From: Amanda Skinner <askinner@adobe.com>

**Sent:** Friday, April 11, 2025 7:37 PM

To: Nicholas Brown

**Subject:** Question for an area of our county

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

Hi Nicholas,

I am not sure if you're the right person to connect with, but you're the first email address I found on the planning committee agenda from the April 9 meeting.

I am a resident of Santa Cruz. I live over on Portola st the Shearwater apartment's, across from the Live Oak library. If you are familiar there is a beautiful reservoir there that has many ducks and they continuously get hit on the road in Portola because traffic is so bad and people speed through without regard for them, myself and the other neighbors try to usher them back over to the water and avoid this in cars sometimes slow down but it's a seriously dangerous intersection and I also worry about humans trying to cross. Drivers often only briefly slow down when they are crossing instead of coming to a full stop, so it's very scary, my apartment has a front row view and it's been bugging me 2 years.

My biggest concern are the ducks. I don't know why they gather so close to the road and I saved a few ducks last week and then today one unfortunately got hit right in front of me. it's just breaking my heart and I want to see what I can do to help, I don't know if that means starting a fundraiser to make some sort of barrier for the ducks to avoid them coming on to the road or even if coming up with like a beautiful billboard that has a duck and it's family (this would go on the library properly with city approval, I think) to show the traffic more clearly that this is a sanctuary zone and they should try to drive a little safer. I really don't know where to begin and I've never tried to reach out to anyone like this so I really hope you don't mind the manner in which this is coming through.

Thanks, Amanda 408.832.4557

From: Michele Petersen <misshelll@yahoo.com>

**Sent:** Monday, April 14, 2025 10:49 AM

To:Nicholas BrownSubject:841 Capitola rd

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Hello my name is Michele r Petersen I live on Capitola rd near the 5 story building being proposed on 841 Capitola rd. This project is so massive it just doesn't fit in to our community. We love our area the way it is. This size is so out of proportion for our neighborhood. It will tower over yards and homes blocking the sunlight, invading privacy and just be an absolute eye sore to look at. Not to mention that a quiet neighborhood will be strongly impacted by lack of parking, more traffic congestion and the destruction of a beautiful cu-de-sac (Grey Seal). My hope is that this project will be massively downsized for a better fit to our community. Statistics show people are leaving Santa Cruz, therefore, there's no need for a project of this magnitude!!. There are plenty of other projects being built in Live Oak. Let's not get ahead of ourselves and keep our community vibe quaint and special. We don't want to be like San Jose. We like Santa Cruz the way it is. That's what makes it so special. Thanks for your time. Michele Petersen.

Sent from my iPhone

From: Oppose Capitola <oppose841capitolaroad@gmail.com>

**Sent:** Sunday, April 20, 2025 10:41 PM

To: Mike Reis

Cc: Jonathan DiSalvo; Manu Koenig; Stephanie Hansen; County Counsel; Nicholas Brown;

Jamie Sehorn

**Subject:** Re: 841 Capitola Road - 2 April follow-up

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We, the neighbors of Mike Reis, agree with his comments and expect a reply.

On Fri, Apr 18, 2025 at 9:41 PM Mike Reis < reismj88@gmail.com > wrote:

Hi Jonathan, thanks for the update. I went ahead and made a records request to review the 04/16 incompleteness letter.

I had a few other questions pertaining to the rest of your email.

First and foremost, since I'm **very** new to the application process, can you please elaborate on the timeline and milestones leading up to the Planning Commission public hearing? You mention that a "staff report" will be created around the time of the public hearing - will this be available for the public to review **before** the hearing? If the Planning Department will not be discussing possible code violations with the affected members of the community, I would hope that there would be sufficient time afforded to us **before** the application goes for a vote at the Commission level.

Regardless of whether you discuss code interpretations with the public or not, what level of scrutiny is expected in this early phase of the process? For example, the Applicant justifies several aspects of their project on criteria that are demonstrably false (65589.5(h)(11)(C)(ii) for base density and 65915(p)(2) for parking ratios being two obvious instances) - will these claims be addressed in the County's incompleteness letters, or will that have to wait until the staff report? In your previous incompleteness letters, you followed up on specific items related to 65915 (specifically, you requested a parking study and proof that their requested concessions would result in cost savings); given this, I'd assume that some level of fact-checking can be expected.

Regarding parking, I made a request to the Santa Cruz County DPW to conduct a parking and traffic study, pursuant to 65915(p)(7), but the Traffic Department bounced the request back to the Planning Department and said that the Applicant would have to run it. As we all know, the Applicant is **refusing** to acknowledge that a parking and traffic study is required. **When will the County conduct this study?** At this point, I've made requests across several emails to different people dating back to January - I have **yet** to receive a response, satisfactory or otherwise. It's **imperative** that this basic technical study be conducted, if for no other reason than to provide the County with the information needed to impose a more realistic parking ratio. It's important to note that, contrary to the Applicant's assertion, the County **does** have the power to impose a higher ratio (65863.2(b) does not apply).

Final two questions are general, and should be independent of any specific revision of the project:

- In response to the County's November letter of incompleteness, the Applicant submitted a signed PLG-130 on 1/30 (the deadline), and pursuant to the process laid out on the form, the portal to upload documents should've been opened **no sooner** than the following Monday (2/3). Despite this, a brand new set of plans was submitted at the same time as the PLG-130 form
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  - What is the minimum bar for granting deadline extensions? It's difficult to imagine how their 1/30 submission could constitute a good faith response.

I appreciate your time responding to these questions.

#### Thanks

On Fri, Apr 18, 2025 at 3:57 PM Jonathan DiSalvo < <u>Jonathan.DiSalvo@santacruzcountyca.gov</u>> wrote: Hello,

To request to review files associated with Application No. 241371, please send a Records Request Form, here: Records Request Form.

Via the aforementioned records request process, you will be able to review the second Incomplete Letter issued to the Applicant on 4/16/25 and the requested time extension correspondence.

I want to assure you your comments have been received and are being taken into consideration. The Department will not be engaging in a discourse over regulatory interpretations at this phase. This application is under review, it is early in the process, and a comprehensive compliance review isn't accomplished until after the application is deemed complete. Any compliance issues with applicable codes/policies/laws will be addressed as part of the staff report associated with the public hearings for this project. Of course, we would encourage you to provide comments as part of any future public hearings. Public hearings will be duly noticed and you are encouraged to participate in these.

## Thank you,



#### Jonathan DiSalvo

Senior Planner

Community Development & Infrastructure

Phone: 831-454-3157

701 Ocean Street, Room 400









From: Oppose Capitola < <a href="mailto:oppose841capitolaroad@gmail.com">oppose841capitolaroad@gmail.com</a>>

**Sent:** Thursday, April 17, 2025 2:41 PM

**To:** Manu Koenig < <u>Manu.Koenig@santacruzcountyca.gov</u>>; Jonathan DiSalvo

<<u>Jonathan.DiSalvo@santacruzcountyca.gov</u>>; Stephanie Hansen <<u>Stephanie.Hansen@santacruzcountyca.gov</u>>; County Counsel <CountyCounsel@santacruzcountyca.gov>; Nicholas Brown <Nicholas.Brown@santacruzcountyca.gov>; Jamie

Sehorn < Jamie. Sehorn@santacruzcountyca.gov>

Cc: Mike Reis <reismj88@gmail.com>

Subject: 841 Capitola Road - 2 April follow-up

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Hi Supervisor and County Staff,

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  - Staff does not have discretion over the density increase, however, staff can work with the Applicant to determine which concessions are waivers would result in the least detriment to the neighborhood and adjoining properties.
- <u>Gov Code Section 65915(b)(1)</u> only discusses manager's units in relation to subparagraph (G) thereof; it is not clear how the Applicant, by mentioning that the Manager's Unit is excluded from

the dwelling unit count, is accounting for a Manager's Unit on the property and if that is in addition to the 28 base + bonus units proposed.

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Thank you in advance,

Citizens of Grey Seal Road and Surrounding Areas

\_\_

Michael Reis

(c) 732 754 8197

(e) reismj88@gmail.com

From: Mike Reis <reismj88@gmail.com>
Sent: Friday, April 18, 2025 9:41 PM

**To:** Jonathan DiSalvo

Cc: Oppose Capitola; Manu Koenig; Stephanie Hansen; County Counsel; Nicholas Brown;

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Community Development & Infrastructure

Phone: 831-454-3157

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- (e) reismj88@gmail.com

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**Sent:** Friday, April 18, 2025 3:57 PM

**To:** Oppose Capitola; Manu Koenig; Stephanie Hansen; County Counsel; Nicholas Brown;

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Cc: Mike Reis

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**Subject:** 841 Capitola Road - 2 April follow-up

Attachments: AB2097 AMBAG Map\_CityofSantaCruz\_2025\_Draft\_030525-1.pdf

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- Gov Code Section 65915(b)(1) only discusses manager's units in relation to subparagraph (G) thereof; it is not clear how the Applicant, by mentioning that the Manager's Unit is excluded from the dwelling unit count, is accounting for a Manager's Unit on the property and if that is in addition to the 28 base + bonus units proposed.
- Gov Code Section 65915(b)(2) stipulates that an applicant requesting a density bonus shall elect whether the bonus be awarded on the basis of one of the subparagraphs (A), (B), (C), (D), (F), or (G) of Gov Code Section 65915(b)(1).
- Gov Code requires that the affordable and market rate units must be comparable.
- No where on the 4/9/24 SB 330 preliminary application document does the application state that it is a Builder's Remedy project (we reviewed the actual document ourselves in the County Records Room).
- Where can we see the agreement document between the Applicant and the County, in which it was agreed to extend the deadline to 3/17/25?
- if Applicant submits a flagrantly incomplete application resubmittal in response to a notice of incompleteness letter, can that be grounds for disproving the application?

Thank you in advance, Citizens of Grey Seal Road and Surrounding Areas

From: Oppose Capitola <oppose841capitolaroad@gmail.com>

Sent: Thursday, April 17, 2025 2:11 PM

To: Mike Reis

**Cc:** Gayne Barlow-Kemper; Mark Deming; Manu Koenig; Molly Brame; County Counsel;

Jonathan DiSalvo; Stephanie Hansen; Nicholas Brown; Edward Kemper; Matt Machado;

Lisi Yang; Kate Poletti

**Subject:** Re: 841 Capitola Rd proposed apt building

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Yes, we would very much like to hear updates on the meeting with DPW about parking and traffic.

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Date: April 7, 2025 at 10:29:55 AM PDT

To: info@santacruzlocal.org

Cc: manu.koenig@santacruzcountyca.gov, Mike Reis

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Subject: 841 Capitola Rd proposed apt building

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Folks these days order everything on line via, Amazon, doordash, Whole Foods, Safeway, etc, not to mention the US Postal Service.

These vehicles will be passing my door continually.

To add to the traffic problems is the issue of turning left onto Grey Seal from Capitola. Presently there is a very small one car left turn lane with a cement divider directly behind it. After driving through the intersection at 7th and Capitola, I have to immediately and guite sharply turn into the left turn lane, where I can sit for some time as cars pass by heading towards the intersection. Any other cars wanting to turn left onto Grey Seal will line up behind mine, thus backing up towards and or into the Capitola/7th Ave intersection. This would cause quite a log jam in that intersection.

I am asking for a traffic study in this area to determine the true impact of a 5 story 63 unit apt building. We have been told by Workbench that they do not need to do this study. Amazing as the impact of their thoughtless proposal will so directly impact the entire neighborhood.

I am not against building on this plot of land. I am actually for building more affordable housing. This is NOT either affordable housing or appropriate for this neighborhood. Scale it back! Pencil it out and try again.

Gayne Kemper

Sent from my iPad

Michael Reis

- (c) 732 754 8197
- (e) reismj88@gmail.com

<Outlook-j2jhfkqc.jpg>

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cars pass by heading towards the intersection. Any other cars wanting to turn left onto Grey Seal will line up behind mine, thus backing up towards and or into the Capitola/7th Ave intersection.

This would cause quite a log jam in that intersection.

I am asking for a traffic study in this area to determine the true impact of a 5 story 63 unit apt building. We have been told by Workbench that they do not need to do this study. Amazing as the impact of their thoughtless proposal will so directly impact the entire neighborhood. I am not against building on this plot of land. I am actually for building more affordable housing. This is NOT either affordable housing or appropriate for this neighborhood. Scale it back! Pencil it out and try again.

Gayne Kemper

Sent from my iPad

Michael Reis

- (c) 732 754 8197
- (e) reismj88@gmail.com

<Outlook-j2jhfkqc.jpg>

Michael Reis

- (c) 732 754 8197
- (e) reismj88@gmail.com

**From:** Gayne Barlow-Kemper <gaynebk@gmail.com>

Sent: Tuesday, April 8, 2025 8:20 PM

To: Mark Deming

**Cc:** Manu Koenig; Manu Koenig; Molly Brame; Oppose Capitola; County Counsel; Jonathan

DiSalvo; Stephanie Hansen; Nicholas Brown; Mike Reis; Edward Kemper; Matt Machado;

Lisi Yang; Kate Poletti

**Subject:** Re: 841 Capitola Rd proposed apt building

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Thank you Manu for listening to us regarding the dangerous intersection. Painting the curb at the Capitola st corner will help tremendously. I will be able to look down Capitola to see the oncoming cars. As for less parking, most of the cars parked on that corner of Capitola are unregistered cars, with extensive damage. One has the airbags deployed and the windshield cracked on the passenger side. These are not cars from the neighborhood. All of them have out dated registration tags. I also request that you have the curb painted red only on Capitola, not on Grey Seal. We need the Grey Seal area for the family that lives on that corner.

Manu, you helped us last year, during your reelection, to stop the gas station on the corner from dumping wrecked cars on Grey Seal. Thank you for that, I truly appreciate it. But I am guessing that they are now leaving them on Capitola.

Perhaps another reminder to the station is appropriate?

Thank you very much, I will be waiting for news of the traffic study.

Gayne Kemper.

Sent from my iPad

On Apr 8, 2025, at 5:17 PM, Mark Deming <demcruz@sbcglobal.net> wrote:

Painting curbs red at the Grey Seal intersection might help, but it also reduces parking in the area.

Sent from AT&T Yahoo Mail on Android

On Tue, Apr 8, 2025 at 4:31 PM, Manu Koenig <Manu.Koenig@santacruzcountyca.gov> wrote:

Hi Grey Seal Neighbors,

I will discuss traffic and parking with Planning and Public Works on Thursday. We will also consider painting a portion of the curb red at the Capitola Rd & Grey Seal intersection to improve visibility and prevent accidents.



Manu Koenig
Supervisor, First District
County of Santa Cruz
701 Ocean St, Room 500
Santa Cruz, CA 95060
(831) 454-2200
manu.koenig@santacruzcountyca.gov

From: Molly Brame <mollybrame2005@yahoo.com>

Sent: Tuesday, April 8, 2025 10:28 AM

**To:** Oppose Capitola <oppose841capitolaroad@gmail.com>; Gayne Barlow-Kemper

<gaynebk@gmail.com>

Cc: Manu Koenig < Manu. Koenig@santacruzcountyca.gov>; County Counsel

<CountyCounsel@santacruzcountyca.gov>; Jonathan DiSalvo

<Jonathan.DiSalvo@santacruzcountyca.gov>; Stephanie Hansen

<Stephanie.Hansen@santacruzcountyca.gov>; Nicholas Brown

<Nicholas.Brown@santacruzcountyca.gov>; Mike Reis <reismj88@gmail.com>; Edward Kemper

<ekemper1@umbc.edu>; Matt Machado <Matt.Machado@santacruzcountyca.gov>; Mark Deming

<demcruz@sbcglobal.net>; Lisi Yang <lisiyang868@gmail.com>; Kate Poletti <mkcaye@icloud.com>

Subject: Re: 841 Capitola Rd proposed apt building

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# TRUE!!! I hope that lady is OK! People are CRAZY on Cap Rd!!! :-O

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#### Dear folks.

This is Gayne Kemper again. When it rains it pours. This morning, Tuesday, I walked down Grey Seal towards Capitola. Right there on the corner of the streets, Grey Seal and Capitola, were two Sheriffs cars with blue lights blazing. They were right in front of two old clunkers, one whose registration sticker was 2023. I'm not sure exactly what was going on, a women was sitting on the sidewalk, a car with a smashed bumper near her.

How many accidents / close calls do we have to have before someone in authority will do something about it? If we have this many problems at this intersection now, imagine what it will be like when the monster building, 5 stories 63 units goes up next door? We need the traffic assessment despite what Workbench claims. We don't want a death on our corner.

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On Apr 7, 2025, at 6:10 PM, Oppose Capitola <oppose841capitolaroad@gmail.com>
wrote:

Yes, I second this request. And I am also including County Counsel so the County Attorney knows of this close call by fellow resident, Gayne, and that our community is requesting a traffic study to analyze the impact of the proposed 63-unit development at the end of our street that will add MANY MORE trips in and out of this street.

We contacted County DPW Roads Division, who told us that the Grey Seal Road - Capitola Road intersection is problematic and is not a good place for additional traffic to be coming out of. Maybe a better solution is to have the new development dedicate a public street from Capitola Road to connect to Grey Seal Road, and close the existing entrance to Grey Seal Road with bollards. This would move the intersection with Capitola Road farther from the intersection with 7th, and create a safer intersection while not making 63-units worth of new traffic go through the existing cul-de-sac to get to the new apartment complex.

# Moreover, there are several technical issues with this application, but there are two HUGE technical issues:

- 1. The law the Applicant is citing to reduce the required # of parking spaces to 33 is incorrectly applied. The law says that the required number of spaces per unit unit can be reduced to 0.5 spaces/unit (inclusive of ADA) IF there is a "major transit stop" or a "high-quality transit corridor as included in a regional transportation plan" (California Code, Public Resources Code PRC § 21155). We reached out to AMBAG, who said that there are only two "major transit stops" in Santa Cruz County, and they are both in Downtown Santa Cruz. And there are currently no "high-quality transit corridors" included in the current regional transportation plan. So, according to the Government Code, the Applicant must include a certain whole-digit number of parking spaces ON SITE PER UNIT, with more spaces required for larger units such as 2 bedroom units.
- 2. The revised application submitted 3/17/24 violates the limits for revisions imposed by SB330, and the original 4/9/2024 application is thus "deemed to have [not] submitted a preliminary application" until it resubmits a new SB330 preliminary application (citation) and Government Code Section 65589.5(o)(2) states the County of Santa Cruz can "[subject] the housing development project ... to ordinances, policies, and standards adopted after the preliminary application was submitted" due to 65589.5(o)(2)(E).
  - The Applicant is purported to have elected to have this project be subject to any or all of the provisions of Government Code Section 65589.5. applicable as of January 1, 2025 [citation § 65589.5(f)(7)(A)]. This is supposedly allowable, given that the Applicant had a "deemed complete" SB330 preliminary application as of 1/1/2025.
  - However, Government Code Section 65589.5 modified by AB 1893 says in § 65589.5(f)(7)(B), the following:
    - "Notwithstanding subdivision (c) of Section 65941.1, 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" (emphasis mine).
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remedy project. **HOWEVER**, for the 4/9/2023 SB 330 application for 841 Capitola Road and subsequent full application in October 2024, the SB 330 preliminary application clearly stated that it WAS a builder's remedy project. So, since the existing deemed complete application as of 1/1/2025 was already a builder's remedy project, the application did not need to be revised "so that the project is a builder's remedy project", because it already was a builder's remedy project.

- Therefore, by revising their project so that the number of residential units or square footage of construction increased by 20 percent or more when they submitted their 3/17/2024 application, the 841 Capitola Road development proponent results in their SB 330 application from 4/9/2024 to "not be deemed to have submitted a preliminary application" (Gov Code 65941.1(d)) and the County of Santa Cruz can "[subject] the housing development project ... to ordinances, policies, and standards adopted after the preliminary application was submitted" (Government Code Section 65589.5(o)(2)).
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The infrastructure of this area must be better able to handle what we have now, much less an increase in traffic supporting a new 5 story 63 unit apt. Building. The population in a building of the size Workbench is trying to push through on this neighborhood, will create more close calls which could be amplified many fold; and most likely will result in a crash, as happened to my neighbor a few years ago. Please, I implore you to have a traffic assessment done as soon as possible. I do not want to be a statistic in the obituaries.

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Thank

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Sent from my iPad

Begin forwarded message:

From: Gayne Barlow-Kemper < gaynebk@gmail.com >

Date: April 7, 2025 at 10:29:55 AM PDT

To: info@santacruzlocal.org

Cc: manu.koenig@santacruzcountyca.gov, Mike Reis

<reismj88@gmail.com>

Subject: 841 Capitola Rd proposed apt building

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Michael Reis

- (c) 732 754 8197 (e) reismj88@gmail.com

<Outlook-j2jhfkqc.jpg>

From: Kate Poletti <mkcaye@icloud.com>
Sent: Tuesday, April 8, 2025 5:18 PM

To: Manu Koenig

**Cc:** Molly Brame; Capitola Oppose; Barlow-Kemper Gayne; County Counsel; Jonathan

DiSalvo; Stephanie Hansen; Nicholas Brown; Edward Kemper; Matt Machado; Mark

Deming; Lisi Yang; Ty Poletti

**Subject:** Re: 841 Capitola Rd proposed apt building

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Hi Manu,

Thank you so much for continuing to make our neighborhood and community safe for now and the future. It really makes me happy that you would consider painting the curbs red so that it's better to get out of Grey Seal.

As I've said before the mornings going to school and going to after school activities are hard to get out of the neighborhood. I always count to three before I turn left - my father taught me. I want to keep this neighborhood safe and I believe that we are going in the right direction.

Thanks again, Katie Poletti & kids! 1729 Grey Seal.

Sent from my iPhone

On Apr 8, 2025, at 4:49 PM, Mike Reis <reismj88@gmail.com> wrote:

Thanks Manu,

From my emails with Jonathan, there is no **recent** traffic study for our area ("recent" is 7 years, in the context of 65915(p)(7)). In your meeting with DPW and Planning, you can reference the request that I filed last week - I would be hard pressed to think of a reason **not** to run a traffic study (and parking) given our current situation, so I hope you can help get it initiated immediately. As I mentioned before, if you need a point person to formally request one of these studies in a different way, please let us know.

Thanks

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# **Manu Koenig**

Supervisor, First District County of Santa Cruz 701 Ocean St, Room 500 Santa Cruz, CA 95060 (831) 454-2200

manu.koenig@santacruzcountyca.gov

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Sent: Tuesday, April 8, 2025 10:28 AM

To: Oppose Capitola <oppose841capitolaroad@gmail.com>; Gayne Barlow-Kemper

<gaynebk@gmail.com>

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- <CountyCounsel@santacruzcountyca.gov>; Jonathan DiSalvo
- <Jonathan.DiSalvo@santacruzcountyca.gov>; Stephanie Hansen
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Michael Reis

- (c) 732 754 8197
- (e) reismj88@gmail.com

## **Nicholas Brown**

From: Mark Deming <demcruz@sbcglobal.net>

Sent: Tuesday, April 8, 2025 5:17 PM

**To:** Manu Koenig; Manu Koenig; Molly Brame; Oppose Capitola; Gayne Barlow-Kemper **Cc:** County Counsel; Jonathan DiSalvo; Stephanie Hansen; Nicholas Brown; Mike Reis;

Edward Kemper; Matt Machado; Lisi Yang; Kate Poletti

**Subject:** Re: 841 Capitola Rd proposed apt building

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Painting curbs red at the Grey Seal intersection might help, but it also reduces parking in the area.

Sent from AT&T Yahoo Mail on Android

On Tue, Apr 8, 2025 at 4:31 PM, Manu Koenig <Manu.Koenig@santacruzcountyca.gov> wrote:

Hi Grey Seal Neighbors,

I will discuss traffic and parking with Planning and Public Works on Thursday. We will also consider painting a portion of the curb red at the Capitola Rd & Grey Seal intersection to improve visibility and prevent accidents.

Best, Manu



Manu Koenig
Supervisor, First District
County of Santa Cruz
701 Ocean St, Room 500
Santa Cruz, CA 95060
(831) 454-2200
manu.koenig@santacruzcountyca.gov

From: Molly Brame <mollybrame2005@yahoo.com>

Sent: Tuesday, April 8, 2025 10:28 AM

To: Oppose Capitola <oppose841capitolaroad@gmail.com>; Gayne Barlow-Kemper <gaynebk@gmail.com>

**Cc:** Manu Koenig <Manu.Koenig@santacruzcountyca.gov>; County Counsel <CountyCounsel@santacruzcountyca.gov>; Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>; Stephanie Hansen

<Stephanie.Hansen@santacruzcountyca.gov>; Nicholas Brown <Nicholas.Brown@santacruzcountyca.gov>; Mike Reis

<reismj88@gmail.com>; Edward Kemper <ekemper1@umbc.edu>; Matt Machado

<Matt.Machado@santacruzcountyca.gov>; Mark Deming <demcruz@sbcglobal.net>; Lisi Yang

lisiyang868@gmail.com>; Kate Poletti <mkcaye@icloud.com>

Subject: Re: 841 Capitola Rd proposed apt building

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# TRUE!!! I hope that lady is OK! People are CRAZY on Cap Rd!!! :-O

On Tuesday, April 8, 2025 at 09:59:14 AM PDT, Gayne Barlow-Kemper <gaynebk@gmail.com> wrote:

## Dear folks,

This is Gayne Kemper again. When it rains it pours. This morning, Tuesday, I walked down Grey Seal towards Capitola. Right there on the corner of the streets, Grey Seal and Capitola, were two Sheriffs cars with blue lights blazing. They were right in front of two old clunkers, one whose registration sticker was 2023. I'm not sure exactly what was going on, a women was sitting on the sidewalk, a car with a smashed bumper near her.

How many accidents / close calls do we have to have before someone in authority will do something about it? If we have this many problems at this intersection now, imagine what it will be like when the monster building, 5 stories 63 units goes up next door? We need the traffic assessment despite what Workbench claims. We don't want a death on our corner. Gayne Kemper

Sent from my iPad

On Apr 7, 2025, at 6:10 PM, Oppose Capitola <oppose841capitolaroad@gmail.com> wrote:

Yes, I second this request. And I am also including County Counsel so the County Attorney knows of this close call by fellow resident, Gayne, and that our community is requesting a traffic study to analyze the impact of the proposed 63-unit development at the end of our street that will add MANY MORE trips in and out of this street.

We contacted County DPW Roads Division, who told us that the Grey Seal Road - Capitola Road intersection is problematic and is not a good place for additional traffic to be coming out of. Maybe a better solution is to have the new development dedicate a public street from Capitola Road to connect to Grey Seal Road, and close the existing entrance to Grey Seal Road with bollards. This would move the intersection with Capitola Road farther from the intersection with 7th, and create a safer intersection while not making 63-units worth of new traffic go through the existing cul-de-sac to get to the new apartment complex.

# Moreover, there are several technical issues with this application, but there are two HUGE technical issues:

- 1. The law the Applicant is citing to reduce the required # of parking spaces to 33 is <a href="incorrectly applied">incorrectly applied</a>. The law says that the required number of spaces per unit unit can be reduced to 0.5 spaces/unit (inclusive of ADA) IF there is a "major transit stop" or a "high-quality transit corridor as included in a regional transportation plan" (California Code, Public Resources Code PRC § 21155). We reached out to AMBAG, who said that there are only two "major transit stops" in Santa Cruz County, and they are both in Downtown Santa Cruz. And there are currently no "high-quality transit corridors" included in the current regional transportation plan. So, according to the Government Code, the Applicant must include a certain whole-digit number of parking spaces ON SITE PER UNIT, with more spaces required for larger units such as 2 bedroom units.
- 2. The revised application submitted 3/17/24 violates the limits for revisions imposed by SB330, and the original 4/9/2024 application is thus "deemed to have [not] submitted a preliminary application" until it resubmits a new SB330 preliminary application (citation) and Government Code Section 65589.5(o)(2) states the County of Santa Cruz can "[subject] the housing

development project ... to ordinances, policies, and standards adopted after the preliminary application was submitted" due to 65589.5(o)(2)(E).

- The Applicant is purported to have elected to have this project be subject to any or all of the provisions of Government Code Section 65589.5. applicable as of January 1, 2025 [citation § 65589.5(f)(7)(A)]. This is supposedly allowable, given that the Applicant had a "deemed complete" SB330 preliminary application as of 1/1/2025.
- However, Government Code Section 65589.5 modified by AB 1893 says in § 65589.5(f)(7)(B), the following:
  - "Notwithstanding subdivision (c) of Section 65941.1, 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" (emphasis mine).
- The key phrase from § 65589.5(f)(7)(B) is "so that it is a builder's remedy project". The Legislature clearly envisions that a proponent for a SB330 preliminary application (which previously was not a builder's remedy project) may revise its application so that the project is a builder's remedy project. **HOWEVER**, for the 4/9/2023 SB 330 application for 841 Capitola Road and subsequent full application in October 2024, the SB 330 preliminary application clearly stated that it WAS a builder's remedy project. So, since the existing deemed complete application as of 1/1/2025 was already a builder's remedy project, the application did not need to be revised "so that the project is a builder's remedy project", because it already was a builder's remedy project.
- Therefore, by revising their project so that the number of residential units or square footage of construction increased by 20 percent or more when they submitted their 3/17/2024 application, the 841 Capitola Road development proponent results in their SB 330 application from 4/9/2024 to "not be deemed to have submitted a preliminary application" (Gov Code 65941.1(d)) and the County of Santa Cruz can "[subject] the housing development project ... to ordinances, policies, and standards adopted after the preliminary application was submitted" (Government Code Section 65589.5(o)(2)).
  - Meaning, the 4/9/2024 SB 330 preliminary application is no longer deemed complete, and the development proponent MUST submit a NEW SB 330 preliminary application that will be subject to the codes, ordinances, etc. in effect at the time the new application is submitted. As a result, the new application will not be able to be considered a builder's remedy project solely based on the non-compliance of the County's Housing Element, because the County now has an adopted 6th Cycle Housing Element that the State HCD Department has certified as substantially conforming to state law.

## From Gayne:

Hello Manu,

I am sending you another email regarding traffic on Grey Seal and Capitola Rd.

This morning I was leaving Grey Seal, stopped at the entrance ready to turn onto Capitola. There were two cars on Capitola parked tightly together up close to my intersection as usual. So, as usual I took my time, attempting to look left, past the 2 parked cars, to watch the stream of cars heading towards the intersection of 7th and Capitola. I watched until there were no cars in sight, looked right at the traffic coming from 7th. There were no cars, so I looked left again and proceeded. Suddenly the driver of a fast moving car on my left leaned on his horn as he swerved to avoid me, as I slammed on my breaks! Where did that car come from? It was either in the blind spot created by the two parked cars, and/or was traveling at a high speed. Cars do drive too fast on Capitola. This was a very close call and I am a very careful driver.

The infrastructure of this area must be better able to handle what we have now, much less an increase in traffic supporting a new 5 story 63 unit apt. Building.

The population in a building of the size Workbench is trying to push through on this neighborhood, will create more close calls which could be amplified many fold; and most likely will result in a crash, as happened to my neighbor a few years ago.

Please, I implore you to have a traffic assessment done as soon as possible. I do not want to be a statistic in the obituaries.

On Mon, Apr 7, 2025 at 1:59 PM Mike Reis < reismj88@gmail.com > wrote: I'm glad you're OK Gayne!

Manu, a traffic study is a power that you, in your position, can yield to help out our community. I put in a request with the Santa Cruz DPW last week and received a response back from Stacey Muller that the request was routed to the traffic department. Can you help follow up?

#### Thank

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Gayne Kemper

Sent from my iPad

# Begin forwarded message:

From: Gayne Barlow-Kemper < gaynebk@gmail.com>

Date: April 7, 2025 at 10:29:55 AM PDT

To: info@santacruzlocal.org

Cc: manu.koenig@santacruzcountyca.gov, Mike Reis < reismj88@gmail.com >

Subject: 841 Capitola Rd proposed apt building

To Santa Cruz Local,

My name is Gayne Kemper (not Dana as reported). I am writing to discuss the issue of the amount of traffic that will be going past my house on an inadequate small and narrow street, Grey Seal.

It was stated that people will self select, those without cars will be the occupants of the apts. Thats fine, but those folks still have to purchase food and items of daily living. How will these items arrive at their doorstep? By some sort of vehicle.

Folks these days order everything on line via, Amazon, doordash, Whole Foods, Safeway, etc, not to mention the US Postal Service. These vehicles will be passing my door continually.

To add to the traffic problems is the issue of turning left onto Grey Seal from Capitola. Presently there is a very small one car left turn lane with a cement divider directly behind it. After driving through the intersection at 7th and Capitola, I have to immediately and quite sharply turn into the left turn lane, where I can sit for some time as cars pass by heading towards the intersection. Any other cars wanting to turn left onto Grey Seal will line up behind mine, thus backing up towards and or into the Capitola/7th Ave intersection. This would cause quite a log jam in that intersection. I am asking for a traffic study in this area to determine the true impact of a 5 story 63

unit apt building. We have been told by Workbench that they do not need to do this study. Amazing as the impact of their thoughtless proposal will so directly impact the entire neighborhood.

I am not against building on this plot of land. I am actually for building more affordable housing. This is NOT either affordable housing or appropriate for this neighborhood. Scale it back! Pencil it out and try again.

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# Thanks Manu,

From my emails with Jonathan, there is no **recent** traffic study for our area ("recent" is 7 years, in the context of 65915(p)(7)). In your meeting with DPW and Planning, you can reference the request that I filed last week - I would be hard pressed to think of a reason **not** to run a traffic study (and parking) given our current situation, so I hope you can help get it initiated immediately. As I mentioned before, if you need a point person to formally request one of these studies in a different way, please let us know.

## **Thanks**

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