



March 23, 2021

Via Email

Erik Ekdahl
Deputy Director, Division of Water Rights
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812
Erik.Ekdahl@waterboards.ca.gov

Re: Relief from Condition 2 of WR 2009-0060 and WR 2016-0016 Cease and Desist Order (CDO) for Affordable Housing and Climate Stabilization

Dear Mr. Ekdahl:

The Monterey Peninsula needs affordable housing; it needs to comply with California state mandates to facilitate housing production; and it needs more compact and affordable housing in cities to achieve California's climate goals. The current prohibition on the Monterey Peninsula of installation of new meters or increases in use of water at existing sites is frustrating progress toward these critical goals.

Accordingly, LandWatch Monterey County supports the Monterey Peninsula Water Management District's (MPWMD's) Application for Order Modifying State Water Board Order WR 2016-0016 and WR 2009-0060 (Cease And Desist Order).

MPWMD's application properly asks the SWRCB to use its discretion to balance State interests in two co-equal concerns: protecting the Carmel River and solving the housing crisis. As MPWMD's Application explains, the Housing Crisis Act of 2019 (SB 330) articulates the Legislature's recognition of the housing crisis as a health and safety concern and its policy to remove impediments to housing production. The Legislature has previously articulated a policy to prioritize water supplies for affordable housing. (Gov. Code, § 65589.7.) And the Legislature has enacted numerous other reforms and incentives to facilitate and expedite the construction of affordable housing, including, inter alia, changes to the Housing Element Law, restrictions on disapproval of housing developments, changes to the Density Bonus law, provisions for accessory dwelling units, provisions for by-right multifamily housing, limitations on downzoning, changes to housing litigation rules, new anti-discrimination rules, limits to housing moratoriums, and streamlining various kinds of housing approvals. (See Gov. Code, § 65582.1 [compiling housing legislation].)

As MPWMD explains, the Legislature's housing priorities for the Peninsula are now completely frustrated by the State Water Resources Control Board's (SWRCB's) Cease and Desist Order. LandWatch joins MPWMD in asking that the SWRCB modify the CDO to permit some new hookups and increase use at existing sites to accommodate a limited number of affordable housing projects.

MPWMD's cover letter identifies the Fifth Cycle (2014-2023) Regional Housing Needs Allocation (RHNA) for Peninsula cities as 1,271 units. We are advised that the Sixth Cycle allocation to the Monterey Bay Area jurisdictions is likely to be 2.5 to 3 times higher, based on the Sixth Cycle allocations made to other Metropolitan Planning Organizations. A jurisdiction's Regional Housing Needs Allocation is supposed to represent the *minimum* housing production needed in each jurisdiction to avoid run-away price escalation, overcrowding, and homelessness.

Furthermore, the Fifth Cycle RHNA does not even accurately measure the unmet need for affordable housing in the Peninsula jurisdictions. Peninsula RHNA numbers were substantially reduced in comparison to other County jurisdictions based on the lack of an available water supply due to the CDO.

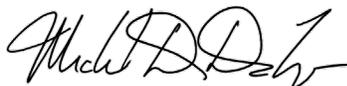
In sum, there is a critical and growing need for affordable housing on the Peninsula to serve the people who commute from Salinas Valley and other areas each day work in hospitality and other low-wage industries. Unless the SWRCB provides some relief, the Peninsula jurisdictions will be unable to make *any* progress on affordable housing.

For perspective, MPWMD seeks an exemption for 75 AF of water – less than 1% of the 10,000 AFY of water use currently in the District. Projects that are 100% market rate would be excluded from using the water. Importantly, within the next few years, this temporary allocation should be moot as either Pure Water Monterey or desalination comes on line and there would be sufficient water for all development on the Peninsula.

LandWatch's mission is to promote sound land use policies that better our community — its long-term economic vitality, high agricultural productivity, environmental health, and social equity. Locating affordable housing close to Peninsula employment centers is a cornerstone of sound, environmentally responsible and equitable land use policies.

As set out in MPWMD's Application, the SWRCB has the authority and discretion to alter the CDO to address this health and safety crisis. LandWatch urges it to do so.

Sincerely,



Michael D. DeLapa
Executive Director