

**NOTICE OF APPEAL OF PLANNING COMMISSION DECISION  
REGARDING 130 CENTER ST. PROJECT**

**RECEIVED**

**NOV 01 2021**

**CITY CLERK'S DEPT.**

To: Santa Cruz City Council via city clerk, Bonnie Bush  
From: Santa Cruz Tomorrow via appointed representative, Gillian Greensite  
Date: November 1<sup>st</sup>. 2021

This is an Appeal of the decision made by the Planning Commission at its October 21<sup>st</sup> 2021 meeting regarding the project at 130 Center St.

24.04.183 Notice of Appeal

1. Identify the section of this title or part of the General Plan, which the appellant contends has been violated.

**Santa Cruz Tomorrow (SCT) contends the following sections of the General Plan have been violated:**

Land Use:

LU 4.1.2 Amend the Zoning Ordinance to ensure that infill and intensified development is sensitive to existing neighborhood and business districts

Mobility:

M3 A safe, efficient, and adaptive road system

M3.1 Acknowledge and manage congestion

M3.2 Improve access along the Visitor/Beach Area travel corridors through coordinated signs and street naming, protected turn lanes, remote parking/shuttle programs, and other strategies. Cf. PR1.6.3.

M3.3 Discourage, reduce and slow through traffic and trucks on neighborhood streets

M3.3.3 Update the Beach and South of Laurel Area Plan to reflect needed improvements along the Visitor/Beach Area travel corridors.

2. State how and why the action appealed violates the sections identified.

SCT supports affordable housing and understands that the State's Density Bonus Law has resulted in a significantly lower percentage of affordable units in new mixed-use projects than would otherwise be required under local ordinances.

SCT also understands that the State's Density Bonus Law and waivers result in buildings up to twice as tall as allowed under current zoning. For example, this project is 75 feet tall while the zoned height limit for this area is 36 feet.

Given that these state laws severely limit the ability of the city to require projects to reflect local zoning and local ordinances, it is incumbent on the city and city commissions to carefully examine the few discretionary areas that remain under local control; to ensure studies are complete, reflect local conditions and respond to the General Plan.

The Traffic Study for this project examined only weekday traffic. Weekends were not included. While this is not unusual as a general approach, it ignores the fact that on summer weekends, Center Street, Front St. and especially the roundabout are often at gridlock. With this project adding an estimated 1,112 daily trips and with the roundabout half a block to the south, to not assess the impact on the roundabout and feeder roads on weekends violates M3; M3.1; M3.2; M3.3.3 and LU4.1.2

SB 743 has generally replaced congestion with Vehicle Miles Travelled (VMT) as a measure of traffic impacts. However jurisdictions have the option to tailor requirements to their unique communities. Public Works staff noted at the Planning Commission meeting that they had the discretion to add the weekends to the study but didn't.

Thus we do not have a valid, inclusive measure of the impact of this project on traffic. In addition, given weekend gridlock with the added impact of this project's traffic, local traffic to and from the lower Westside will likely divert to other neighborhood streets violating LU 4.1.2, increasing VMT.

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For this project the city claimed a CEQA exemption under # 15332 for an Infill Development Project. CEQA allows such exemption if:

*(a) The project is consistent with the applicable general plan designation and **all applicable general plan policies** (emphasis added) as well as with applicable zoning designation and regulations.*

We have cited the general plan policies that have not been addressed for this project.

*(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Given the lack of traffic study on weekends, such an exemption is in question. There is a reasonable possibility of a significant effect due to an unusual circumstance, namely the unstudied weekend gridlocked traffic and whether this project has a

significant impact, not only from increased traffic but also noise pollution and air quality.

A majority of Planning Commissioners voted for a continuance to examine this issue as well as examine how the base density was calculated. When the applicant offered 4 extra affordable units, still well under the city's required 20%, the project was approved. Such approval, however, violated the sections of the General Plan that have been cited in this Appeal.

Santa Cruz Tomorrow is asking council to uphold the Appeal; require a CEQA review, which would address possible soil contamination issues from a 60 year- old current auto body shop on site plus a traffic study inclusive of weekends, so that mitigations can be included. If such a study is done and significant impacts revealed there are numerous mitigations available to address M3; M3.1; M3.2; M3.3 and LU 4.1.2

This will benefit the surrounding neighborhoods, surrounding businesses and eventually also the residents of this project.

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