerce luncheon with Mayor Potter and Laird last year, Ferlito was seen seated next to Michael DeLapa, of LandWatch Monterey. In my view, this relationship between Ferlito and LandWatch was significant enough to have triggered an ethics question using this Common Law Doctrine of Conflict of Interest. The fact is, trust in government has eroded because you did not require her to disclose and recuse.

I believe that her objectivity in representing Carmel's interests was compromised. It appears that Ferlito compromised her objectivity in the eyes of a disinterested observer, because she was allowing LandWatch, of which she was a former board member, to influence her colleagues and presumably herself (LandWatch), to the detriment of Carmel. For example, LandWatch has a strong anti-parking, and anti-car perspective. To the detriment of the Sunset Center and the

entire commercial district, she's pushed for development on our critical parking lots. LandWatch's zeal for no cars is more powerful than the life of our commercial district. It is a utopian illusion to think of Carmel being car-free. LandWatch is not at all concerned about the health and vibrancy of our commercial district. I believe that this utopian view has shaded Ferlito's perspective. I further believe that this utopian view is cult-like, and its members view themselves as activists to fight climate change, no matter what the costs. They are truly blind to the "whole picture". These might be laudable goals in their minds, but we have a vital commercial district that relies on the parking lots and world wide tourists to come and spend money here. Ferlito's vote could be seen as her "last act" to prove her loyalty to the climate goals of LandWatch, and, in my belief, would be the death of Carmel as we know it. Where is she going to be for her "last act"? Hiding away in Vermont. You can't make this up!

Disclosure of her conflict would have preserved transparency and *trust in government*.

I also have become aware that, as she shepherded this process along, lock step with LandWatch, Ferlito had removed the Flanders Mansion from the sites of potential affordable housing, and does not want it used for that purpose. If the Flanders site were hypothetically approved for a sober living facility or multi-unit housing, that could affect her property value, as I believe her property is nearby. Stunningly, in this instance, she is a NIMBY! Disclosure rules in real estate would require her to disclose that there are affordable living units in the proximity of her home and would definitely lower her property value. This has the appearance of a conflict as well. LandWatch wants the density closer to a

bus stop and the bike lane that was approved in front of the Sunset Center on San Carlos in a 4-1 vote, against the wishes of the entire Carmel community. Flanders and Serra School do not fit the narrative of LandWatch and thus, do not fit Ferlito's either.

I want to conclude that, at a minimum, Karen Ferlito should be precluded from voting on this Housing element tomorrow from her Vermont hide-out. I believe there is a strong appearance of a conflict of interest and that she should have disclosed her relationship to LandWatch of Monterey to her constituents. I also believe that the Ad Hoc work should start over and be considered "null and void".

Thank you,

Jeanne H. McWalters

Scenic Road, 2 N Eleventh

Carmel, California

*** See attached sources

***Please submit letter and sources to Public Correspondence for tomorrow's Planning Commission and City Council Meetings

Source No. 1



**Karen
Ferlito**

Board Member

Karen Ferlito joins the Coastwalk Board of Directors as the representative for the City of Carmel by the Sea. Karen and her husband, Hugo, have live in Carmel for over 30 years. Karen served on the City of Carmel's Forest and Beach Commission for 16 years. She also served on the Board of the Big Sur Land Trust for 9 years, including 2 as Board President. Karen is the President of Friends of Mission Trail Nature Preserve. **She is a founding member of Friends of Carmel Forest and LandWatch Monterey County.** She has also been a volunteer event board member of the Big Sur International Marathon. Karen was elected to a 4 year term on the City Council of Carmel by the Sea in November 2020.

Source: <https://coastwalk.org/about-coastwalk-california/coastwalk-board/>

Source No.2 from Zoom Info:

From Zoom Info:

[landWatch: LandWatch Staff and Boards](#)

Karen Ferlito Karen Ferlito is an environmentalist active in several local organizations working for the preservation of Monterey pine forest habita...



Jan 4, 2017



landwatch.org

LandWatch
monterey county

Board Member

[Landwatch Monterey County 2009-2017](#)

Source No. 3:

From: LandWatch Letter to Carmel Housing Team dated July 6, 2023 signed by Michael DeLapa, entitled “Carmel-by-the-Sea Public Review Draft Housing Element” showing the anti-parking bias:

Program 3.1.E: Reduced Parking Requirements - AFFH. The city should consider ***reduction of parking requirements, by either eliminating parking requirements entirely or by setting lower requirements.*** This strategy is being used by hundreds of cities now to reduce the cost of housing and to increase effective density. (See <https://parkingreform.org/resources/mandates-map/>.)

END OF LETTER AND SOURCES 8 OF 8 PAGES

3

City of Carmel-By-The-Sea

April 7, 2024

APR 08 2024

Office of the City Clerk

To: Planning Commission and City Council Carmel by the Sea

Re: The Sunset and Vista Lobos Parking Lots Need to Be Removed from the Housing Element

Dear Chair Le Page and Planners, and City Council,

At the last City Council meeting last week, it is my recollection that Brandon Swanson said that if they leave the parking lots in the Element, that no doubt “they’d be developed within five years”. I believe that the majority of the people in Carmel who own property here, run a business or reside here, would not want the city staff to offer the parking lots up to the State at all, and certainly would expect their officials to follow the law. It is imperative that those three sites be immediately removed from the Element.

Marnie Waffle and the EMC consultants have used terms like “underutilized” etc. to describe the only two public parking areas or areas available for further government use in the city of Carmel by the Sea. There is no basis in The Surplus Land Act for a category of “underutilized.” Further, the properties are not “underutilized.” They perform a significant and

necessary public function in our community particularly given the Council's statement over the years that parking is the most significant problem facing the community. These properties are not surplus, cannot appropriately be categorized or found to be surplus, and are clearly necessary to the community in their present use and may very well be exempt.

In its response to concerns expressed by concerned citizens to the inclusion of these properties, members of the Council made these public representations:

At the March 5th meeting, the Mayor stated “**...(city) not committed to complying...**”

Council member Richards stated, “**...Gotta take out the word ‘available’. The city’s not, we’re not making it available.** If we do make it available, then we’ll adhere to the Surplus Land Act.”

Brandon Swanson said in response, “**So we’ll remove the word ‘available’** we’ll read back through to make sure there’s no other implications that we’re committing to surplussing (sic) our land...really...we’ll make sure... **what it was meant to read if we decide to surplus land of course we’re going to follow the Surplus Lands Act.**”

In other words, the representation was that it would be made clear in the City's response that the land was not surplus and any such action regarding it to be surplus would have to go through a process which had not been engaged in.

Appropriately, under the proper statutory application, the three sites would be taken out of sites potentially available.

A further indication of lack of evaluation of the availability of the lands in question is that the Sunset Center has a lease agreement with the city for the south lot of Sunset that lasts through 2032—so the city cannot include the south lot in the housing element report because it is currently subject to a lease restriction.”

The Vista Lobos property has a view easement on it as well as a park and is the only other public parking area in the community.

HOWEVER, behind the scenes, the language was changed to not make the lack of hearing or lack of findings or current use clear in the response to the state. THIS WAS DONE OUTSIDE OF PUBLIC VIEW. THIS ACTION IGNORES THE COMMITMENT OF THE COUNCIL AND **IT MISLEADS THE PUBLIC WHO EXPRESSED THEIR CONCERN AND ACCEPTED THEIR PUBLIC PROMISE.**

A prominent member of the community and former Council member pointed out that the language had been changed and sent such a letter to the state, stating in part:

“At its March meeting, Council gave direction to remove all wording in program 1.1B. that implies that public lands are either currently available for affordable housing or that the City will commit to making them available in the future. *Instead, it was meant to read that 1.1B would only go into effect if those lands became surplus.* Those edits did not make it in before the latest submission.”

Furthermore, an analysis of whether portions if not all of the Sunset Center parking area was exempt from consideration even under the Surplus Land Act or the Affordable Housing Act **has never been done. No discussion has ever been engaged in with respect to the catastrophic impact on the business or residential community of parking loss has ever been engaged in.**

On April 5, 2024, the Department of Housing and Community Development sent a letter to Mr. Brandon Swanson regarding this very Revised Housing Element before the Council in which it stated,

“For your information, *if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, sec. 65583.2, subd. (g)(2). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period (Gov. Code, sec 65583.2 subd. (g)(2). Absent findings (e.g, adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and **will not be utilized toward demonstrating adequate sites to accommodate the RHNA. The City must make these findings as part of its adoption resolution.**” (emphasis added)*

The term “substantial evidence” means relevant evidence that a reasonable mind might accept as adequate to support a conclusion. It is not speculation or conclusory statements without factual foundation. **THERE HAS BEEN NO SUCH FINDING OR HEARING OR RESOLUTION. THERE IS NO BASIS TO MAKE THE REQUIRED FINDINGS.**

In fact, this Council has not made these findings. Such findings would require application of The Surplus Land Act which such application is inconsistent with the use of these sites. Accordingly, consistent with the State letter of April 5, these sites must be removed as “presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites...”

One question that might be appropriate is to ask the City Attorney whether such findings, hearing, resolution has been held according to the statute and the letter of the State. **The honest answer should be no** and therefore under the terms expressed by the state the sites should be removed.

This Council and individual members of this Council have been repeatedly told this and yet, this issue continues which can only be inferred as ignoring the dictates of the applicable statutes in an effort to **imply availability of land which is in fact not available.**

From the 4/2 council meeting on the Housing Element, Brandon Swanson said: “Brian very kindly made me aware I may have overstated what I’m looking for tonight on these questions (1. Should the city keep city owned sites in the plan. 2. should the language be changed regarding

Surplus Lands Act) so you ... because of the way it was noticed and set for continuance you can't decide tonight whether or not to put in or remove those sites on the Housing Element because that's the way it's written right now. We'll come back on March 8th for adoption of the Housing Element. (Chip said April 8th). Thank you Chip. See I make mistakes all over the place and I'm okay with that. So I can't ask you and you can't give us specific direction on pulling things in or out or changing language tonight in programs. I do believe and counselor you can correct me if I'm wrong, you are free to discuss what you have said in the past if you choose so we know what to do when we come back for adoption on April 8th. We're not looking for direction on whether to pull something out or take something out specifically...how'd I do Brian?

13:28 Brian Pierik: B+...to give you an A I would just add so there's no mistake about it. The decision on whether or not to keep the city owned sites in the Housing Element or not will not be made until Monday, April 8th and the decision on what language to put in on the Surplus Land Act will be made on April 8th. Tonight as you heard the comments from Mr. Swanson and we'll be hearing from the public as well you should consider all that and when it comes back on April 8th is when you'll be making the decision on those two. (14:06)

###

The very guidebook prepared by the State with regard to permissible sites clearly states, “Sites controlled by exempt entities can be used to accommodate RHNA *when documentation can be provided that demonstrates the likelihood that the planned housing will be development within the current RHNA/housing element cycle.*” (emphasis added)

Simply put, alternate City owned sites or other open sites that do not have any current beneficial government use that are within the purview of The Surplus Land Act must be utilized if available with reasonable accommodation. **It is a matter of being honest with the State. To otherwise submit this Housing Report without disclosing that the current designated sites of the Sunset Center and Vista Lobos are not subject to the Surplus Land Act and without any resolution accordingly is a misrepresentation.**

It now becomes apparent that the Council had the opportunity to remove the specified properties because of their evident public purpose and *not only did not do so, they made an express commitment in the present report to make the properties available in a document that was responsive to the state but not public.* In November, the City was told BY THE STATE that if “redevelopment of the city owned sites did not appear likely, that the response to the State should engage in this analysis and *“based on this analysis the [housing] element should either remove the sites or add or modify.”* (italics added)

Instead the Council has not only gone back on its public representations with respect to the present report, it has failed to remove the three indicated sites from the inventory and it has maintained the current language indicating that these sites are by the terms of its own report, "In short, with some limited flexibility, the City is committed to permitting housing on each of the parcels listed in the table below...."

The intention of Ms. Waffle to declare that the housing report and site selection are subject to a Mitigated Negative Declaration is disingenuous and a misrepresentation. While most people do not understand what a MND means, it is in effect an official declaration that taking away the parking on Sunset and Vista Lobos would have no significant environmental effect even though the additional cars, parking congestion, water, sewage, etc. would have dramatic impact and are all factors which are included within the California Environmental Quality Act (CEQA). This present report is a violation of the statute.

The City Attorney needs to explain if the Council has complied with the requirements of the statute in terms of the land availability.

The language in the present document is a repudiation of representations made by this Council to assure the community that the three sites would not be promised as locations for redevelopment. They are not reasonably subject to redevelopment. They should be removed. That

action is an honest response to the State inquiry regarding development potential and it is an honest response to the community acknowledging the needs of the Carmel by the Sea community.

Thank you,

Michael J. McWalters

Jeanne H. McWalters



Carmel, California

**Carmel-
by-the-Sea****4**

Nova Romero <nromero@ci.carmel.ca.us>

City of Carmel-By-The-Sea

APR 08 2024

Office of the City Clerk

Ferlito's Conflict of Interest

1 message

Mike McWalters <[REDACTED]>

Sun, Apr 7, 2024 at 1:20 PM

To: bpierik@ci.carmel.ca.us, dpotter@ci.carmel.ca.us, brichards@ci.carmel.ca.us, Karen Ferlito <kferlito@ci.carmel.ca.us>, jbaron@ci.carmel.ca.us, adramov@ci.carmel.ca.us, Nova Romero <nromero@ci.carmel.ca.us>

Hello Mayor Potter & Mayor Pro Richards & Councilmembers Ferlito, Baron, Dramov & City Attorney Pierik,

(Nova, please post this in "public correspondence" for Monday's meeting. Thank you)

I only learned 4 days ago that Councilmember Ferlito, after co-chairing the ad hoc affordable housing committee for 17 months, has had a 25 year relationship with LandWatch Monterey County. She was a founding member of LandWatch Monterey County in 1999 & on their Board from 2009-2017.

I was surprised Ferlito did not disclose her relationship with LandWatch Monterey County because LandWatch Monterey County works "to enhance Monterey County's future by addressing affordable housing, climate change, reliable water supplies & related land & water use policies." (LandWatch Monterey County website)

While serving on our Carmel by the Sea (CBTS) ad hoc committee on affordable housing for the last 17 months & having a 25 year relationship with LandWatch Monterey County, Ferlito has a conflict of interest & has a duty to disclose it as a duly elected public official of Carmel by the Sea.

By not disclosing her 25 year relationship with LandWatch Monterey County, Ferlito violated the "Common Law Doctrine against conflict of interests", an opinion written by State of California Attorney General Edmund G. Brown Jr. on January 14, 2009.

According to Attorney General Brown, Councilmember Ferlito, as a duly elected public officer, "is impliedly bound to exercise the powers conferred on her with disinterested skill, zeal, & diligence & primarily for the benefit of the public."

Brown goes on to say, "Fidelity in the agent (Ferlito) is what is aimed at, & as a means of securing it, the law will not permit her to place herself in a position in which she may be tempted by her own private interests (LandWatch Monterey County) to disregard those of her principal (CBTS constituents)." In my opinion, this is exactly what Ferlito did.

In other words, publicly elected officials are supposed to disclose to their constituents any relationship that may appear to be a conflict of interest.

Councilmember Ferlito failed to do this. Why?

Let's pretend that Ferlito disclosed her relationship with LandWatch Monterey County at either of the first 2 ad hoc affordable housing meetings on 11/18/2022 & on 2/28/2023. For me, Ferlito would be saying to me, "Mike, don't worry, I have your back. I'm here representing your interests. I'm not here running this ad hoc committee for the benefit of LandWatch Monterey County." But she didn't do that. Why didn't she disclose her relationship with LandWatch Monterey County?

After thinking about it for the last 4 days, I've concluded that Ferlito did not tell us about her 25 year relationship with LandWatch Monterey County because her work on Carmel by the Sea's affordable housing ad hoc committee was really for LandWatch Monterey County & for LandWatch Monterey County's interests, & not for the interests of her CBTS constituents.

2 primo examples of LandWatch Monterey County's influence in our 6th Cycle Housing Element Update: First, Serra School & Flanders Mansion were left off the list of sites for affordable housing. Why? Urbanization, densification & net zero" are hallmarks of LandWatch Monterey affordable housing aims & both of these sites, Serra School & Flanders Mansion are too far away & do not fit their ethos of urbanization, densification & net zero.

Second, LandWatch Monterey hates automobiles. Quoting from a LandWatch Monterey Letter dated July 6, 2023 to the "City of Carmel Housing Team" is the following: "The City has proposed Program 3.1.E: Reduced Parking Requirements-AFFH, but it's policy could further remove development barriers by significantly reducing parking by setting maximum parking requirements for new developments or completely eliminating parking requirements." This statement explains why Councilmember Ferlito has affordable housing going into the Sunset North & South parking lots & affordable housing going into Vista Lobos parking lot.

Disclosing a conflict of interest by a public official preserves transparency & trust in government.

Ferlito is supposed to be representing our interests & to me, she is representing LandWatch Monterey County & their interests as you read in the previous 2 examples.

In my opinion, Ferlito violated the public trust by not disclosing her 25 year relationship with LandWatch Monterey County & in so doing, Ferlito invalidated the CBTS 6th Cycle Housing Element Update & the Housing Element Update is further tainted by Ferlito working on our Housing Element Update on behalf of LandWatch Monterey County instead of for her constituents in CBTS, in my opinion.

So what happens now?

Recusing Ferlito from voting on the Housing Element Update on Monday 4/8/24 isn't enough.

4/8/24, 11:40 AM

Carmel-by-the-Sea Mail - Ferlito's Conflict of Interest

Obviously, Ferlito should never have been appointed to co-chair the ad hoc committee for affordable housing in the first place.

Why was she appointed to co-chair this ad hoc committee? Mayor Potter can answer that question.

For me, City Hall has to start all over again with 2 new co-chairmen for the 6th cycle housing element update.

It's a shame. Pity it wasn't done correctly in the first place.

Furthermore, I cannot discount her influence on Councilmember Richards during the last 17 months either because the both of them co-chaired this ad hoc committee.

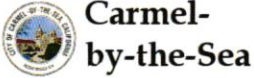
Richards also has to recuse himself from voting on this sham called the 6th Cycle Housing Element Update.

Ferlito & Richards should be ashamed of themselves.

Michael McWalters, [REDACTED]

Sent from my iPhone

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Nova Romero <nromero@ci.carmel.ca.us>

Fwd: Neighborhood Opposed to Building on an Already Congested Street

2 messages

Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
To: Nova Romero <nromero@ci.carmel.ca.us>

Mon, Apr 8, 2024 at 9:38 AM

Public comment on the housing element.

Best regards,

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
Community Planning & Building
(831) 620-2010 main
(831) 620-2057 direct
www.ci.carmel.ca.us

City of Carmel-By-The-Sea

APR 08 2024

Office of the City Clerk

[Redacted]
Date: Mon, Apr 8, 2024 at 5:14 AM
Subject: Neighborhood Opposed to Building on an Already Congested Street
To: [Redacted], Marnie R. Waffle <mwaffle@cbts.us>

Dear Council and City Planning,

After living through 3 years of two new houses being built on Mission Street we are very concerned that there will be more congestion on Mission St. for a long time.

I am in favor of affordable housing - but can we cut the Sunset project in half? Shame to destroy the historical south lot.

We could not get out of our driveway two weeks ago when my husband had his 2nd stroke. Having trucks blocking family homes is not okay.

A few questions we would like to have answered:
Sunset North Lot anticipated start date. Confirmation that South Lot is not going forward
Length of project
How long will it take to dig and get parking completed in North Lot?
Where will the current cars be parked during construction
Entrance to project. Using the North lot's existing entrance would help some of the safety - congestion issues.
How can you get water when the news is saying we are years away from obtaining water?
Sunset is already in a congested area with Carmel Foundation, Women's Club, and downtown commercial area.

San Carlos is a major truck route! The Sunset programs have always been a financial and historic plus for Carmel. How will you support performances when folks cannot park for a long time?

.Thanks for answering these concerns.

Sincerely,
Mary & DeWitt Gifford



Nova Romero <nromero@ci.carmel.ca.us>

Mon, Apr 8, 2024 at 11:34 AM

To: Jeff Baron <jbaron@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Alissandra Dramov <renewcarmel@outlook.com>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>

Cc: Chip Rerig <crerig@ci.carmel.ca.us>, Brian Pierik <bpierik@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>, "Marnie R. Waffle" <mwaffle@ci.carmel.ca.us>

Correspondence for 4/8 CC Meeting.



Nova Romero, MMC

City Clerk

City of Carmel-by-the-Sea

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