



Appeal against the Planning Commission Decision on 1/18/24 to approve the development at 1130/1132 Mission Street. Project #CP21-0103

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To whom it may concern,

We understand and support the need for more housing options in Santa Cruz and across California, however we believe this must be done thoughtfully in order to preserve existing character, maintain solar access, optimize existing infrastructure & ensure the safety of current and future residents of the city and it's neighborhoods. Further to this, we also believe the project at 1130/1132 mission can be modified to meet the best interests of the existing residents and the developers.

According to santacruzlocal.org and verified on the City of Santa Cruz's "Final Housing Element" from December 2023. "*Santa Cruz city staff permitted 862 affordable homes from 2015 to April 2023, which exceeded the state's Regional Housing Needs Allocation target.*" In light of exceeding the target for low income houses by over 3 times, We are respectfully writing to ask for the planning permission of the 1130 Mission redevelopment be reconsidered and the development be redesigned based on several legal violations as outlined below:

- 1) The development is not eligible for the parking requirement exemption detailed in AB2097 as it is not one half mile from a **major mass transit stop**. By PRC § 21064.3 **a major mass transit stop is defined as**
 - i. *Public Resources Code - PRC § 21064.3: "Major transit stop" means a site containing any of the following:*
 - A. *An existing rail or bus rapid transit station.*
 - B. *A ferry terminal served by either a bus or rail transit service.*
 - C. *The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.*
 - ii. Addressing condition A)
 - i. The Santa Cruz Metro Center is greater than one half mile away from the site location.

See Figure 1: Apple Maps: At least 0.9 miles to the Santa Cruz Metro Center.

See Figure 2: Google Maps: At least 0.9 miles to the Santa Cruz Metro Center.

- ii. Moreover the Santa Cruz Metro Center does not meet the criteria for a "bus rapid transit station". According to California Public Resources Code-PRC § 21060.2:
 - (a) "Bus rapid transit" means a public mass transit service provided by a public agency or by a public-private partnership that includes all of the following features:
 - i. Full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - ii. Transit signal priority (not available)
 - iii. All-door boarding (not available)
 - iv. Fare collection system that promotes efficiency.
 - v. Defined stations.
 - (b) "Bus rapid transit station" means a clearly defined bus station served by a bus rapid transit.Considering the mandatory features of "bus rapid transit", our bus system does not include ALL of these required features and thus, there is no bus rapid transit within Santa Cruz.
- iii. Addressing condition B): There is no ferry terminal within 0.5 miles of the proposed development.

- iv. Addressing condition C): While it is true that there are bus stops within 0.5 miles of the proposed development. These bus stops do not meet the criteria of a major bus routes due to the infrequency of the service. AB2097 requires *“two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.”*
 - a. Rush hour is defined on highways in carpool lanes in California as between 5-9am and 3-7pm.
 - b. There are only two bus routes which come close to the level of frequency required by this, Route 18 which stops at stop ID 1226 [amongst others per plan] and Route 19 which stops at stop ID 1630 [amongst others per plan].
 - i. The mean Service Frequency between the hours of 5-9am and 3-7pm for Route 18 is 18 mins, and for Route 19 is 17 mins, when rounded to the nearest whole minute. This therefore does not meet the minimum frequency of 15 minutes or less.
 - ii. If a more conservative rush hour between 8-9 and 4-5 pm is used then the mean service frequency at rush hour for Route 18 is 17 minutes, and Route 19 is also 17 minutes.
 - iii. No matter how you view this data, because both the Route 18 and Route 19 buses **do not start the minimum required 15 minute service interval at the stops mentioned above until 8.19am and 8.36am respectively, the routes do not meet the requirement for of 15 minutes or less during these peak commute hours.** Therefore the parking exemption should be denied until a re-submittal of the plans with appropriate parking consideration so as to not adversely impact the local neighborhood.
 - iv. The timetables used were taken from the M-F schedule on 1/22/2024 for the following day and accessed via the Santa Cruz Metro website. Below are the raw data used to calculate the means and sources of the timetables.
 - i. <https://scmtd.com/en/routes/schedule-by-stop/1630/2024-01-23#tripDiv>
 - ii. <https://scmtd.com/en/routes/schedule-by-stop/1226/2024-01-23#tripDiv>
- 2) In addition to this, the city planning committee have the option (*as defined in AB2097*) to challenge the state parking exception as detailed in AB2097. The city council are directly responsible to the people per the city council’s duties and responsibilities. As the neighbors and residents of Cleveland Avenue, we implore the city to fulfill their responsibilities and conduct a parking study to ensure their will be no negative detriment caused by a project of this nature on the local area.
- A. As there are 59x units, it is possible that there could be up to 118 additional cars to park in the neighborhood. The cross streets between Mission and King are already overloaded and the influx of this many cars will severely impact parking for the existing residents and local delivery trucks. While the developer states that the owners will endeavor to rent to bicycle or public transport commuters only, this has no legal mechanism of enforcement and the city should conduct a study on the impact this will have on the area. As the development is not eligible for the parking requirement exemption detailed in AB2097, we ask the city to deny the development as currently proposed.

See Figure 3: 1/24/2024 08.34AM. Intersection of mission and Laurel. Street busy between cars and trash cans for collection day

- B. Without adequate parking these potentially 118 additional cars will be parked on the streets in the neighborhood which surrounds Mission Hill Middle School. Many students who attend this school are encouraged to, and do in fact, bicycle to school.

This influx of cars parking on the streets around the school will create a hazardous condition for our students bicycling to school because there are no designated bicycle lanes on these streets and students will be forced to ride out in the lanes of traffic. We ask the city to state how they will ensure the safety of the students commuting to school without parking requirements on the new development.

- C. The food bin and herb room receive their deliveries by semi-articulated truck and delivery van. Adding 59-188x additional residents and increasing the footprint of the store to approximately double the size will almost certainly drive more trade. How do the developers and city propose to manage the increased frequency of deliveries from large trucks with the additional vehicles (residents, employees, delivery trucks) which are likely going to be present in the area? Below are images taken of deliveries including the times they were taken. We call out the contradiction to what was presented by the developers, in the public hearing on January 18th, 'that the deliveries don't occur at peak times'. There are occasions when there are two of these trucks simultaneously, blocking most of Laurel, and blocking the driveway to the twice as nice store during the peak morning commuting period. This issue should be investigated further with a parking survey as suggested by the State of California in AB2097.

See Figure 4: 1/25/2024 07.49AM. Intersection of mission and Laurel. Note the delivery truck blocking most of the right turn lane

See Figure 5: 1/25/2024 7.49am. Intersection of Laurel and mission. Delivery truck is clipping the driveway of 1204 Mission St, Laurel Exit

See Figure 6: 1/24/2024 8.34am. Intersection of Laurel and mission. Delivery truck is parked in front of the food bin.

See Figure 7: 1/26/2024 8.31am. Intersection of Laurel and mission. Delivery truck is parked in front of the food bin unloading multiple crates.

See Figure 8: 1/26/2024 8.44am. Food Bin Staff parked on street due to already insufficient number of parking spaces for the volume of customers and employees needed to run the business.

- D. Santa Cruz and Highway 17 / Highway 1 is already overloaded, particularly at rush hours. Building such a large number of units on such a small area of land without any legal instruments to actually enforce renting to car-free users will cause further pollution, delays and accidents on an already overloaded road and create and more hazardous environment for pedestrians. We ask the city to reconsider or deny this project and have the developers consider reasonable parking and delivery considerations for the tenants and retail space. The current proposal does not sufficiently consider how the building will function and the impact to the existing infrastructure, which we believe to be largely detrimental and hazardous for the existing residents.
- E. We argue that the permitting of a project with such gross disregard for the reality of modern society would actually be detrimental to the average cost of housing, driving further increases in rent and cost of existing single family homes which have driveways which will be viewed as premium if this project is to be approved. It is the responsibility of the city to conduct surveys for the existing tax-paying residents to ensure that the proposed development is in line with local and state goals to ensure the sufficient availability of affordable housing as per the cities long term plan. While

this project may provide 8 units in the short term as low cost housing, the 51 other units will be at market rate, the developers nor the city provide any proof or analysis to ensure that this project will result in sufficient availability of affordable housing.

- 3) We also state that the loss of solar access to sunshine by immediate neighbor Doug Martin, is in violation of:
 - A. the 5th Amendment Takings Law which states that “nor shall private property be taken for public use, without just compensation.”
 - B. “In 1978, California enacted the solar shade act (cal.pub.res code § §25980/25986), which, among other things, prohibits your neighbor from blocking 10% of your solar collector at any given time between 10am and 2pm. See cal.pub.res code §25982”
 - C. In addition to this, the loss of solar access to Doug Martin will be in violation of Santa Cruz County Code Ordinance 5439, Chapter 12.28.

The construction of such a large building grossly out of line with the neighborhood's zoning code, will limit sunlight exposure on Doug Martins' pre-existing solar collector significantly. The solar study provided in the plans shows the the property owned by Doug at 1212 Laurel St will be completely occluded from any solar exposure between at least 9am until noon, and likely beyond this in the month of December. At minimum, the developer should compensate Doug for loss of energy as a result of this construction per the 5th amendment. Beyond Doug's property, this negatively impacts many properties in the neighborhood by casting shadows and denying sunlight for a significant portion of the day. We allege that the private properties owned by Doug Martin immediately adjacent to the lot will lose electricity generation primarily through the loss of sunlight. The city of Santa Cruz does not have the right per the 5th amendment of the constitution of the United States to approve this planning without evaluation of Doug's and the other resident's solar loss and clear compensation be set up. We further propose a solution which surely keeps the developers and the local residents interests balanced, whereby we ask the city to require the developers to build the new housing units in the most vertically efficient manner possible, and retain the unit density per floor as shown in the base density calculation exhibit on sheet GP0.05, rather than extend the building height by almost double. The current proposal takes private property for public gain of increasing housing availability which is in violation of the above mentioned laws.

4) Allowing buildings to be built above the set height designated by zoning laws, sets a precedent for further developers to propose bonus density as a loophole to build 5, 6, 7... story blocks. We would like to raise consideration for the existing Mission infrastructure (and lack of space to expand upon it). Traffic is a base consideration but much greater than that is the risk to the health and safety of Santa Cruz residents should an evacuation order be issued. Santa Cruz has experienced increasing severity of adverse weather. From the 2020 CZU Lightning complex, to the 2022 Atmospheric rivers and resultant flooding. It is our duty to be forward thinking whilst developing our city, taking consideration of the limited available exit routes in order to maintain basic public safety for existing and future generations. We ask the city to explain their long term strategy for safe evacuation of residents during natural disasters noting the capacity of the evacuation routes.

See Figure 8: Evacuation zoning in Santa Cruz county.

In conclusion, and as a result of this obvious violation of numerous laws detailed above, we implore the city to review and re-assess the application for planning at 1130 Mission. Specifically, we ask that the city:

- 1) Impose a minimum parking space requirement to prevent the overloading of street parking in the surrounding streets.
 - A. The city should conduct a parking study to confirm the concerns of overloading street parking and impacting cyclists safety based on the findings of the simple photographic study conducted by ourselves.
- 2) Mandate the maximum building height of no-more than three stories, to preserve solar access to the immediate neighbors and further preserve the character of the neighborhood while responsibly increasing the available quantity of housing units in the city.
 - A. ***The same density of housing could be achieved in a four story building with the*** if the developer maintains the unit density of ~20 units per floor, as in the base density calculation sheet GP0.05.
 - B. ***A slight reduction in housing density***, and removal of 'common indoor and outdoor spaces' or indeed the retail space, ***could conceivably reduce the height to three stories.***
- 3) Conduct a survey of existing infrastructure, and explain a long term strategy for public safety during natural disasters based on an increasing number of residents, cars, and larger buildings.
- 4) As part of the redesign, we ask that the facade treatment should be re-considered. Shading a neighbor whilst also bordering their property with a dominant black facade lacks thoughtfulness, nor a commitment to enhancing the existing beauty and aesthetic heritage of a beloved city.

References:

Page	Reference	Link	Notes
2	City of Santa Cruz Housing Needs allocation target	https://www.documentcloud.org/documents/24227025-final-housing-element-city-of-santa-cruz-december-2023#document/p16	Housing targets met
2	California Public Resources Code-PRC § 21064.3	https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21064.3.&lawCode=PRC	Definition of a major transit stop.
2	California Public Resources Code-PRC § 21060.2	https://law.justia.com/codes/california/2022/code-prc/division-13/chapter-2-5/section-21060-2/	Definition of bus rapid transit
3	1/23/24 Route 18 Bus Schedule, Stop 1630	https://scmtd.com/en/routes/schedule-by-stop/1630/2024-01-23#tripDiv	Source for service frequency analysis on Page 13.
3	1/23/24 Route 19 Bus Schedule, Stop 1226	https://scmtd.com/en/routes/schedule-by-stop/1226/2024-01-23#tripDiv	Source for service frequency analysis on Page 13.
3	AB2097 text.	https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2097	States option for city to conduct a study and provide feedback if lack of parking will negatively impact city, ie, a parking survey.
3	Duties and Responsibilities of Santa Cruz City Council.	https://www.cityofsantacruz.com/government/city-council/duties-and-responsibilities	Defines City Council as "directly responsible to the people".
5	5th Amendment Takings Law	https://constitution.congress.gov/constitution/amendment-5/	Private property (sunlight) cannot be taken for public use without compensation.
5	CHAPTER 12 - Solar Shade Control Section 25982.	https://law.justia.com/codes/california/2022/code-prc/division-15/chapter-12/section-25982/	Property cannot be placed in a position which will inhibit existing solar collector surfaces.
5	4.2	https://www.dailyjournal.com/articles/346861-residential-solar-rights#:~:text=In	Residential Solar Rights in California

Images:

Figure	Image	Date / Time	Notes
1	Apple Maps (Screenshot)	01/21/2024	At least 0.9 to the nearest existing bus rapid transit station.
2	Google Maps (Screenshot)	01/21/2024	At least 0.9 to the nearest existing bus rapid transit station.
3	Intersection of mission and Laurel.	1/24/2024 08.34am	Street busy between cars and trash cans for collection day
4	Intersection of mission and Laurel.	1/25/2024 07.49am	Note the delivery truck blocking most of the right turn lane
5	Intersection of Laurel and mission.	1/25/2024 7.49am	Delivery truck is clipping the driveway of 1204 Mission St, Laurel Exit
6	Intersection of Laurel and mission.	1/24/2024 8.34am	Delivery truck is parked in front of the food bin.
7	Intersection of Laurel and mission.	1/26/2024 8.31am	Delivery truck is parked in front of the food bin unloading multiple crates.
8	Food Bin Staff	1/26/2024 8.44am.	Parked on street due to already insufficient number of parking spaces for the volume of customers and employees needed to run the business.
9	Evacuation zoning in Santa Cruz county. (Screenshot) https://protect.genasys.com/zones/US-CA-XCZ-SCZ-E016?searchTerm=SCZ-E016&z=12.895087377695264&latlon=36.99062115852169,-122.032074519986	1/25/2024	Showing Necessity of Mission exit route from city.



Figure 1:



Figure 2:



Figure 3:



Figure 4:



Figure 5:



Figure 6:



Figure 7:



Figure 8:



Figure 9:

Appendix:

- A) Bus Frequency Analysis: Bus Timetable, M-F, 1/23/2024.

	Stop 1630		Stop 1226	
	Route 18	Interval (mins)	Route19	Interval (mins)
	6.19	-	7.09	-
	6.49	30	7.39	30
	7.19	30	8.11	32
	7.47	28	8.36	15
	8.19	32	8.51	15
	8.34	15	9.06	15
	8.49	15		
	9.04	15	3.07	-
			3.22	15
	3.05	-	3.38	16
	3.20	15	3.53	15
	3.35	15	4.08	15
	3.50	15	4.23	15
	4.05	15	4.38	15
	4.20	15	4.53	15
	4.35	15	5.08	15
	4.50	15	5.23	15
	5.05	15	5.38	15
	5.20	15	5.53	15
	5.35	15	6.08	15
	6.04	29	6.22	14
	6.19	15	6.37	15
	6.34	15	6.52	15
	6.49	15	7.07	15
	7.04	15		
Mean Internal 5-9, 3-7 (mins)		18.36		16.52
Mean 8-9, 4-5 (mins)		17.43		17.43

- B) Image of an alternative 3 story, providing additional housing whilst not negatively impacting neighbors. Compared with an image of the current proposed build which not only removes light from the neighbors, but also presents them with an imposing facade, and a complete lack of privacy.

