

## Nicholas Brown

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**From:** Mike Reis <reismj88@gmail.com>  
**Sent:** Friday, March 21, 2025 6:56 PM  
**To:** Nicholas Brown; County Counsel  
**Subject:** Re: 841 Capitola Road - 63 unit, 5 story development in Live Oak?

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Hi all,

Quick correction to my original email:

5. Workbench is requesting (and expecting without contention) a parking provision waiver to reduce the required ratio of spaces / units. As they note in their proposal, they would normally be required to provide 71 spaces (a combination of 1.0 and 1.5 spaces / units, per Santa Cruz County Code 13.16, table 050 or 69515(p)(1) ~~CDBL 20.32.060 (4)~~). They're requesting their waiver by claiming proximity to a "mass transit hub" (the bus stops on Capitola and 7th). **At the state level, CDBL (69515) provides a mechanism for the City or County to enforce a larger ratio (though not to exceed what's set forth in 69515(p)(1) ~~CDBL 20.32.060~~ if there has been a parking study performed in the last 7 years (69515(p)(7)).** There is no evidence that this has been done, and given the **real and obvious concerns with parking and traffic in this section of Live Oak**, I believe this study **must be conducted as soon as possible**

1. For reference, there is essentially **zero** parking on Capitola road and 7th ave due to bike lanes - the same goes for Grey Seal Road, which has at most 5 spaces before and after commute times

I had incorrectly cited the county code from Newport Beach. I replaced the references with the overruling sections from State law (CDBL, 69515). Santa Cruz County's density bonus code, 17.12.020 (eligibility) and 17.12.090 (parking) largely cite 69515 (including when defining the required ratio of parking / unit). I will note that 17.12.020 says that the county "may require reasonable documentation" to justify a waiver, whereas 69515(p)(7) specifically calls for a parking study.

Thanks - looking forward to discussing these with you further.

On Thu, Mar 20, 2025 at 9:05 PM Mike Reis <[reismj88@gmail.com](mailto:reismj88@gmail.com)> wrote:

Hello Jason, Nicholas

I am reaching out to you two as part of a broader effort to get visibility and traction regarding concerns raised about the 63 unit development on 841 Capitola road.

I am a current resident on Grey Seal Road, in Santa Cruz. I was recently made aware of an ongoing development proposal for 841 Capitola Road, by Workbench, that seeks to build a **63 unit, 5 story building on a lot currently zoned SFR**. I will add that, as of 2/24 when I physically reviewed the application, Workbench was providing **33 parking spaces** (including 3 ADA). The residents of Grey Seal

Road have been in contact with a few people at the County office (namely Jonathan DiSalvo), however several technical questions and concerns remain unanswered - the community meeting is now scheduled for April 1st and represents one of the **final steps** in their application process. Below is a list, with edits based on recent communications, of our concerns that we are looking to have addressed.

1. The original PA241013 application did not include [Government Code Section 65589.5\(d\)](#) requirements for housing developments for deed-restricted affordable units, which are REQUIRED for the development to be considered eligible for Builder's Remedy.\* Since neither the original April 9, 2024 SB330 application nor the subsequent October 2024 meet the requirements to invoke Builder's Remedy (namely, do not meet the requirement of 20% affordable units), how can the proposal continue to claim that it is a Builder's Remedy project? The original applications failed to meet the Builder's Remedy criteria, so the application should be subject to the County's zoning and general plan now that the 6th Cycle HE is certified
  1. According to [Government Code Section 65589.5\(d\)](#), for a housing development project to qualify for the "Builder's Remedy", the project must be a housing development project for "very low, low-, or moderate-income households" as defined. To meet this definition, the project must meet one of three requirements for deed-restricted affordable units; specifically, and [citing AMBAG's technical overview](#), the housing development project **must** meet one of the following three requirements:
    - 20% of the total units sold or rented to lower income households;
    - 100% of the units sold or rented to moderate income households; or
    - 100% of the units sold or rented to middle income households
2. AB1893 does not allow for a project that was not deemed complete (which the County's 11/1/24 letter asserts is the case for Application 241371, as do emails to us at the end of Jan 2025 and beginning of Feb 2025) to utilize the provisions of Gov Code 65589.5(f)(7). Since Gov Code 65589.5(f)(7) does not apply to the Applicant's resubmission because the original application was not deemed complete as of 1/1/2025, the Applicant's 1/30/2025 resubmission is not allowable because it is a 97% increase from the April preliminary application, which would require the Applicant to re-submit as a new application (which is not possible, because the County has a certified 6th Cycle HE). Therefore, the Applicant should not be entitled to another 90-day extension for resubmission
  1. 65589.5 (h)(5) states that an application is "deemed complete" if they submitted a *preliminary application* - this clause was added in AB1893, however 65941.1 (d) remains in effect. It appears that 65589.5 (h)(5) is being interpreted to give **all** existing preliminary applications (both before and after January 1st, 2025) an exemption when it comes to the 20% revision requirement - given the 20% requirement was left untouched in the state law for 2025, I would argue that the intent is for it to continue to be applied to preliminary (not complete) applications and that the current interpretation is skewed favorably in the applicant's interest
    1. [65941.1 \(d\)](#), introduced in SB330, states that "after the submittal of a preliminary application...a housing development project **would not be deemed to have submitted a preliminary application**...if the development proponent revises the project such that the number of residential units or square footage of construction **changes by 20% or more**..."
    2. [65589.5 \(f\) \(7\) \(B\)](#), introduced in AB1893, states "for a housing development project deemed complete before January 1 2025, the development proponent may choose to revise their application so that the project is a builder's remedy project, without being required to resubmit a preliminary application, even if the revision results in the number of residential units or square footage of construction changing by 20 percent or more"
    3. [65589.5 \(h\) \(5\)](#), introduced in AB1893, states that "Notwithstanding any other law, until January 1, 2030, "deemed complete" means that the applicant has

- submitted a preliminary application pursuant to Section 65941.1 or, if the applicant has not submitted a preliminary application, has submitted a complete application pursuant to Section 65943. The local agency shall bear the burden of proof in establishing that the application is not complete."
3. The applicant submitted a signed PLG-130 form on 1/30/2025 (a **Thursday**), but it is not clear how they were able to upload the required documents within the timeframe required by the County's notice (Nov 1, 2024) considering PLG-130 requires an appointment be scheduled to upload the revised proposal **after** the signed form is submitted
    1. Form PLG-130 states (**emphasis mine**):
      1. *"To resubmit your application materials (except for vacation and hosted rental permits), request an appointment by emailing: [Discretionary.ePlanReview@santacruzcountyca.gov](mailto:Discretionary.ePlanReview@santacruzcountyca.gov). Please provide the application number in your request. **Upon receipt of your resubmittal request, staff will notify you of your resubmittal appointment date, which will be a Monday unless it is a holiday.** On your appointment date, the intake team will "unlock" the portal and notify you by email that you may upload your files. Once the portal is unlocked, log into ePlan, upload your files, and click "Send Notification" to finalize submitting your materials. The deadline to upload your files is 11:59 PM of the day following your appointment. Failure to upload your files will prompt a rescheduling of your intake appointment to the next available date."*
  4. The County's Nov 1, 2024 notice of incomplete application letter states:
    1. "In the interest of ensuring development applications are processed in a timely manner, resubmittals must be received within ninety (90) days of this letter, or the application shall be deemed abandoned. (Gov. Code §65941.1(d)(2)).) Thus, you have until **1/30/25**, to **submit all of the information required in this letter**. Pursuant to Section 18.10.430 of the Santa Cruz County Code and Section 65941.1 of the Government Code, failure to timely submit the required information may lead to abandonment of your application and forfeiture of fees. Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing."
    2. **If, per Form PLG-130, the Applicant has to wait for the Monday after a signed submission (1/30, in this case) to have an appointment and to upload application files**, then this appointment should have been scheduled for **February 3, 2025**, at which time the Applicant would have been able to upload their resubmittal files. **Was this the case, and the Applicant actually submitted (uploaded) the revised application files on or after Feb 3, 2025?** If the Applicant was allowed to resubmit files in a manner other than as specified on Form PLG-130, why was this exception granted and what was the justification for an exception?
    3. If this is the case, then the Applicant did not by 1/30/2025 "submit all of the information required in the [Incomplete Application] letter" dated 11/1/2024, and the Application should be deemed abandoned? (**please clarify**).
  5. Workbench is requesting (and expecting without contention) a parking provision waiver to reduce the required ratio of spaces / units. As they note in their proposal, they would normally be required to provide **71** spaces (a combination of 1.0 and 1.5 spaces / units, per Santa Cruz County Code 13.16, table 050 or CDBL 20.32.060 (4) ). They're requesting their waiver by claiming proximity to a "mass transit hub" (the bus stops on Capitola and 7th). CDBL provides a mechanism for the City or County to enforce a larger ratio (though not to exceed what's set

forth in CDBL 20.32.060) **if there has been a parking study performed in the last 7 years.** There is no evidence that this has been done, and given the **real and obvious concerns with parking and traffic in this section of Live Oak**, I believe this study **must be conducted as soon as possible.**

1. For reference, there is essentially **zero** parking on Capitola road and 7th ave due to bike lanes - the same goes for Grey Seal Road, which has at most 5 spaces before and after commute times
6. On a subjective note, there does not seem to be any consideration given by Workbench towards the **identity of Live Oak**, nor the safety of the children who live on Grey Seal Road
  1. A 5 story building would likely be the largest structure in Live Oak
  2. 63 units worth of residents driving through Grey Seal would **significantly and adversely impact the lives of our children**, who currently use the cul-de-sac for outdoor play
  3. There is no evidence that an impact study has been done regarding the influx of 63 new units (including families) on our local infrastructure, community, and schools

I understand that this application is still in progress, however given *how long* this application has been in process for, I believe answers to the questions above should not be gated by yet another 30d review period.

Thank you for your time and attention to this matter,

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Michael Reis  
(c) 732 754 8197  
(e) [reismj88@gmail.com](mailto:reismj88@gmail.com)

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Michael Reis  
(c) 732 754 8197  
(e) [reismj88@gmail.com](mailto:reismj88@gmail.com)

## Nicholas Brown

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**From:** Gayne Barlow-Kemper <gaynebk@gmail.com>  
**Sent:** Friday, March 21, 2025 3:06 PM  
**To:** Nicholas Brown  
**Subject:** Fwd: 841 Capitola Rd housing proposal

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

So sorry, I sent the email before I signed it.  
Gayne Kemper  
1725 Grey Seal Rd

Sent from my iPad

Begin forwarded message:

**From:** Gayne Barlow-Kemper <gaynebk@gmail.com>  
**Date:** March 21, 2025 at 3:02:01 PM PDT  
**To:** Nicholas.brown@santacruzcounty.us  
**Cc:** Molly Brame <mollybrame2005@yahoo.com>  
**Subject:** 841 Capitola Rd housing proposal

Dear Sir,

I am writing to let you know how the proposed 5 story apt. Building at 841 Capitola Rd will negatively impact our neighborhood.

Grey Seal Rd is a small cul de sac with single family homes that will be totally overwhelmed with that size of a building. The traffic will be intolerable, the parking is nonexistent. We already have very few on -street parking spaces and there is no parking on Capitola Rd.

Grey Seal is too narrow for the number of cars that will need to use it for egress to and from the apts. The children living on Grey Seal will loose the area where they play.

I am not against building apartments on the property, I just am requesting that the development be in tune with the neighborhood. Please do not over power our community with such a large development.

Sent from my iPad

## Nicholas Brown

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**From:** Mike Reis <reismj88@gmail.com>  
**Sent:** Thursday, March 20, 2025 9:06 PM  
**To:** Nicholas Brown; County Counsel  
**Subject:** 841 Capitola Road - 63 unit, 5 story development in Live Oak?

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Hello Jason, Nicholas

I am reaching out to you two as part of a broader effort to get visibility and traction regarding concerns raised about the 63 unit development on 841 Capitola road.

I am a current resident on Grey Seal Road, in Santa Cruz. I was recently made aware of an ongoing development proposal for 841 Capitola Road, by Workbench, that seeks to build a **63 unit, 5 story building on a lot currently zoned SFR**. I will add that, as of 2/24 when I physically reviewed the application, Workbench was providing **33 parking spaces** (including 3 ADA). The residents of Grey Seal Road have been in contact with a few people at the County office (namely Jonathan DiSalvo), however several technical questions and concerns remain unanswered - the community meeting is now scheduled for April 1st and represents one of the **final steps** in their application process. Below is a list, with edits based on recent communications, of our concerns that we are looking to have addressed.

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I understand that this application is still in progress, however given *how long* this application has been in process for, I believe answers to the questions above should not be gated by yet another 30d review period.

Thank you for your time and attention to this matter,

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Michael Reis  
(c) 732 754 8197  
(e) [reismj88@gmail.com](mailto:reismj88@gmail.com)



## Nicholas Brown

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**From:** R Gerbs <riley.gerbrandt@gmail.com>  
**Sent:** Monday, March 24, 2025 2:02 PM  
**To:** Manu Koenig; Nicholas Brown  
**Cc:** oppose841capitolaroad@gmail.com; Jamie Sehorn; Jonathan DiSalvo  
**Subject:** Misrepresentation of 841 Capitola Road project in Supervisor Koenig's recent email newsletter

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Hi Supervisor Koenig,

We are frustrated, as neighbors to 841 Capitola Road, that the imagery and language utilized in your newsletter that we just received by email is misleading and inaccurate.

Firstly, the imagery used in your newsletter is grossly inaccurate. The image used in your newsletter is from a prior application, and is no longer relevant. The image in your newsletter is for a two-building, 3-story, 28-unit development. The current proposal by the disingenuous Workbench group is for a 5-story, 63-unit single-building development. The imagery used in your newsletter (see copy below) makes the development seem more benign than it really is, and **we strongly urge you** to send out an updated newsletter indicating this mis-information and use an image that shows the truth of the situation.

Secondly, your newsletter espouses the "benefits" of the project, such as sustainable design and "landscaped open spaces", when in fact the developer proposes to nearly cover the property with a building and parking lot. There is extremely limited landscaping. This project will have a really negative impact on the local neighborhood, and **we strongly urge you** to send out an updated newsletter that also lists the negative aspects of this development that you should also be highly concerned about as our representative.

Workbench is not a community-first organization. Rather, they donate large sums through lobbyist groups to lobby our state representatives to force disrespectful developments into local communities without regard for community concerns or input, and they do it solely to maximize their monetary benefit, as we have experienced from their prior work in Santa Cruz.

Sincerely,  
Riley Gerbrandt

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**841 Capitola Road Project Meeting**  
**Tuesday, April 1st, 7:00 pm**



*Image: A design for apartments at 841 Capitola Road. Plans have been updated since this rendering. For the latest, attend the community meeting next week.*

Plans are underway for a 63-unit multi-family development at 841 Capitola Road. This is a Builder's Remedy project, meaning that under state law the County has very limited options to alter the project. Currently the project includes:

- Factory-built modular design
- Sustainable design with rooftop solar panels
- Landscaped open spaces & private balconies
- Common terraces for residents to enjoy

Attend the upcoming informational community meeting to learn more about the proposal - don't miss this opportunity to ask questions and stay informed.

**WHEN**

Tuesday, April 1, 2025 | 7:00–8:30 PM

**WHERE**

(Online): [Zoom Meeting Link](#)

Meeting ID: 873 6854 5479

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Riley Gerbrandt, P.E., M.ASCE  
Professional Civil & Geotechnical Engineer

Email: [Riley.Gerbrandt@gmail.com](mailto:Riley.Gerbrandt@gmail.com)  
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## Nicholas Brown

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**From:** Gayne Barlow-Kemper <gaynebk@gmail.com>  
**Sent:** Tuesday, March 25, 2025 3:43 PM  
**To:** Manu Koenig  
**Cc:** Nicholas Brown; Jonathan DiSalvo; County Counsel; oppose841capitolaroad@gmail.com  
**Subject:** 841 Capitola Rd

\*\*\*\*CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Supervisor Kooning and Commissioner Brown, I am writing this message to you both in the hopes that I will get a response from at least one of you regarding the proposed building site at 841 Capitola Rd.

As you have already been told, the site, which is less than one acre, is being developed by Workbench. My community has questions and concerns regarding this proposed building which have not been addressed.

First, the 5 story building with 63 units will over power the small acreage it would be set on. It will block out the sun for at least half of each day and destroy any semblance of privacy we now have.

Second, the ground is not fit for that large of a development. The water run off will swamp our yards. Personally we just put in \$2000 worth of piping to ensure water in our yard drained properly and stopped flooding ourselves and our neighbors.

Third, traffic concerns are paramount. Presently we have very little on street parking on Grey Seal Rd. It is difficult to turn onto Capitola from Grey Seal. Having between 63 and 123 additional cars residing in the new development will cause more than a parking crisis. Grey Seal Rd is a small road and when families and guests park on the street, two cars can hardly pass each other. We are considerate and wait for each other to pass by before trying to go ahead. What would it look like if so many extra cars were speeding down our small street? And on garbage days the street is almost impassable with garbage cans restricting further ability to park, or cans having to be put out into the street because cars have parked at the curb in their way.

Another issue I am quite concerned about is Workbenche's ability to use the Builders Remedy to push this oversized and inappropriate building into our small community. Unfortunately SC County didn't get their revised plans in on time, but their original ones were submitted on time. The county was not given any additional time from the state to revise and resubmit. When Workbench submitted their proposals and they were not accepted, they were given extra time to resubmit. A couple times this happened and each time the size of the project increased. We have gone from a 15 townhome development to a 5 story megalopolis. Each proposal gave less thought to the local community and how the development will affect us all. The largest building in Live Oak does not belong stuffed into our small family centered community.

Lastly, we are not against developing the property, we recognize the need for housing is great in Santa Cruz. However, this proposed development, due to the probable high cost of the units, will not be available for our neighbors in need. It will most likely be filled with high tech individuals from the Bay Area.

If you want to help the working folks of Santa Cruz county, build an appropriate low cost housing unit, the teachers, nurses and this neighborhood would thank you for it.

Gayne Kemper  
1725 Grey Seal Rd  
443-386-6085.  
Sent from my iPad

\*\*\*\***CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.\*\*\*\*

Hello Supervisor Koenig and Nicholas,

My neighbors and I have been seeking to get clarity on a lot of aspects of the proposed development by Tim Gordin (owner of the LLC that holds title to the property) and Workbench, his development company through which the development applications have been made to the County.

We ask that the County sit down with us, either virtually and/or in person, for an appropriate length of time to step through our questions and concerns, and to provide us answers and resolution.

We will continue to reach out to you by email and phone until we receive your reply

We have reached out to Jonathan DiSavio (lead planner), Jocelyn Drake, and Stephanie Hansen, as well as to the Supervisors Office, multiple times over the past four years seeking answers to various development proposals. Our questions have not satisfactorily been answered, nor have we felt meaningfully engaged with despite receiving some lengthy responses from Planning staff.

This is a complicated situation, we understand, but we are seeking answers, and it is very difficult for us to navigate the complex County system or to know to whom to ask questions and how to do so. Especially when all we can receive are half answers from staff via email. We feel that more thorough explanations for our concerns are required, given the magnitude and severity of the proposed development by our insensitive neighbor (who has thus far refused to engage with us regarding our concerns, telling us that "our questions will be answered later").

Workbench is proposing an inappropriate, huge 5 story building in our nice Live Oak suburban neighborhood. They are proposing a 63 unit, 5 story building on less than an acre of land with virtually no parking. Our street, Grey Seal Rd, is a cul de sac where children play, where there is very limited on street parking, and where it is difficult to turn onto busy Capitola Rd from.

We are not against developing housing on this smallish parcel, but feel that the size of the development is totally inappropriate for the surrounding area.

Thank you,  
Riley Gerbrandt

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Riley Gerbrandt, P.E., M.ASCE  
Professional Civil & Geotechnical Engineer

Email: [Riley.Gerbrandt@gmail.com](mailto:Riley.Gerbrandt@gmail.com)  
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