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November 17, 2021

VIA E-MAIL

Mr. Tony Condotti
City Attorney
City of Santa Cruz
333 Church Street
Santa Cruz, CA 95060

tcondotti@cityofsantacruz.com

**Re: 831 Water Street – Mixed-Use Development (PLFYI 053)
Extension of 90 -Day Project Approval Deadline**

Dear Mr. Condotti:

Wendel Rosen, LLP represents Novin Development Corporation (“Client”) in connection with a proposed mixed-use development project (“Project”) in the City of Santa Cruz (“City”) located at 831 Water Street. The purpose of this correspondence is to clarify the conditions under which our Client is willing to voluntarily extend time to ministerially approve the SB 35 Project.

We addressed our client’s willingness to extend the deadline to ministerially approve the Project by way of our letter dated November 12, 2021. In that letter, we agreed to extend the 90-day statutorily-required approval deadline for the City to ministerially approve the Project on the condition the City Council (“Council”) take action to rescind the motion approved on October 12, 2021, as well as invalidate and/or retract the SB 35 eligibility/denial letter issued by Mr. Lee Butler dated October 14, 2021.

We wish to clarify that our conditional offer to extend the 90-day deadline is not dependent upon a retraction of the October 14 letter since, as we understand it, the City views the October 14 letter as written substantiation of the Council’s motion made on October 12. Should the Council rescind the denial motion made on October 12, it is our understanding that the City will use the extension period to review the Supplemental Information submitted in response to Council’s October 12 motion and the City’s subsequent October 14 letter in order to have staff make a ministerial determination regarding the Project. We further confirm our understanding that the Council may opt to hold another public oversight meeting on or before the December 16 90-day statutorily-required approval deadline.

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Thank you and please do not hesitate to contact me should you have any questions.

Very truly yours,

WENDEL ROSEN LLP



Amara L. Morrison

ALM/cab

cc: Client
Darcy Pruitt, Assistant City Attorney
Lee Butler, Community Development Director
Samantha Haschert, Principal Planner
Mark Rhoades, Rhoades Planning Group
Mark Donahue, Lowney Architecture