

Jonathan DiSalvo

From: Michele Petersen <misshell@yahoo.com>
Sent: Saturday, April 12, 2025 9:18 AM
To: Jonathan DiSalvo
Subject: 841 Capitola rd monster design

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

Hello my name is Michele Petersen and I live on Capitola rd near the proposed project on 841 Capitola rd. I'm asking you to please consider a much smaller project for this space. The proposed 5 story building is so out of proportion for our area. This project will tower over many homes shading them and blocking sunlight and sunsets. The parking impact the traffic and the removal of trees and bird habitats will be devastating to our community. We love live oak because of its unique small town vibe. We have so many projects happening in our neighborhoods as it is. Please, Please consider reducing the size of this monster of a development. Santa Cruz is becoming more and more like San Jose. As a lifelong local and 2nd generation resident of Santa Cruz we would like to keep some of the character of Live Oak in tact. A 5 story building in that location would be devastating!! It's not only too big, it just doesn't fit in with our existing architecture in this area. It's simply just too big and personally not very appealing. Thanks you for your time. Michele Petersen.
Sent from my iPhone

Jonathan DiSalvo

From: Barbara Vautier <drolwa@yahoo.com>
Sent: Monday, March 31, 2025 4:48 PM
To: Jonathan DiSalvo; Matt Machado; Manu Koenig
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.****

Dear Planners and Supervisor,

I am a resident of Santa Cruz County Live Oak neighborhood. I was appalled and dismayed to learn of a plan to build a 5 floor building in the single family one or two floor environment of my neighborhood in Live Oak. there is no precedent for such a high and massive building. The is height of 5 floors in this environment is completely unacceptable.

How is this plan for so many floors and so many residences appropriate for the site?The traffic impact has not been studied. Capitola Rd is already filled with traffic and cannot handle such a large impact project. What about water and parking, do you people consider environmental impact or only profit? And what is the plan regarding the old and very large redwood tree in front of the property, should' t that be under protection?

I thoroughly oppose this oversized and ill conceived project. Live oak is not a dumping ground for projects that the city of santa cruz doesn't want. It is a neighborhood, strongly opposed, Barbara Vautier resident Live Oak

Jonathan DiSalvo

From: katherine mcmillen <kmcmille@gmail.com>
Sent: Tuesday, April 1, 2025 8:14 AM
To: clay@workbenchbuilt.com; Manu Koenig; Jonathan DiSalvo
Subject: 841 Capitola Road development

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

I am a home owner on Jose Ave and am against the large development in my neighborhood. There is very limited parking on the streets surrounding the project. The traffic on Capitola Rd is already severely impacted by the Murray Street bridge project.

Please do not allow this huge project.

Katherine McMillen

Jonathan DiSalvo

From: Will Looker <willlkr05@gmail.com>
Sent: Thursday, April 3, 2025 11:28 AM
To: Jonathan DiSalvo
Subject: 841 Capitola Road Frustrations and complaint

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

My name is William Looker, my fiancé and I reside at 714 Freeman Court, Santa Cruz. We live directly kitty-corner to the location of the proposed building site for 841 Capitola Road, and have recently learned of the plan to build a gargantuan 5 story apartment complex overlooking our home and yard. This plan was made with little regard for the impact on local residents, and the use of the Builders Remedy process is a clear slap in the face of the zoning laws laid forth for this area. Private profit is the main motivator for this project, and you are using the state laws to circumvent local zoning law under the guise of “affordable housing”. I’m sure that the remaining 80% of units will be over \$4,000 a piece. Traffic on Capitola road is already bad enough, and this site will do nothing but make matters worse and change the entire feel of this neighborhood. I would hope that our elected officials would be acting in the interest of the people who live here, as opposed to Workbench and other individuals’ desires. If you could kindly explain why it is that private entities are allowed to do whatever they please while we are left to carry the bill? Thank you and have a wonderful rest of your week.

William Looker and Katelyn Okamura

Jonathan DiSalvo

From: Gayne Barlow-Kemper <gaynebk@gmail.com>
Sent: Friday, March 21, 2025 3:09 PM
To: Jonathan DiSalvo
Subject: Fwd: 841 Capitola Rd housing proposal

Follow Up Flag: Follow up
Flag Status: Flagged

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

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.

Thank You,
Gayne Kemper
1725 Grey Seal Rd

Sent from my iPad

Jonathan DiSalvo

From: RAY BRAMSON <rbramson@sbcglobal.net>
Sent: Wednesday, March 19, 2025 5:37 PM
To: Jonathan DiSalvo
Subject: Information re: 841 Capitola Road development

Follow Up Flag: Follow up
Flag Status: Completed

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

Hi Jonathan,

My name is Ray Bramson and my family lives at 1815 Katrina Court. We recently received a notice about a community meeting to discuss a proposed development at 841 Capitola Road (application no. 241371).

We're supportive of more housing in the neighborhood and plan to attend the community meeting. I was wondering if you have any renderings you can share from the developer in advance of the meeting? With our backyard immediately adjacent to the project, we're really just interested in privacy setbacks contemplated and any potential shading impacts, given that it's five story development.

As I said, we're definitely supportive of the project. We just want to see what additional information might be available.

Thanks in advance for the help.

Best,

Ray Bramson
408.242.6410

Jonathan DiSalvo

From: dennis poletti <dpoletti@att.net>
Sent: Wednesday, March 26, 2025 5:04 PM
To: Jonathan DiSalvo; Matt.Machado@santacruzcountyca.gov; Manu Koenig
Subject: Proposed 841 Capitola project

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

Sirs,

We want to strongly oppose the proposed 841 Capitola Rd project in Santa Cruz Live Oak area. We believe the increase in traffic and people will be dangerously harmful to all residents in the area. It is already dangerous for our children and grandchildren as it is. Not to mention the decreased property value it will cause over the years.

Thank you,

Dennis Poletti

Nada Sparling

1729 Grey Seal Rd

Santa Cruz, CA. 95062

Sent from my iPad

Jonathan DiSalvo

From: Mike Maggiolo <mjmaggiolo@sbcglobal.net>
Sent: Monday, March 31, 2025 6:02 PM
To: Jonathan DiSalvo; Matt Machado; Manu Koenig
Cc: oppose841capitolsroad@gmail.com
Subject: Proposed project at 841 Capitola Rd.

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

Hello Jonathan, Matt and Manu.

I am reaching out with concerns about the proposed project at 841 Capitola Rd.

- 1). The proposed structure does not fit the current aesthetic of the neighborhood in any way shape or for.
- 2). Benchwork only plans to provide 33 parking spaces for 63 units. That is a hard no for me.
- 3). Water supply and related infrastructure.
- 4). Neighborhood traffic (see item two above).

I can't be the only one to balk at this. It's hard enough to park in front of my own home now because of overflow from the rehab center behind me and the school at the corner of Jose and Capitola.

The modern family is almost always a two car family. With that level of parking there will be NO parking available for those of us that are going to have to share the neighborhood with this monstrosity.

The number of parking spaces that should be provided is closer to 126 or two for each of the 63 units.

A traffic and parking study is badly needed before considering a project of this scope and size.

All in all, this is a hard no for me.

Thank you,
Mike Maggiolo
1800 Jose Avenue

Jonathan DiSalvo

From: Oppose Capitola <oppose841capitolaroad@gmail.com>
Sent: Monday, April 7, 2025 6:10 PM
To: Manu Koenig; County Counsel; Jonathan DiSalvo; Stephanie Hansen; Nicholas Brown
Cc: Mike Reis; Gayne Barlow-Kemper; Molly Brame; Edward Kemper; Matt Machado; Mark Deming; Lisi Yang; Kate Poletti
Subject: Re: 841 Capitola Rd proposed apt building

Follow Up Flag: Follow up
Flag Status: Flagged

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

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).
- 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

On Mon, Apr 7, 2025 at 1:49 PM Gayne Barlow-Kemper <gaynebk@gmail.com> wrote:

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.

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.

Gayne Kemper

Sent from my iPad

--
--

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

Jonathan DiSalvo

From: Mike Reis <reismj88@gmail.com>
Sent: Monday, April 28, 2025 11:41 AM
To: Jonathan DiSalvo; Stephanie Hansen; Jamie Sehorn; Manu Koenig
Cc: County Counsel; Nicholas Brown; Oppose Capitola
Subject: Re: 841 Capitola Road - 2 April follow-up

Follow Up Flag: Flag for follow up
Flag Status: Flagged

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

Hi folks,

I just got back from the Records office to review the 04/16 letter of incompleteness. It was great to see that a traffic study is stated as being required (by Jonathan, the Road Engineering report, and references to CEQA). What I did not see, however, were any references to a **Parking study**. Is a parking study contained within a traffic study, or are they synonymous terms? My comments below are made under the impression that they are two wholly distinct technical studies, so please correct me if I am wrong.

As stated by us, the impacted community, across emails going back and forth between different members of this email group, a parking study **needs to be conducted** given the size of (and concessions requested for) the project. **65915(p)(7)** clearly outlines the discretionary power that the County has in mandating a **realistic** parking ratio through the results of a parking study. I've reached out to DPW (Stacey) who bounced the request back to Planning (Jonathan) and said that the Applicant would have to be required to run it.

Despite numerous requests regarding a parking study (including clarification on whether it's included in a traffic study), we have not received any form of response from anyone in this group. If there is a specific process or person that I need to work through, please let me know.

Other than those notes, I'm still looking for feedback on these questions:

- 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
- 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
 - Is there a justification or precedent that enabled this apparent process deviation?

- The County's letter of incompleteness, in November, set a deadline to provide a response (1/30), which the Applicant should **not** have been able to meet if the PLG-130 process was followed
- In response to the County's November letter of incompleteness, the Applicant **completely** ignored your comments and highlighted deficiencies when providing their 1/30 PLG-130 form and instead uploaded a completely new set of plans for a larger development (+97%). Despite this, the County still mutually agreed to extend the deadline
 - 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 look forward to clarity on these questions, specifically the process for a parking study.

Thank you

On Sun, Apr 20, 2025 at 10:41 PM Oppose Capitola <oppose841capitolaroad@gmail.com> wrote:
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
 - Is there a justification or precedent that enabled this apparent process deviation?
 - The County's letter of incompleteness, in November, set a deadline to provide a response (1/30), which the Applicant should **not** have been able to meet if the PLG-130 process was followed
- In response to the County's November letter of incompleteness, the Applicant **completely** ignored your comments and highlighted deficiencies when providing their 1/30 PLG-130 form and instead uploaded a completely new set of plans for a larger development (+97%). Despite this, the County still mutually agreed to extend the deadline
 - 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 <Jonathan.DiSalvo@santacruzcountyca.gov> 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 <oppose841capitolaroad@gmail.com>

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

To: Manu Koenig <Manu.Koenig@santacruzcountyca.gov>; Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>; Stephanie Hansen <Stephanie.Hansen@santacruzcountyca.gov>; 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

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

Hi Supervisor and County Staff,

Yes, we would really appreciate follow-up from County staff and Supervisor Koenig.

First and foremost, we understand 4/17 was the deadline for the County to provide their letter to the applicant regarding their latest plan submission. Does this letter include analysis pertaining to the concerns that we've repeatedly raised with the Supervisor's office and with County staff? Would we be able to review this letter at the Records office? Better yet, please will County staff send us a copy of this letter?

Second, are there any updates to the main questions that our community has originally asked?

- PLG-130 form submission timeline
- Request for a parking or traffic study, pursuant to 65915(p)(7)
- Santa Cruz County Planning Commission involvement in the Housing Element process
- Supervisor Koenig's meeting with DPW regarding parking and traffic concerns
- Mis-application of Government Code regarding on-site parking requirements for the proposed development
 - *AMBAG confirms in an email dated 3/5/2025 that the only major transit stops in Santa Cruz County are within the City of Santa Cruz per the attached map. So, the developer would only be able to request onsite parking reductions consistent with [Gov Code Section 65915\(p\)\(1\)](#).*
- Violation of Government Code 65589.5(o)(2) by the Application's increase in residential units per square footage of construction by 20 percent or more, requiring submission of a NEW SB 330 preliminary application, and the old one from 4/9/24 is no longer deemed complete
 - *Does the Housing Accountability Act ([Gov Code Section 65589.5](#)) in effect during 2024, which contains the "Builders Remedy" provisions of subparagraph (d)(1-5) thereof, determine the "20 percent of the total units" in Section 65589.5(h)(3)(A) based on the total base units or on the base + bonus total units?*
- Stormwater runoff concerns on this site with heavy clay mapped as low to very low permeability and expansive soils. Per County Design Criteria, the proposed development runoff must equal the existing conditions stormwater runoff. We don't understand how this can be achieved when the proposal is to create impermeable surfaces on nearly 99% of the site.
- How is the maximum base density for this property calculated? We want to double-check the Applicant's calculations.
-
- The preliminary application states that the project will seek California Density Bonus Law ([Gov Code Section 65915](#)) concessions, waivers, and parking reductions
 - *Applicants must provide detailed information on the requested waivers, incentives and concessions, identifying the actual cost reduction and demonstrating why it is necessary to accommodate the bonus.*
 - *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.*

- [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), (E), (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

--
--

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

--
--

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

Jonathan DiSalvo

From: Matt Machado
Sent: Tuesday, April 15, 2025 6:55 PM
To: Michele Petersen; Jonathan DiSalvo
Subject: RE: 841 Capitola rd

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

Looping in Jonathon to log your concern.

Matt Machado, PE, LS

Deputy County Administrative Officer
Director of Community Development
& Infrastructure
831.454.2368
701 Ocean Street, Room 410
Santa Cruz, CA 95060

-----Original Message-----

From: Michele Petersen <misshelll@yahoo.com>
Sent: Monday, April 14, 2025 1:44 PM
To: Matt Machado <Matt.Machado@santacruzcountyca.gov>
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.****

Hello my name is Michele Petersen and I live on Capitola Rd near the proposed 5 story building at 841 Capitola rd. As a lifelong local and 2nd Generation To this beautiful community I have many concerns about the size of this project. I'm hoping that together we can come up with a plan that better suits the neighborhood. So many of us will be affected greatly by this enormous project. Not only will we be losing sunlight, parking and many trees and bird habitats, we will be increasing so much more Traffic on an already busy road. Our hope is that you will listen to the Live Oak community and realize that we love Live oak as it is. We are facing so many other projects in our community and this one just seems to be a bit over the top for this particular location. I know you could make a lot of folks happy if this building were to be reduced in size. Please take our concerns with care and consideration. Thank you so much!! Michele Petersen.
Sent from my iPhone

Jonathan DiSalvo

From: Jonathan DiSalvo
Sent: Friday, March 21, 2025 2:06 PM
To: R Gerbs
Cc: Stephanie Hansen; Jamie Sehorn; Mark Deming; mollybrame@gmail.com; reismj88@gmail.com; Jocelyn Drake; Matt Machado
Subject: RE: Application No. 241371 for 841 Capitola Road

Hello Riley,

Indeed, these projects are complex, subject to State Law, and nontypical as compared to standard development applications. I will try to summarize things as simply as I can here.

The *process*, or the project submittal timeline, is dictated by State Law, by SB 330.

The SB 330 Preliminary Application provides an optional vesting opportunity for housing development projects under SB 330, which freezes the policies, standards, and fees in effect when the Preliminary Application is submitted. The SB 330 Preliminary Applications were submitted and fees were paid on 3/11/24 and 4/9/24, respectively.

After a SB 330 Preliminary Application is filed, an applicant has 180 days to submit a full discretionary permit application.

A full discretionary permit application (App. No. 241371) was submitted and fees were paid on 10/3/24, within 180 days of filing of a SB 330 Preliminary Application.

Once a discretionary application is submitted, the County must issue a completeness determination within 30 days after the discretionary application submittal. An incomplete letter was issued by the County within 30 days on 11/1/24.

Once deemed incomplete, the Applicant must submit additional materials to complete the application within 90 days of receiving the County's incomplete letter. The Applicant resubmitted their application on 1/30/2025. The subject application resubmittal was deficient in its content and instead of wasting staff and reviewers' time reviewing an application which did not include civil plan sheets among other items, the Applicant requested an extension of the 90-day deadline. The 90-day resubmittal deadline was extended via mutual agreement, and the full resubmittal was then submitted on 3/17/25. The County must now issue a determination of completeness or incompleteness within 30 days from 3/17/25.

In regard to your comments pertaining to PLG-130, it appears you are referring to guidance provided on the form for scheduling a resubmittal appointment date. Their application resubmittal was uploaded on their resubmittal appointment date, which was for 1/30/25.

The amended provisions for Builders Remedy (sometimes referred to as "Builders Remedy 2.0"), cited in prior correspondence per Gov. Code 65589.5 contains pipeline provisions, allowing projects that were "deemed complete" (per State Law "deemed complete" means either the discretionary application itself was deemed complete or an SB 330 Preliminary Application was filed) prior to the effective date of the statute (effective on 1/1/25) to elect for the amended provisions of Builders Remedy. The project is electing for provisions under Builders Remedy 2.0.

This application is under review.

I hope this helps clarify where this application is currently in the process.

Thank you,



Jonathan DiSalvo

Senior Planner
Community Development & Infrastructure

Phone: 831-454-3157
701 Ocean Street, Room 400



From: R Gerbs <riley.gerbrandt@gmail.com>

Sent: Thursday, March 20, 2025 1:45 PM

To: Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>

Cc: Stephanie Hansen <Stephanie.Hansen@santacruzcountyca.gov>; Jamie Sehorn <Jamie.Sehorn@santacruzcountyca.gov>; Mark Deming <demcruz@sbcglobal.net>; mollybrame@gmail.com; reismj88@gmail.com; Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>; Matt Machado <Matt.Machado@santacruzcountyca.gov>

Subject: Re: Application No. 241371 for 841 Capitola Road

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

Hi Jonathan. I am confused. The County's Nov 2024 letter stated that the application was incomplete. So, how is it that in your answer you state, "all required items were included in the application, the processing fee was paid, and the application is considered vested." The County deemed the application incomplete, so how is it that the County now says that "all required items were included in the application"?

As I stated in my questions, the County's PLG-130 Form states that **the Applicant has to wait for the following Monday to have an appointment and to upload application files.**

Per your email, The applicant provided the signed PLG-130 Form on Friday, January 30, 2025. So, the applicant per Form PLG-130 should not have had the opportunity to upload the required documents until Monday, February 2, 2025, which was after the 1/30/25 deadline to do so. **Please explain**, as according to the apparent rules, the applicant should not have been able to file the required items in time, unless the County didn't enforce its own rules with respect to the requirements of Form PLG-130.

We have yet to receive adequate reasoning as to why an application that does not meet the requirements of Builders Remedy, per Gov Code requirements, is allowed to continue pursuing an application for a development under the precept of those Builders Remedy allowances.

I appreciate your attention to this matter, as it is of extreme importance to our neighborhood and our surrounding area neighbors.

Riley

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

Email: Riley.Gerbrandt@gmail.com

On Thu, Mar 20, 2025 at 12:11 PM Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov> wrote:

Hello Riley,

As an update on the progress of this application, a resubmittal for Application No. 241371 was submitted on 3/17/25. As I have noted previously, you are welcome to view the application materials via a Records Request by submitting a Records Request Form, here: [Records Request Form](#)

The resubmittal has been routed to reviewers, and is subject to a 30-day completeness review at the conclusion of which a review letter will be issued.

I do recommend you take a look the latest application materials, as it includes responses by the Applicant to review comments issued via the first incomplete letter for the project.

Responses to your questions are provided below:

1. (In response to question nos. 1 and 2):

65589.5 (h)(5) *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.*

Two preliminary applications (PA241010 and PA241013) were submitted on the subject property pursuant to Section 65941.1. The statute also provides that an “affirmative determination” is not required to be made by the

local agency when processing a Preliminary Application. In other words, all required items were included in the application, the processing fee was paid, and the application is considered vested.

65589.5 (7) (A) For a housing development project application that is deemed complete before January 1, 2025, the development proponent for the project may choose to be subject to the provisions of this section that were in place on the date the preliminary application was submitted, or, if the project meets the definition of a builder's remedy project, it may choose to be subject to any or all of the provisions of this section applicable as of January 1, 2025.

(B) 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.

In regard to the affordability level proposed by the project, you will note that there were a number of compliance comments that were issued by County staff as part the first incomplete letter pertaining to the proposed affordable units. As the resubmittal for this project was just provided a few days ago, and the project scope has been substantially modified as compared to their initial proposal, staff have not yet had the opportunity to conduct a detailed analysis of the updated project scope or provide review comments. These comments will be provided as part of the 30-day completeness review letter, or as part of deliberations at a future and duly-noticed public hearing.

2. (In response to questions no. 3 through 9):

Yes, a signed PLG-130 Form was provided by the Applicant on 1/30/25. You are welcome to review said form via the aforementioned Records Request. I have provided information to you in prior correspondence pertaining to the executed time extension of the 90-day deadline, so I will not reiterate it here again, but here is the requested link to 8/30/24 HCD Technical Guidance Letter to the Town of Los Gatos pertaining to time extensions: [Town of Los Gatos – Saratoga Road Project – Letter of Technical Assistance](#). You can also review the extension agreement correspondence provided in the application file via a Records Request.

I hope this information helps for the time being.

Thank you,



Jonathan DiSalvo

Senior Planner

Community Development & Infrastructure

Phone: 831-454-3157

[701 Ocean Street, Room 400](#)



From: R Gerbs <riley.gerbrandt@gmail.com>
Sent: Wednesday, March 19, 2025 5:04 PM
To: Jonathan DiSalvo <Jonathan.DiSalvo@santacruzcountyca.gov>
Cc: Stephanie Hansen <Stephanie.Hansen@santacruzcountyca.gov>; Jamie Sehorn <Jamie.Sehorn@santacruzcountyca.gov>; Mark Deming <demcruz@sbcglobal.net>; mollybrame@gmail.com; reismj88@gmail.com; Jocelyn Drake <Jocelyn.Drake@santacruzcountyca.gov>; Matt Machado <Matt.Machado@santacruzcountyca.gov>
Subject: Re: Application No. 241371 for 841 Capitola Road

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

Hi Jonathan,

Welcome back (your auto-reply said that you would be back today).

Since Stephanie is gone for several more days, can you respond to a few of these questions at least. Particularly, the following:

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.
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 does your 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. **If the Applicant is erroneously using a clause from AB1893, which does not apply to this project, we should not have to wait until the end of the resubmission window to review the status of their application.**
3. Did the Applicant submit a signed form PLG-130 to the County's ePlan portal on January 30th, 2025 as required? **(please confirm)**
4. Did the Applicant submit revised plans to the County's ePlan portal on January 30th, 2025 as required? **(please confirm)**
5. To where and on what date and via what means (letter/form/etc.) did the Applicant submit a request for an extension of the 90-day time limit to submit the information required in the Nov 1, 2024 incomplete notice?
6. Form PLG-130 states:

1. *"To resubmit your application materials (except for vacation and hosted rental permits), request an appointment by emailing: 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."*

7. 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. **Question:** It appears that the Applicant submitted documents on 1/30/2025 (which was a Friday). **If, per Form PLG-130, the Applicant has to wait for the following Monday 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)**.
8. Can you provide me the link to the referenced HCD Letter of Technical Assistance to the Town of Los Gatos, dated August 30, 2024, which you referred to in your February 7, 2025 email, and which provides technical background pertaining to time extensions?
9. Is the Applicant's submitted form PLG-130 something that can be viewed via a County Records Room request?

Thank you,

Riley Gerbrandt

* 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

On Mon, Mar 17, 2025 at 5:38 PM R Gerbs <riley.gerbrandt@gmail.com> wrote:

Hi Stephanie,

I called just now spurred on by the receipt of the Community Meeting Announcement that I just received in the mail for the subject development application.

Given the way in which this project is proceeding and the lack of information, clarity or complete responses from County Planning staff, we are very frustrated and want to get some answers and have a dialogue.

Our neighborhood group has been trying to get answers to some specific questions since early February. Jonathan Di Salvo has been very kind and answered some questions, but we have not had our more critical questions answered. Now that there is this community meeting scheduled, we really need to get these questions answered.

We of course, oppose this project. However, that notwithstanding, we argue that it is unapprovable on merit for several reasons, and we really need Planning to provide answers.

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.* So, PA241013 does not meet the requirements to invoke Builder's Remedy, so the application should be subject to the County's zoning and general plan, despite the applicant's *assertion* that the County did not have a certified 6th Cycle Housing Element.
2. The County's 11/1/2024 letter "Incomplete Application" for Application 241371 (which was for 39 units) requires the applicant to have addressed several things, including a traffic study, providing 20% affordable units, and a community meeting by 1/30/2025. A new application was submitted by the Applicant on 1/30/2025 for 63 units, but neither a traffic study nor a community meeting were held (those are just the things we know for sure, as we haven't reviewed the full application). The Applicant can't just keep submitting incomplete and non-compliant applications to "keep the review process going and keep their application alive". **This is a waste of everyone's time. They didn't meet the requirements of the County's 11/1/2024 notice, so in accordance with CA Gov Code 65941.1(e)(2), as of 1/30/2025 (90 days from 11/1/2024) regardless of the Co's completeness regulations, the Builder's Remedy availability based on the pre-application expired, and the project is abandoned.**
3. 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 does Jonathan DiSalvo's 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. **If the Applicant is erroneously using a clause from AB1893, which does not apply to this project, we should not have to wait until the end of the resubmission window to review the status of their application.**
4. [Gov Code 65941.1\(e\)\(2\)](#) states that the "preliminary application **shall expire** and **have no further force or effect** [if the Applicant does not submit the *specific information needed to complete the application* within the 90-day period of receiving the agency's written identification of the necessary information]" (emphases mine). The County stated in the 1/1/2025 letter that the Applicant needed to submit to the County the "Results of Neighborhood Meeting", which the Applicant cannot have done since no such Neighborhood Meeting was held (we know, as we are

neighbors with properties adjoining the subject property). Therefore, Application 241371 should now be expired, and it should have no further force or effect.

There are several other things wrong with the application, which we have conveyed before, but the above are the most egregious.

More discussion below....

We asked for the following other information, which we have not yet been provided:

- Did the Applicant submit a signed [from PLG-130](#) to the County's ePlan portal on January 30th, 2025 as required? (**please confirm**)
- Did the Applicant submit revised plans to the County's ePlan portal on January 30th, 2025 as required? (**please confirm**)
- To where and on what date and via what means (letter/form/etc.) did the Applicant submit a request for an extension of the 90-day time limit to submit the information required in the Nov 1, 2024 incomplete notice?
- Form PLG-130 states:
 - *"To resubmit your application materials (except for vacation and hosted rental permits), request an appointment by emailing: 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."*
 - The County's Nov 1, 2024 notice of incomplete application letter states:
 - "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."

- **Question:** It appears that the Applicant submitted documents on 1/30/2025 (which was a Friday). If, per Form PLG-130, the Applicant has to wait for the following Monday 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?
 - 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).**
- Can you provide me the link to the referenced HCD Letter of Technical Assistance to the Town of Los Gatos, dated August 30, 2024, which Jonathan Di Salvo referred to in his February 7, 2025 email, and which provides technical background pertaining to time extensions?
 - Is the Applicant's submitted form PLG-130 something that can be viewed via a County Records Room request?

We also argue that the original pre-application PA241013 does not qualify for Builder's Remedy because the County had a Housing Element that met the state requirements before the application was submitted in April 2024, even though the State HCD hadn't certified the HE, because HCD told County what they would need to do in order for the HE to be in compliance with state law, and if they made those changes, the County's HE would be in substantial conformance (so, in effect, it was conditional certification of the HE). Since PA241013 was supposedly deemed complete on 4/9/2024, **prior to AB 1886 being signed into law on 9/19/2024**, the **LAW** does not state that HCD must certify a Housing Element for it to be "adopted and in substantial compliance with state law". HCD took the position that it must certify the housing element for it to be in substantial compliance with state law, but this is simply the *assertion* of HCD; nowhere in state law in effect on 4/9/24 is this actually stated as a requirement.

I was told on 11/20/24 in an email from you, " HCD did not provide staff with a conditional certification. The certification letter was received on April 23rd." However, based on email correspondence from HCD circa February 2024 which specified what the County would need to do in order to make the HE comply with state law, this is in effect conditional certification, because HE specifically stated what changes needed to be made, and once made, the HE would be in substantial conformance. **Why does the County take an opposite position?**

Also, a related question which is really frustrating to County citizens: **Why didn't the County 't give HCD 90 days to review the draft element, per policy, when they knew when the HE was due? HCD**

provided review comments to the County back in Oct 2023 saying what needed to be changed to the draft HE to be in substantial conformance, but the Nov 2023 HE that the County adopted somehow didn't meet state law requirements, despite HCD's review comments to County back in Oct 2023; this led to the County being out of compliance. Why didn't the Nov 2023 adopted HE incorporate the changes required by the Oct 2023 HCD review?

We have repeatedly reached out to Workbench regarding the updates to their application, but they've said they will only respond to our questions at the next public forum opportunity.

All of the neighbors in our area are concerned about the negative impacts that a large project using the Grey Seal Road cul-de-sac as the only access road would bring with it (parking queues, ultra dense urban environment, traffic, etc.). A 5 story, 63 unit development (that presumes to use builder's remedy, despite the facts presented above would also be one of the largest buildings in Live Oak, on a residential parcel in a family neighborhood, creating immense issues for the community.

Thank you,

Riley Gerbrandt

* 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

--

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

Email: Riley.Gerbrandt@gmail.com

--

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

Email: Riley.Gerbrandt@gmail.com

Jonathan DiSalvo

From: Matt Machado
Sent: Friday, March 28, 2025 1:14 PM
To: Nada Sparling
Cc: Jonathan DiSalvo
Subject: RE: Proposed 841 Capitola project

Hi,

Email received.



Matt Machado, PE, LS
Deputy County Administrative Officer
Director of Community Development
& Infrastructure
831.454.2368
701 Ocean Street, Room 410
Santa Cruz, CA 95060

From: Nada Sparling <nsparring@att.net>
Sent: Wednesday, March 26, 2025 5:30 PM
To: Matt Machado <Matt.Machado@santacruzcountyca.gov>
Subject: Proposed 841 Capitola project

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

From: dennis poletti <dpoletti@att.net>
Date: March 26, 2025 at 5:03:50 PM PDT
To: Jonathan.DiSalvo@santacruzcountyca.gov,
Matt.Machado@santacruzcountyca.gov,
Manu.Koenig@santacruzcountyca.gov
Subject: Proposed 841 Capitola project

Sirs,

We want to strongly oppose the proposed 841 Capitola Rd project in Santa Cruz Live Oak area. We believe the increase in traffic and people will be dangerously harmful to all residents in the area. It is already dangerous for our children and grandchildren as it is. Not to mention the decreased

property value it will cause over the years.

Thank you,

Dennis Poletti

Nada Sparling

1729 Grey Seal Rd

Santa Cruz, CA. 95062

Sent from my iPad